



# Town of Loxahatchee Groves

## Regular Town Council Meeting

Tuesday, April 17, 2012 at 7:00 p.m.

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

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

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

### **AMENDED PUBLIC NOTICE/AGENDA**

#### **1. OPENING**

- a. Call to Order & Roll Call
- b. Pledge of Allegiance & Invocation
- c. Approval of Agenda
- d. Town Council Liaison for the Roadway, Equestrian Trails & Greenway Advisory Committee (RETGAC)

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

- a. Minutes for Approval: February 7, 2012 (Regular), March 6, 2012 (Regular), April 3, 2012 (Regular)

#### **3. PRESENTATIONS**

- a. Automated Service vs. Hand Pick-up – Patricia Christensen, Waste Pro

#### **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. Intergovernmental Coordination (IGC) Report

## **9. OLD BUSINESS**

- a. Town Manager Recommendation Regarding Okeechobee Boulevard
- b. Update on OGEM for Collecting Canal Road – Town Manager Kutney/Town Attorney Cirullo
- c. PBC Ordinance for Lobbyist Registration – Town Manager Kutney/Town Attorney Cirullo

## **10. NEW BUSINESS**

- a. Reward Offering Regarding Destruction Occurring During OGEM Project – Councilman Jarriel
- b. Discussion of a Moratorium on Future Development Applications Due to Issues with the Comprehensive Plan/Unified Land Development Code – Councilman Tom Goltzené

## **11. CLOSING COMMENTS**

- a. Public
- b. Town Attorney
- c. Town Council Members

## **12. ADJOURNMENT**

**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

## Regular Town Council Meeting

Tuesday, February 7, 2012 at 7:00 p.m.

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

### MINUTES

#### 1. Opening

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:03 p.m. Present were Mayor David Browning, Vice Mayor Liang, and Council Members Tom Goltzené, Ronald D. Jarriel and Jim Rockett. Also present were Town Manager Mark Kutney, Town Clerk Janice M. Moore, and Town Attorney Michael D. Cirullo, Jr.

- b. Pledge of Allegiance & Invocation - Mayor Browning
- c. Approval of Agenda

Mayor Browning requested to add Item 4c. P & Z Announcement of Vacancy.

**Motion:** Councilman Rockett moved to **approve** the Agenda as amended. Vice Mayor Liang seconded the motion, which passed unanimously. **(Motion carried 5-0).**

- d. Announcement of Election – Mayor Browning

#### 2. Consent Agenda

- a. Minutes for Approval: January 3, 2012 (Regular) and January 17, 2012
- b. Invoices from Goren, Cherof, Doody & Ezrol, P.A. for December 2011
- c. Municipal Election Agreement with Palms West Presbyterian Church
- d. Resolution 2012-02 – Budget Amendment

**Motion:** Councilman Rockett moved to **approve** the Consent Agenda. Vice Mayor Liang seconded the motion, which passed unanimously. **(Motion carried 5-0).**

#### 3. Presentations - None

#### 4. Committee Reports

- a. FACC Report & Approval of FY 2012 Financial Statements

Vice Chair Elise Ryan reported the following:

- Approved the November & December Financials
- Closing Fund Balance: 2.2 Million General Fund, \$629,000 Road Fund, \$239,000 Sanitation Fund and \$3.005 Million Bank Balance
- Provided a Brief Overview of the Revenue and Expenses Percentages
- Approved RFP for Banking Services
- Approved the New Accounts & Adjustments to the Transportation Fund re: the 148<sup>th</sup> Street Culvert
- New Committee Member Virginia Standish
- Next Meeting Monday, February 27, 2012

1. Financial Activity Report & Budget vs. Actual – November & December 2011

Marge Herzog, 966 A Road, posed a question regarding the report. Town Manager Kutney responded; however, Mayor Browning requested that Ms. Herzog could meet with him after the meeting for further explanation.

**Motion:** Councilman Rockett moved to **approve** the Financial Activity Report & Budget vs. Actual for November & December 2011. Vice Mayor Liang seconded the motion, which passed unanimously. (**Motion carried 5-0**).

b. Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC)

Chair Nina Corning provided an overview of the recommendations from the Committee. A copy was attached to these minutes.

By **consensus**, the Town Council agreed to **table** the recommendations and bring them back at a later time.

c. Planning & Zoning Board Vacancy

Mayor Browning announced the Planning & Zoning Board Alternate Member #2 vacancy.

