



# Town of Loxahatchee Groves

## Regular Town Council Meeting

Tuesday, March 20, 2012 at 7:00 p.m.

Loxahatchee Groves Water Control District, 101 West "D" Road

Mayor David Browning (Seat 4)  
Vice Mayor Ryan Liang (Seat 3)  
Councilman Tom Goltzené (Seat 5)  
Councilman Ronald D. Jarriel (Seat 1)  
Councilman Jim Rockett (Seat 2)

Town Manager Mark Kutney  
Town Clerk Janice M. Moore  
Town Attorney Michael D. Cirullo, Jr.

### **PUBLIC NOTICE/AGENDA**

#### **1. OPENING**

- a. Call to Order & Roll Call
- b. Pledge of Allegiance & Invocation
- c. Approval of Agenda
- d. Swearing in of Council Members for Seats #1 and Seat #3

#### **2. CONSENT AGENDA**

- a. Minutes for Approval: January 14, 2012 (Workshop)
- b. Resolution 2012-04

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUPPORTING THE INDEPENDENT OFFICE OF INSPECTOR GENERAL FOR PALM BEACH COUNTY; FINDING THAT THE INDEPENDENT OFFICE OF THE INSPECTOR GENERAL IS NECESSARY AND IN THE PUBLIC'S BEST INTEREST TO ENSURE TRANSPARENCY AND ACCOUNTABILITY OF GOVERNMENT WITHIN PALM BEACH COUNTY AND ITS MUNICIPALITIES; URGING THAT A FAIR AND FULL FUNDING OF THE OFFICE OF INSPECTOR GENERAL BE CONFIRMED IN ORDER TO ENSURE THAT THE OFFICE OF INSPECTOR GENERAL CAN EFFECTIVELY MEET ITS DUTIES AND OBLIGATIONS PURSUANT TO THE PALM BEACH COUNTY CODE OF ORDINANCES AND CONSISTENT WITH THE APPROVAL OF THE INDEPENDENT OFFICE OF THE INSPECTOR GENERAL BY THE ELECTORATE OF PALM BEACH COUNTY IN 2010; DIRECTING THAT A COPY OF THIS RESOLUTION BE PROVIDED TO THE OFFICE OF INSPECTOR GENERAL OF PALM BEACH COUNTY, THE CHAIR OF THE BOARD OF PALM BEACH COUNTY COMMISSIONERS, AND THE PALM BEACH COUNTY LEAGUE OF CITIES; PROVIDING FOR AN EFFECTIVE DATE.

3. **PRESENTATIONS** - *None*
4. **COMMITTEE REPORTS** - *None*
5. **PUBLIC HEARINGS** (Ordinances 2<sup>nd</sup> Reading) - *None*
6. **ORDINANCES** (1<sup>st</sup> Reading) - *None*
7. **RESOLUTIONS** – *None*
8. **ADMINISTRATIVE UPDATE** – Town Manager Kutney
  - a. Authorization to Prepare a Resolution Creating a Development Review Committee
9. **OLD BUSINESS** - *None*
10. **NEW BUSINESS**
  - a. Planning & Zoning Alternate Member #2 – Councilman Jarriel
  - b. Financial Implications Related to the Application of OGEM on North and Collecting Canal Roads – Councilman Jarriel
11. **CLOSING COMMENTS**
  - a. Public
  - b. Town Attorney
  - c. Town Council Members
    1. Speed Humps – Councilman Jarriel
12. **ADJOURNMENT**

**The next Town Council Meeting is scheduled for Tuesday, April 3, 2012.**

**Comments Cards:** Anyone from the public wishing to address the Town Council must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.



**Town of Loxahatchee Groves**  
Town Council/Loxahatchee Groves Water  
Control District Joint Workshop  
Saturday, January 14, 2012, 9:00 a.m. to 12 noon  
Loxahatchee Groves Elementary School Cafetorium  
16020 Okeechobee Boulevard



**MINUTES**

**1. Opening**

- a. Call to Order & Roll Call

Mayor David Browning called the meeting to order at 9:10 a.m.