**5. Public Hearings (Ordinances 2<sup>nd</sup> Reading)**

a. **Ordinance 2012-02**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2011-011, WHICH ESTABLISHED THE TOWN'S PLANNING AND ZONING BOARD, TO AMEND SECTION 2, SUBSECTION ENTITLED "COMPOSITION AND TERM OF OFFICE" TO PROVIDE THAT ALTERNATE MEMBERS OF THE BOARD MAY PARTICIPATE IN ALL MATTERS COMING BEFORE THE BOARD AT MEETINGS IN WHICH THEY ARE IN ATTENDANCE, BUT MAY VOTE ONLY IN THE ABSENCE OF A REGULAR MEMBER; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of the ordinance.

**Motion:** Councilman Rockett moved to **approve** Ordinance 2012-02 on 2<sup>nd</sup> Reading. Vice Mayor Liang seconded the motion.

Mayor Browning noted that no public comment was received.

**Motion:** In a roll call vote, the motion passed unanimously. **(Motion carried 5-0).**

## 6. Ordinances - 1<sup>st</sup> Reading

### a. Ordinance 2012-03 – Manure Dumping

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING AND RESTATING ORDINANCE 2010-003, RELATING TO DUMPING OF MANURE AND HORSE BEDDING WITHIN THE TOWN; AMENDING THE PERMIT APPLICATION REQUIREMENTS FOR PROPERTY OWNERS AND HAULERS; ADDING PROVISIONS ON THE LOCATION OF DUMPING ON PROPERTY; INCREASING THE TRANSPORTER PERMIT FEE AND PROVIDING FOR AN INCREASED FEE IN THE EVENT A TRANSPORTER VIOLATES THIS ORDINANCE PRIOR TO APPLYING FOR A PERMIT; PROVIDING THAT EXCEPT AS AMENDED HEREIN, ORDINANCE 2010-003 IS RESTATED AND IN FORCE AND EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Kutney presented the staff report and provided an overview of the changes to the ordinance. Discussion and input took place with the conclusion of the following changes: 1) Section 3 – bona fide/agricultural facility as recognized by Palm Beach County through its real estate tax exemption or a 1-2 load exemption per residence. 2) Section 4: Change to 50 feet.

#### Public Comment

Frank Schiola, 13434 Marcella Blvd., spoke about The Acreage and the City of Boynton Beach both having problems with horse manure dumping.

Virginia Standish, 15410 North Road, complemented the Town and the Palm Beach County Sheriff's Department on their response to this issue. She noted that the landowner needed to bear some responsibility and that the Town Council should check into the county's existing requirements.

Philomena Liang, 4245 148<sup>th</sup> Terrace, explained that she witnessed a truck, hauling manure at night and that it happened all of the time.

Nina Corning, 2834 E Road, suggested bona fide/agricultural with some horses, but noted that 1-2 loads were not enough for 10-20 acre property owners.

ET Decora, 2285 D Road, spoke about the spreading of manure on the hedge line of the property line.

John Ryan, 3508 A Road, suggested that each hauler have a copy of the owner's permit on hand for legitimacy.

Councilman Rockett suggested that any exceptions could be approved by the Town Council with the Town Manager placing it on the Consent Agenda. He spoke in favor of \$500 for the permit fee and \$2,000 for violators. Councilman Jarriel spoke in favor of \$1,000 for the permit fee and \$2,000 for violators. Councilman Goltzené and Vice Mayor Liang both agreed \$500 for the permit fee and \$2,000 for violators. Consensus was to keep \$500 for the permit fee and change \$2,000 for violators.

Mayor Browning suggested the permit cover the first 50 or 100 loads. He requested the town manager work on a reasonable number of loads for the permit with maybe \$20 a load after that.

### Public Comment

ET Decora, 2285 D Road, requested clarification of the process of composting for potting soil.

Town Attorney Cirullo noted that Town Staff would make the changes with another first reading to be held at the next meeting.

### **7. Resolutions - None**

### **8. Old Business - None**

### **9. New Business**

#### a. Charter Review Committee

Town Manager Kutney presented the staff report and provided an overview. Information was also provided by Town Attorney Cirullo.

**Motion:** Councilman Rockett moved to **not take any action** to appoint a Charter Committee. Councilman Jarriel seconded the motion, which passed unanimously. **(Motion carried 5-0).**

#### b. Calvin, Giordano Planning & Engineering Services Contract

Town Manager Kutney presented the staff report and provided an overview. He confirmed that Calvin, Giordano did not have an executed agreement. Councilman Goltzené questioned if Calvin was paid during a moratorium and that it was worth the research. Councilman Jarriel believed that they were paid \$4,700 a month.

By **consensus**, the Town Council agreed to direct Town Management to bring back an RFP to council for its review.

#### c. Recreational Trails Program Grant

Town Manager Kutney presented the staff report and provided an overview.

**Motion:** Councilman Goltzené moved to **approve** the grant as presented. Councilman Rockett seconded the motion, which passed unanimously. **(Motion carried 5-0).**

Councilman Jarriel complimented Town Management and the RETGAC for their time and efforts.

### **RETGAC Recommendations**

Item 1. Creation of a Vision Statement

By **consensus**, the Town Council approved the vision statement as presented.

Item 5b. Easement from C Road to B Road Using 6<sup>th</sup> Court North

By **consensus**, the Town Council asked the Staff to look into this issue with the LGWCD, confirming the property line and deal with the property owners about what could be done.

d. Approval of the RFP for Banking Services

Town Manager Kutney presented the staff report and provided an overview.

**Motion:** Vice Mayor Liang moved to **approve** the RFP for Banking Services. Councilman Jarriel seconded the motion, which passed unanimously. (**Motion carried 5-0**).

Councilman Goltzené requested a five (5) minute break at this time. The meeting was reconvened at 8:14 p.m.

- e. Bond Issue to OGEM the Remaining District Roads &
- f. Finishing OGEM Roads from A Road to E Road

Town Manager Kutney provided overview of the letter from Bill Underwood, Underwood Management Services Group.

Councilman Jarriel spoke of 40<sup>th</sup> Street North Road and requested to OGEM A Road to E Road for the amount of \$131,000. He asked that if there was a red light at D Road and Okeechobee Blvd., then the Town should pave from Okeechobee Blvd. to Southern Blvd. Councilman Jarriel noted that residents were willing to pay. He suggested a bond issue, an investment into the community. He asked for the Town Council to direct Town Management to come up with a game plan as short as possible using strictly the gas tax fund and not to raises taxes.

Councilman Rockett suggested using gas tax funds, supplementing the cost of OGEM roads, and leaving the option to OGEM the roads to the people that live on the road. He recommended a price per acre, telling the residents the cost, setting a cap with the Town funding over that amount.

Councilman Goltzené explained that the LGWCD receives \$150,000 from the Town for their roads annually from gas tax funds and expressed concerns with subsidizing it, about its budget, and its lack of accomplishments.

## Public Comment

Clete Saunier, LGWCD administrator, provided a detailed status of the OGEM projects.

John Ryan, 3508 A Road, provided numbers from the FAAC report regarding gas tax funds to be spent on roads and the amount of gas tax funds collected from North Road. Councilman Goltzené noted that it was important to know whether or not funds collected were forwarded regarding North Road. He further noted that Collecting Canal had the same issues as North Road.

Frank Schiola, 13434 Marcella Blvd., spoke about the LGWCD Board policies regarding the placement of OGEM on district roads.

Marianna Miles, 3413 B Road, requested B Road, north of Okeechobee to have OGEM and that she would be presenting a petition.

Cassy Suchy, 3685 B Road, reported that she spoke to EMS, who stated that delays were caused by speed humps and requested less or different ones. She noted that OGEM was not traditional to metal horse shoes. She also asked the people on the west side of the road to stop paving and expressed concern for the safety of riders.

Philomena Liang, 4245 148th Terrace North, directed the Town Council to take care of the Town.

Lung Chiu, 3270 B Road, congratulated the Town Council for aiming at benefits for the residents.

Marge Herzog, 966 A Road, expressed strong concern for a reserve set aside for the maintenance of roads. She also inquired to the impact of the annual funding to the LGWCD on the residents if they are not provided for.

Nina Corning, 2834 E Road, expressed that she was pleased horse trails were being considered in the bond. She noted that certain streets did not want the OGEM and expressed hope that the roundabouts were not part of the bond.

Virginia Standish, 15410 North Road, expressed concern regarding the safety issue of driving from a dirt road to an OGEM road.

Marianne Miles, 3413 B Road, spoke about giving the horses the area of the road by Sunsport Gardens and suggested a connection and stop sign from E Road to 140<sup>th</sup>.

Councilman Jarriel spoke about the costs and noted that the speed humps and OGEM would make safer roads. Councilman Goltzené noted that the Town had no control over the District roads. He also spoke about the numbers provided by Mr. Ryan.