Present from the Town were Mayor David Browning, Vice Mayor Ryan Liang, Councilman Tom Goltzené, Councilman Ronald. D. Jarriel, Councilman Jim Rockett, Town Manager Mark Kutney, Office Coordinator Stephen Hainline, and Town Attorney Michael D. Cirullo, Jr.

Present from the LGWCD were Vice Chairman Robert Snowball. Board Supervisor John Ryan, Board Supervisor Frank Schiola, Board Supervisor Don Widing, District Administrator District Clete Saunier, and District Attorney Betsy Burden. Chair David DeMarois was not present.

- b. Pledge of Allegiance & Invocation – Mayor Browning

**2. Presentation - Ralph M. Parilla, Jr, Parilla & Associates**

- a. Roads

Public Comment:

Questions regarding governing and maintenance of roads were asked by the Public. The following suggestions were made: OGEM all roads through a bond issue; OGEM replaced by asphalt; keeping the community as rural as possible; speed humps and speed limits not coinciding; speed tables not humps, adding 6-8 feet outside the road surface of non-paved roads; lowering the speed limits unifying the roads for the service requests; resident vote for unifying the roads governing entity; and positive reinforcement of maintaining the buffer with the prospective college development.

Mayor Browning explained that the letter roads were controlled by the District as they have been for an extended period of time with all other roads governed by Town. District Administrator Saunier

commented that no more service calls were being passed to each other, but handled up front internally or externally. Mayor Browning explained the gas tax revenues applying to roads. Councilman Jarriel confirmed no more passing the buck. Suggestion by LGWCD of noticing the public. Board Supervisor Ryan commented about the authority of the Town's powers and explained how the comprehensive plan went into effect in August of 2011. He then explained how the financing of the road improvements worked. Board Supervisor Ryan also commented on speed control and the problems involved and spoke about the experience gained from placing OGEM on F Rd in helping with future comments. Board Supervisor Widing commented on how the fire department was affected by the speed humps and explained how risk management affected the road issues. Councilman Goltzené explained his support of the Town controlling the roads and contracting out the District to maintain the roads to save money and less structure. Councilman Jarriel expressed that he felt all residents were positive to the OGEM and explained how the current speed humps were not a bad concern to emergency vehicles. He noted that the response time was now within six (6) minutes and that he wanted better speed humps. Councilman Rockett noted he agreed with matching the speed limits to the speed humps and liked the progress so far. Mayor Browning commented about sharing of the cost for road improvements, supporting the matching of the speed limits to the humps, and expressed no support for a one (1) government body for the roads. Board Supervisor Schiola expressed concerns about the suggested easements beyond roads and noted that he was not in support of it. He then expressed support on updating the roads and OGEM because of the development around the Town; a bond issue for financial support; and unifying the customer service between entities.

### Issues for Discussion

- Is the current system meeting the needs of the Town and its citizens?
  - Is it cost-effective
  - Is it efficient
- What is the status of road and traffic improvements of the Town and District Roads?
  - Open grade emulsified mix (OGEM) and speed tables
  - Traffic signals
- What are the alternatives for changes of the current system
  - What are the benefits to the alternatives
  - What are the barriers to the alternatives

Councilman Jarriel agreed on the addition of signals. He noted that he wanted signals added to Folsom & D Roads immediately and suggested the developer at Folsom to possibly provide the light. He said this would be a positive action. Councilman Jarriel also commented about the traffic for the Bethlehem Christmas event and that he wanted to correct the issues for that for next year. Board Supervisor Schiola suggested royal parkways, but was not supportive of four (4) lane expansion. He also expressed support of a light at D Road, suggested addressing the comprehensive plan revisions towards improvements on Okeechobee Blvd., and mentioned