**Motion:** Councilman Rockett moved to **complete** the section on North Road for the estimated cost of \$131,000, derived from the concept of using a piggyback portion of the Town's procurement ordinance with the North Florida Emulsions (District Contractor for OGEM

Project), section north of B Road and small section on E Road. Councilman Jarriel seconded the motion. All voted in favor of the motion with the exception of Councilman Goltzené who voted in the negative. **(Motion carried 4-1).**

**Motion:** Councilman Rockett proposed a **friendly amendment** to use gas tax funds. Councilman Jarriel seconded the motion. All voted in favor of the motion with the exception of Councilman Goltzené who voted against the motion. **(Motion carried 4-1).**

**Motion:** Councilman Rockett moved to **OGEM** the Sunsport Gardens Road to east of 140<sup>th</sup> using gas tax funds, same piggyback, in the amount of \$34,301. Councilman Jarriel seconded the motion. Councilman Jarriel and Councilman Rockett voted in favor of the motion, while Mayor Browning, Vice Mayor Liang and Councilman Goltzené voted against the motion. **(Motion failed 3-2).**

Mayor Browning called a seven (7) minute recess. The meeting was reconvened at this time.

g. Red Light at Okeechobee Blvd & D Road – Councilman Jarriel

Town Clerk Moore distributed letter from Tanya N. McConnell, P.A. to which Councilman Jarriel read. Councilman Goltzené suggested that County pay for the light. Councilman Rockett noted that progress had been made and suggested moving forward because it was much needed for the Town. He then suggested giving Staff the direction to proceed. Vice Mayor Liang complimented Councilman Jarriel, but noted disappointment with Palm Beach County. He suggested contacting the media and a petition. Councilman Jarriel recommended getting the permit and cost, approaching the County with people and a petition, and then to contact the media. He suggested a 50/50 plan with the County.

Dennis Lipp, 13402 North Road, mentioned the Village of Wellington wanted a traffic light and took on the whole responsibility.

**Motion:** Councilman Rockett moved to **direct** Staff to move forward with the design and construction of the project, get plans drawn and whatever requirements were needed by Palm Beach County subject to the Town's procurement requirements. Vice Mayor Liang seconded the motion. All voted in favor of the motion with the exception of Councilman Goltzené and Mayor Browning who voted against the motion. **(Motion carried 3-2.)**

h. Appointment of RETGAC Vacancy – Vice Mayor Liang

Vice Mayor Liang announced the appointment of David Miles to the Roadway, Equestrian Trails and Greenway Advisory Committee. By **consensus**, the Town Council accepted the appointment.

i. Study of Floor-Area-Ratio (FAR) Regarding Okeechobee Blvd.

Mayor Browning provided an overview of this request. Councilman Goltzené requested addressing allowable uses and the idea of the transfer of development rights. Vice Mayor Liang noted that it would be beneficial to have a number in place.

Nina Corning, 2834 E Road, spoke positively about the discussion regarding transfer of development rights and to receive from feedback and guidance from a professional.

By **consensus**, the Town Council directed the Town Manager to determine the FAR regarding Okeechobee Blvd. to Southern Blvd.

## 10. Administrative Update

Town Manager Kutney reported the following:

- RFQ for Road Vegetative Clearing - Submission Deadline February 14, 2012
- 2 Florida Statute Bills – Business Tax Receipts Revenue & Local Preference

### Discussion Regarding IGC Term

Town Manager Kutney provided an overview of the discussion that took place at the recent IGC meeting. He noted that currently the Town was at a 4 month rotation with the District at a 2 month rotational.

Councilman Goltzené spoke about the importance of participating in the meetings, his recent involvement in the meeting, and spoke in favor of increasing the number of months. He expressed that he believed he was under the impression that he would be continuing after his 4 month rotation.

Councilman Rockett suggested that an IGC report should be placed on the Town Council agenda. Town Manager Kutney noted that he intended to include the report under his administrative remarks, but could create it as a separate item. Mayor Browning noted that the 4 month rotation was agreed upon to allow each Town Council member to serve.

Councilman Jarriel expressed that he was agreeable for Councilman Goltzené to continue, but expressed concerned about the other Town Council members having the opportunity to serve. Councilman Goltzené spoke about other committees that had permanent members. Councilman Jarriel noted that if he was out of town, he would recommend Councilman Goltzené to take his place

In response to Councilman Jarriel inquiry as to the problem Councilman Goltzené noted that there was unfinished business, and that there needed to be a follow-up to the joint workshop. He explained that the joint workshop did not go according to the agenda and did not include an explanation by the attorneys. Councilman Jarriel agreed that he was also dissatisfied with the workshop and recommended directing the Town Manager to get with the District to schedule the next workshop.

By **consensus**, the Town Council agreed to keep the 4 month rotation. Town Manager Kutney noted that he would set up another joint meeting.

Town Manager Kutney continue to report the following:

- Simon Development/Palm Beach State College – provided a brief overview of the status of meetings that took place in December and an upcoming meeting with PBSC representatives to finalize issues. Receiving no objections, Town Manager Kutney noted that a March 20, 2012 Workshop was set regarding Loxahatchee Groves Commons & Palm Beach State College.

## 11. Closing Comments

### a. Public

Byrnes Guillaume, 14800 April Drive, introduced himself as a candidate for Town Council Member Seat #3.

Ron Robinson, American Legion, noted that he would be coming to Staff regarding an American Legion location on D Road. He announced an upcoming picnic on Feb. 12<sup>th</sup>.

Marge Herzog, 966 A Road, spoke about the “Keep Palm Beach County Grant Beautification” regarding the entry sign. She announced the Candidates Forum for Thursday, February 23rd at 7:00p.m. Mrs. Herzog expressed concern for the lack of meeting audios on the website for government transparency. Regarding committees, she noted that she agreed with Councilman Goltzené and that it might need to be addressed again.

Frank Schiola, 13434 Marcella Blvd, spoke in favor of placing OGEM on the road and noted that he would bring the policy issue up at Monday night’s District Board Meeting.

Virginia Standish, 15410 North Road, requested consideration for the new concept of agritourism as a part of the planning, zoning & development for the Town. She also asked for the IGC to address the issue of those properties, located on the other side of the canal, that keep gates up where horses and people cannot walk and ride. Ms. Standish also requested the Town Council to reconsider taking the OGEM to E Road because it may bring up a serious safety issue.

### b. Town Attorney - *None*

### c. Town Council Members

**Councilman Goltzené** thanked everyone for coming and that he was not mad at anyone.

**Councilman Jarriel** thanked everyone for coming and staying after 11 p.m.

**Vice Mayor Liang** spoke about his candidacy for re-election and that he was looking forward to another three (3) years. He spoke about the Town Council’s accomplishments and some of his future goals. He thanked everyone who had supported him the past two (3) years and wished his opposing candidate good luck.

**Councilman Rockett** spoke positively about council members expressing their views on the various issues during this meeting. He requested clarification if the Town Council was planning on scheduling one (1) meeting per month. Town Manager Kutney noted that it was the Town Council’s direction to reserve workshops or special meetings for the 2<sup>nd</sup> meeting of the month.

Councilman Rockett also expressed a strong concern for a second occurrence regarding the disrespectful comments to the town clerk made by a resident during a meeting. Councilman Goltzené agreed with Councilman Rockett and suggested adopting civility rules. Council Jarriel apologized to Town Clerk Moore and noted that there was no reason to be derogatory towards the town clerk or staff and that the procedure should be communicated at the next meeting. Mayor Browning noted that he had always allowed a certain amount of freedom as far as comments. He spoke of everyone being civil to each other and agreed that there was no need for comments like that. Town Clerk Moore noted that she had always been friendly, responsive and respectful to that resident.

**Mayor Browning** announced that the next Town Council Meeting was Thursday, March 6<sup>th</sup>.

## **12. Adjournment**

**Motion:** Councilman Jarriel moved to **adjourn** the meeting at 11:16 p.m. Councilman Goltzené seconded the motion, which passed unanimously. **(Motion carried 5-0).**

**These minutes were approved by the  
Town Council on Tuesday, April 17, 2012.**

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Janice M. Moore, Town Clerk

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David Browning, Mayor

SEAL



# Town of Loxahatchee Groves

## Regular Town Council Meeting

Tuesday, March 6, 2012 at 7:00 p.m.

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

### MINUTES

#### 1. Opening

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice Mayor Liang, and Council Members Tom Goltzené, Ronald D. Jarriel and Jim Rockett. Also present were Town Manager Mark Kutney, Town Clerk Janice M. Moore, and Town Attorney Michael D. Cirullo, Jr.

- b. Pledge of Allegiance & Invocation - Mayor Browning
- c. Approval of Agenda

Mayor Browning requested Item 9b. (North Road OGEM Project) to be moved to Item 7a. Councilman Rockett requested to add Item 10d. a resolution supporting the IOG.

**Motion:** Vice Mayor Liang moved to **approve** the Agenda as amended. Councilman Rockett seconded the motion, which passed unanimously. **(Motion carried 5-0).**

#### 2. Consent Agenda

- a. Invoices from Goren, Cherof, Doody & Ezrol, P.A.