issues of heavy truck use. Councilman Goltzené spoke about that he was not in favor of Indian Trails. Councilman Rockett agreed to two (2) lanes with turn lanes, supported working with the Pam Beach County on Okeechobee Blvd. improvements, but did not support commercial development on Okeechobee Blvd. because that would mean opening the doors to more traffic. Mayor Browning commented that eight (8) feet would let speeds increase for going around humps. Councilman Rockett express that he did not think the revision was necessary. Councilman Jarriel commented on OGEM and horses in a positive way, but was not interested in eminent domain or accessing more space for roads. He suggested that local residents donate an easement for a passing area on narrow roads. Councilman Jarriel noted that each commercial development was an individual basis. Mayor Browning suggested using a ratio basis for commercial development on each parcel. Board Supervisor Ryan expressed not to prohibit commercial development, but to use case by case as is. Mayor Browning noted that FDOT did not govern roads. District Administrator Saunier explained the rock side and warranty of substrate. He also explained about the lifecycle of the roads. Board Supervisor Schiola noted that the District did not enforce heavy truck limits and questioned who to address the costs with.

#### Public Comment

The following comments and suggestions were expressed: support of the layout for the Southshore Blvd road system in Wellington; 2 lane road with turn lanes, bike trails & horse trails for the model on Okeechobee Rd.; support of opening Persimmons Road in order to divert traffic; hearing the Council about the horse trails in the extra 6-8 feet; substrate on OGEM; meeting DOT standards using more roads; support of matching the humps to the limit; speed tables instead of humps; monitoring the Okeechobee Road use to watch for triggering by the county; a committee to address a merger; keeping the district, but making it a dependent district to the town like Wellington did; a citizen committee on merging the two (2) entities and a timeline for the transition; support of “government light” concern for double costs and effort with two (2) boards, but in favor of a town vote for unity; revising tax costs towards agricultural people in town; and support of the roads controlled by the Town.

#### b. Town/District Merger

Board Supervisor Schiola spoke about the comparison of Wellington with the Acme Improvement District system providing most of the revenue through taxes. He explained how the work load would affect the town people; addressing the employees with the district; and suggesting merging of some services, not the entire entity. He referred to the survey stating the negative impacts and noted the balance between ad valorem tax and acreage tax. Board Supervisor Schiola suggested a charter review committee and Town taking over roads after OGEM.

Board Supervisor Ryan spoke about the Williams study, not a positive improvement towards efficiency or finances by merger. He suggested that after improvements, to reevaluate the responsibilities of the Town roads to the Town and not the District and expressed that he was not for combining each. Board Supervisor Ryan suggested everyone who was supportive to attend all board meetings not just one or the other. He requested better communication to the public and suggested that the merger take place when only there were substantial benefits instead of theories. Board Supervisor Ryan spoke about the citizens being confused and expressed want for the vicious undercurrent to stop and to reevaluate the efficiencies for improvement. He noted that the future was uncertain with the state to the future of districts. Vice Mayor Liang stressed keeping the District because of the taxing. He expressed supporting streamlining. Councilman Jarriel noted that he supported what Mayor Browning said and that had no problem with a committee since it was free. He spoke about the tax base on per acre basis, supportive remaining the same and compared town tax rate to surrounding areas. Councilman Goltzené requested more information before he would support either and saw it as a stalemate. He continued to say that the Town roads were not up to par and expressed disappointment that no agreement between the two entities has resulted from this meeting. Councilman Rockett spoke about supporting the other Town Council Members, in general, and the improved communications and interaction. He said he was disappointed in the turnout of this meeting, which reflected on the overall intentions to the Town. Board Supervisor Schiola confirmed that the boundaries between the two were different, that the Town of Royal Palm Beach trying to create their own water control district, and that he was worried about the designation of the hospital in the future if the merger was done. He expressed caution as to the real problems that could happen if the District was dissolved.