**Motion:** Vice Mayor Liang moved to **approve** the Consent Agenda. Councilman Rockett seconded the motion, which passed unanimously. **(Motion carried 5-0).**

#### 3. Presentations - None

#### 4. Committee Reports

- a. FAAC Report & Approval of the January 2012 Financial Report

Vice Chair Elise Ryan reported the following:

- Overview of January 2012 Financial Report
- Two (2) Outstanding Invoices from Palm Beach State College

- Solid Waste Commercial Franchise Implementation - possibly changing the term to permitting instead of franchising.
- Next Meeting: March 26, 2012.

**Motion:** Councilman Rockett moved to **approve** the January 2012 Financial Report. Councilman Jarriel seconded the motion, which passed unanimously. (**Motion carried 5-0**).

**5. Public Hearings - Ordinances 2<sup>nd</sup> Reading - None**

**6. Ordinances - 1<sup>st</sup> Reading**

a. Ordinance 2012-03 – Manure Dumping

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING AND RESTATING ORDINANCE 2010-003, RELATING TO DUMPING OF MANURE AND HORSE BEDDING WITHIN THE TOWN; PROVIDING THAT ONLY THOSE PROPERTIES DESIGNATED AGRICULTURE OR RESIDENTIAL ON PROPERTY TAX RECORDS MAY RECEIVE MANURE AND HORSE BEDDING FOR AGRICULTURAL USE ON THE PROPERTY; AMENDING THE PERMITTED DAYS FOR DEPOSITING MANURE AND HORSE BEDDING; PERMIT APPLICATION REQUIREMENTS FOR PROPERTY OWNERS AND HAULERS; ADDING PROVISIONS ON THE LOCATION OF DUMPING ON PROPERTY; AMENDING PROVISIONS RELATING TO HAULER PERMIT FEES; PROVIDING THAT EXCEPT AS AMENDED HEREIN, ORDINANCE 2010-003 IS RESTATED AND IN FORCE AND EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Town Attorney Cirullo provided a detailed overview of the changes as directed from the Town Council on February 7, 2012.

Councilman Goltzené spoke about those residents who do not meet the agriculture exemption initially. He suggested if they made application or had good faith towards farming, it should be allowed for at least the first year. He suggested changing the definition of a load to 20 yards. Councilman Rockett suggested a range of 20–25 yards. Councilman Rockett inquired about well heads located from adjacent properties. Town Manager Kutney noted that the well heads must be 75 feet away to be consistent with Palm Beach County Health Department.

Town Manager Kutney provided an overview of provisions. He suggested a prohibition after 4:00 p.m. Following discussion and input, **consensus** was to leave it at 7:00 a.m. to 7:00 p.m.

Public Comment

Marge Herzog, 966 A Road, expressed concern for smaller properties regarding the restrictions for the well head. Mayor Browning clarified the language pertaining to her concern.

Dennis Lipp, 13402 North Road, agreed with the hours being adjusted noted that manure trucking starts 6:30 a.m., but that the nighttime haulers were abusing the system.

Nina Corning, 2834 E Road, noted that Section 2 Bona fide Agricultural, Section 3 Palm Beach County's designation needed to read the same way. She cautioned the Town Council regarding the exemption process and noted that the problem was more so related to the size of the property, amount of dumping, and the ratio.

Ann Parker, 15565 Collecting Canal Road, suggested daylight times only.

Town Attorney Cirullo and the Town Council spoke about the following language changes:

Section 3 - language changes regarding agricultural use tax designation.

Section 4 - prohibition between sunset and sunrise and on Sundays.

Section 8a. 75 feet for wells.

Section 8b. - change definition of loads to 20 loads for \$500.00 annual permit, additional per load \$40.00, exceeding \$100 per load.

### Public Comment

John Ryan, 3508 A Road, suggested the hauler be required to carry the necessary paperwork from both the Village of Wellington and the Town.

By **consensus**, the Town Council noted that there was no need to schedule a workshop with the City of Wellington. Town Manager Kutney noted that he would be communicating with the City Manager.

Town Manager Kutney spoke about creating a citation process and received **consensus** from the Town Council to move ahead.

The meeting was recessed at 7:55 p.m. and reconvened at 7:59 p.m.

Town Attorney Cirullo read the revised title of the Ordinance.

**Motion:** Councilman Rockett moved to **approve** Ordinance 2012-01 on 1<sup>st</sup> Reading as amended. Councilman Jarriel seconded the motion. In a roll call vote, all voted in favor of the motion. **(Motion carried 5-0).**

## **7. Resolutions**

### **a. Resolution 2012-03 (North Road OGEM Project – Moved from Item 9b.)**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE TOWN TO COMPLETE OPEN-GRADED EMULSIFIED MIX (OGEM) ROAD SURFACE TREATMENT WORK ON SECTIONS OF NORTH ROAD; AUTHORIZING THE USE OF THE CONTRACT BETWEEN THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT AND NORTH FLORIDA EMULSIONS, INC., FOR THE ROAD SURFACING WORK IN AN AMOUNT NOT TO EXCEED \$141,000; AUTHORIZING THE USE OF THE AGREEMENT BETWEEN THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT AND ERDMAN ANTHONY OF FLORIDA, INC., IN AN AMOUNT NOT TO EXCEED \$15,000 FOR ENGINEERING WORK FOR THE

Town Attorney Cirullo read the caption of the resolution.

**Motion:** Councilman Rockett moved to **approve** Resolution 2012-03. Councilman Jarriel seconded the motion. All voted in favor of the motion. **(Motion carried 5-0).**

**Motion:** Vice Mayor Liang moved to **direct** Town Staff to work with the District and the contractor (North Florida Emulsion) to OGEM Collecting Canal within the time frame and bring it back to the Town Council with a different design on speed tables and the cost. Councilman Goltzené seconded the motion.

Dennis Lipp, 13402 North Road, spoke about needing to get a local bill passed to get A, C & D Roads. He questioned jurisdiction rights.

All voted in favor of the motion. **(Motion carried 5-0).**

Mayor Browning announced a five (5) minutes recess. The meeting was reconvened at 8:56 p.m.

## **8. Administrative Update**

### a. Intergovernmental Coordination (IGC) Report – February 29, 2012

- Approved minutes of January 4 & 25, 2012
- Residents provided input about speed humps
- Citizen Web-Based Program – marrying with the District
- LGWCD Board modified IGC member term to a 4 month rotation
- Roadway Committee – upcoming grant application
- Future District Town Joint Workshops – coordination and pre-work back on track to get the meetings going
- Modifications to the Interlocal Agreement re: District and Town roads – response requests, documentation format, invoice format, work schedule, fiscal year budget 2012-2013
- Discussion on road intersecting

By **consensus**, the Town Council agreed to have the Town Manager present the report each month.

Town Manager Kutney reported the following:

- Consultant Ralph Parilla will be providing a summary report, at no cost, on the January 14, 2012 Town/District Joint Workshop.
- Traffic Signal on Okeechobee Boulevard - signal with mast arm, county intersection improvements, cost may be higher than speculated at this time. Simmons & White had a current contract with PBC. In the process of contacting them and a possible piggyback.

PROJECT; AUTHORIZING AND APPROVING THE NECESSARY DOCUMENTATION WITH THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Town Attorney Cirullo provided an overview of the documents relating to the project. He noted that the Erdman Anthony quote received was \$14,500, falling below the state threshold for having to bid out the services.

Councilman Goltzené received feedback from residents regarding a similar situation on Collecting Canal and asked the Town Council to consider the issue of the interface between Southern Boulevard and Okeechobee Boulevard on the roads that were not having OGEM, 50 feet apron.

Councilman Rockett spoke about three (3) of road segments not having OGEM, collecting canal east and west. He disagreed about the aprons; however, noted that the work had to be done to get this project going. Vice Mayor Liang noted that residents would want it taken it all the way to F Road. Councilman Goltzené suggested taking it from B Road to D Road would solve the issue. Mayor Browning suggested completing the missing section between A and B and C and B, which would take care of the safety issue. Councilman Jarriel requested the sections from A Road to E Road, Collecting Canal Road, A Road to D Road, so the south was the same as the north. Councilman Rockett suggesting moving forward with the current project and bringing the rest back for consideration.

#### Public Comment

Todd McLendon, 3481 D Road, expressed concern about those residents who agreed to pay for the roads versus the Town paying for the roads. He also requested the engineer put in speed tables.

John Ryan, 3508 A Road, spoke about the rate per drawing, the absolute requirement for the alignment, the depth of the material and specifications of the materials, which included engineer documentation and approval, and the template on the speed humps and/or tables. He noted that this was an insurance policy that all work was done per the plans and specifications. Mr. Ryan noted that LGWCD Administrator Clete Saunier told him that it was a very good price for engineer, inspection and approval.

George Perez, 1544 B Road, expressed against paying \$11,000 for the drawings and suggested only paying if it was absolutely needed. He noted that drainage improvements may be needed.