- What are the benefits of a merger?
  - Cost Savings
  - Efficiencies
- What are the consequences of a merger?
  - Costs
  - Legal issues for the Town
  - Legal issues for the District
  - Tax consequences

Vice Chairman Snowball stated that there was not a reduction in expenses by combining the two (2). Mayor Browning expressed that it was a one way street, that there were no returns after it done, so all should think this through. He expressed no advantage to a merger with attorneys; the skill sets were different. Mayor Browning noted that the supervisors would be reduced, but another committee would be created. He explained that voting changes on 1 vote per acre, but agreed it should change. He expressed that there would be no advantages. If a merger occurred, the Town would have to adjust for the work load. The town did not want employees, so the Town would have to hire more and change its contract with the current management company.

Maintenance would again have to be subbed out. No advantage. Taxes would be set by the Council with a shift to landowners. Permits and services would be handled by outside services, another cost. The District board handled more than the Town properties, has part of Royal Palm Beach. He expressed worry about changes that could happen with the effects of the merger. He said he wanted to keep the Town the way it is with a balance. Mayor Browning expressed concern for the liability to the Town by taking control of the roads and supported people coming to intergovernment meetings to be more aware. He noted that he was not supportive to the merger at all. Board Supervisor Ryan commented about the acre vote issue compared to registered voter. He recommended that people should read and be educated more on the referendums that were presented. He expressed concern about the unintended issues that were a result of this passing. Councilman Goltzené says he supported people coming to the meetings, but expressed his concern of the Council not listening to the people. Board Supervisor Ryan clarified that the law did not support the one man one vote and said the voting numbers were very low; thus, the reason of why the passage.

### c. Ancillary Issues

#### Public Comment

The following issues and comments were made: the comparison of the Acme Improvement District and Loxahatchee Groves District; taxes would not change if the merger happened; support that the issue should die; the County Commission should be involved in the merger; changes by the Town cost were limited, but the district changes were higher due to its structure; support for impartial committee to represent people not appointed by either councils; concern on the proxy; and data on the 2008 study not just the opinion.

### **3. Wrap – Up**

Board Supervisor Schiola commented that the Council, at that time, should have gotten on the company that did the study. Board Supervisor Widing supported better efficiency and positive action. Board Supervisor Ryan commented that the roads were their concern as well as water control and stated that the consultant was a company that worked with many districts which gave them creditability. Mayor Browning stated that there was no such thing as an impartial committee. Councilman Rockett questioned if the Town had to involve the county as a merger. Michael J. Cirullo, Jr. commented, in essence if it involved their land, then the county would be involved. Councilman Goltzené commented that the terms of the members of the intergovernmental committee were not seated long enough.

### **4. Adjournment**

The meeting was adjourned at 11:57 a.m.

**TOWN OF LOXAHATCHEE GROVES**

\_\_\_\_\_  
Stephen Hainline, Office Coordinator

\_\_\_\_\_  
David Browning, Mayor, Town

\_\_\_\_\_  
Date

TOWN SEAL

**LOXAHATCHEE GROVES WATER  
CONTROL DISTRICT**

\_\_\_\_\_  
Robert Snowball, Vice Chairman, LGWCD

\_\_\_\_\_  
Date

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2012-04**

**A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUPPORTING THE INDEPENDENT OFFICE OF INSPECTOR GENERAL FOR PALM BEACH COUNTY; FINDING THAT THE INDEPENDENT OFFICE OF THE INSPECTOR GENERAL IS NECESSARY AND IN THE PUBLIC'S BEST INTEREST TO ENSURE TRANSPARENCY AND ACCOUNTABILITY OF GOVERNMENT WITHIN PALM BEACH COUNTY AND ITS MUNICIPALITIES; URGING THAT A FAIR AND FULL FUNDING OF THE OFFICE OF INSPECTOR GENERAL BE CONFIRMED IN ORDER TO ENSURE THAT THE OFFICE OF INSPECTOR GENERAL CAN EFFECTIVELY MEET ITS DUTIES AND OBLIGATIONS PURSUANT TO THE PALM BEACH COUNTY CODE OF ORDINANCES AND CONSISTENT WITH THE APPROVAL OF THE INDEPENDENT OFFICE OF THE INSPECTOR GENERAL BY THE ELECTORATE OF PALM BEACH COUNTY IN 2010; DIRECTING THAT A COPY OF THIS RESOLUTION BE PROVIDED TO THE OFFICE OF INSPECTOR GENERAL OF PALM BEACH COUNTY, THE CHAIR OF THE BOARD OF PALM BEACH COUNTY COMMISSIONERS, AND THE PALM BEACH COUNTY LEAGUE OF CITIES; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, since its incorporation, the Town of Loxahatchee Groves has promoted ethical government, as well as transparency and accountability in government; and,

**WHEREAS**, on July 9, 2009, the Town Council of the Town of Loxahatchee Groves adopted Resolution 2009-013, in which the Town Council urged that the recommendations of the Palm Beach County Grand Jury Report, dated May 21, 2009, be implemented and that an independent office of Inspector General be established to protect the best interests of the public, residents and citizens of both the Town of Loxahatchee Groves and Palm Beach County; and,

**WHEREAS**, in December, 2009, the Palm Beach County Commission adopted County Ordinance 2009-049, to establish a County Inspector General, which had authority only within unincorporated Palm Beach County; and,

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2012-02**

**WHEREAS**, at the November 2, 2010, general election, the voters of Palm Beach County approved a ballot referendum question to amend the Charter of Palm Beach County, to create a Countywide Code of Ethics, a Countywide Commission on Ethics, and a Countywide Office of Inspector General, all of which are applicable to the municipalities of Palm Beach County, including the Town of Loxahatchee Groves; and,

**WHEREAS**, on May 17, 2011, the County Commission for Palm Beach County approved an Ordinance to implement the newly approved Countywide independent Office of the Inspector General, and provided for a funding source for the office that included a requirement for municipalities to provide a portion of the funding through a formula that provided that each municipalities would pay the equivalent of 0.25% of contract costs towards funding the independent Office of the Inspector General; and,

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves believes that the 0.25% charge on municipal contracts is reasonable in order to ensure that an independent Office of the Inspector General is sufficiently funded and able to meet its duties and responsibilities of ensuring ethical government in Palm Beach County; and,

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves finds that it is in the best interests of the Town, Palm Beach County, their residents, businesses and contractors, to have a fully funded, independent Inspector General to promote transparency in government, accountability of government, and overall ethics in government.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:**

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2012-02**

**Section 1.** Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

**Section 2.** The Town Council hereby expresses its support for the independent Office of the Inspector General of Palm Beach County, Florida, and finds that the independent Office of Inspector General ensures transparency and accountability in government, and promotes overall ethics in Palm Beach County.

**Section 3.** The Town Council of the Town of Loxahatchee Groves finds that it is in the best interest of the Town, Palm Beach County, and their residents and contractors, for the Office of Inspector General to be fully and fairly funded by Palm Beach County and the municipalities within Palm Beach County to ensure that the Office of Inspector General can fulfill its duties as approved by the electorate of Palm Beach County, and further finds that the 0.25% charge to municipal contracts in order to ensure that an independent Office of the Inspector General is sufficiently funded and able to meet its duties and responsibilities of ensuring ethical government in Palm Beach County and responsible uses of public resources and funds.

**Section 4.** The Town Council of the Town of Loxahatchee Groves directs that a copy of this Resolution be provided to the Office of the Inspector General for Palm Beach County, the Chair of the Board of Palm Beach County Commissioners, and the Palm Beach County League of Cities.

**Section 5.** This Resolution shall become effective immediately upon its passage and adoption.

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 20<sup>TH</sup> DAY OF MARCH, 2012.**

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2012-02**

ATTEST:

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

\_\_\_\_\_  
Janice M. Moore, Town Clerk

\_\_\_\_\_  
Mayor David Browning

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Vice Mayor Ryan Liang

\_\_\_\_\_  
Michael D. Cirullo, Jr., Town Attorney

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Council Member Tom Goltzené

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Council Member Ron Jarriel

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Council Member Jim Rockett

MDC

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