Cassy Suchy, 3685 B Road, spoke in favor of proper speed tables compatible with fire trucks and emergency vehicles.

Marge Herzog, 966 A Road, spoke about the missing link and the eventually charge when OGEM was placed on B Road. Councilman Goltzené noted that B Road may never be done.

Town Manager Kutney noted that North Florida Emulsion's work was for an amount not-to-exceed \$141,000, which included contingency, and Erdman Anthony engineering services was for an amount not-to-exceed \$15,000.

- Noise Meter Training - Thursday, March 29<sup>th</sup> 1:00 p.m. – 4:00 p.m. splitting cost with the Village of Royal Palm Beach. Participants include: Frank Schiola, Beverly Tew (Tew & Taylor), Town Manager Kutney and Office Coordinator Stephen Hainline. Councilman Rockett expressed interest to attend. There were no objections.
- Video Camera - Tripod purchased and video will be instituted at next meeting.

## 9. Old Business

- a. Clarification/Direction Regarding an Easement from C Road to B Road Using 6<sup>th</sup> Court North

Town Manager Kutney provided overview of the agenda report and requested clarification on this item.

**Motion:** Councilman Goltzené moved to **acquire** the portion of the canal easement 6<sup>th</sup> Court North to C Road, open it up for a horse trail: remove exotics, mow the area, install a field fence along the existing poles, install gates, install the appropriate bollards and signage to open this section up, not to exceed \$30,000. Councilman Rockett seconded the motion. **(Motion carried 5-0).**

**Motion:** Councilman Goltzené moved to **direct** staff to work with the SolarSportsystem and the nursery property to look into opening up the canal easement in between C Road to B Road, by having the property owners move their fence south, for the Town to install a new fence and to acquire the easement. Councilman Rockett seconded the motion.

### Public Comment

Nina Corning, Greenway Committee Chair, noted that this item was being requested because the development of the property may take some time. She recommended that the Town not limit the future of the Linear Park and that the passage was needed.

Marge Herzog, 966 A Road, requested to include the gate at B Road and Collecting Canal, allowing for the northern part of the property that the Palm Beach State College would have.

**Motion:** Councilman Goltzené **proposed a friendly amendment** to include: the section between B Road and Southern Boulevard along the south side of Collecting Canal and the east side of A Road. Councilman Rockett accepted. **(Motion carried 5-0).**

## 10. New Business

- a. Tew & Taylor Code Enforcement Services Contract Addendum

Town Manager Kutney provided an overview of the agenda report.

**Motion:** Vice Mayor Liang moved to extend the contract for a period of six (6) months. Councilman Jarriel seconded the motion, which passed unanimously. **(Motion carried 5-0).**

b. Proposed ULDC Text Amendment Regarding Schedule of Zoning District Uses

Councilman Goltzené noted he was in favor of moving forward. Councilman Jarriel noted his support. Councilman Rockett suggested contacting PBC Commissioner Jess Santamaria to find out the trigger points with two (2) lanes, four (4) lanes, and six (6) lanes regarding Okeechobee Boulevard and questioned if approved businesses would accelerate the process. He requested that the issue be placed on hold to explore. Vice Mayor Liang noted that feed and hay was a permitted use under agriculture.

Public Comment

Dennis Lipp, 13402 North Road, suggested: 1) seasonal 2) fee \$2,000-\$3,000 a month to operate, since the business would incur costs that the Town cannot recover.

Marge Herzog, 966 A Road, spoke about giving the residents what they have been asking for on Okeechobee Boulevard.

Nina Corning, 2834 E Road, noted that selling additional products made a difference.

Todd McLendon, 3481 D Road, questioned selling various other items and the limitation on traffic.

Town Manager Kutney noted that this was a conditional use, which included hay, bag feed, and other agricultural related products.

Grace Joyce, 3886 147<sup>th</sup> Avenue N, inquired if there was a Town Charter requirement for the Town Council to review an application prior to the Planning and Zoning. Town Manager Kutney spoke to that inquiry. She spoke about the applicant justifying what it was and that it was their right to apply and take their chances.

George Perez, 1544 B Road, spoke about businesses going through the BTR, etc. process, licensing/zoning.

Councilman Goltzené and Councilman Jarriel both agreed in favor of limiting the business to hay and feed. Vice Mayor Liang requested more information. Mayor Browning expressed that he was in favor of an application moving forward.

Councilman Rockett again suggested setting up a meeting with Town Manager Kutney and PBC Commissioner Jess Santamaria to pursue more information. There were no objections.

c. IGC Town Council Member Terms of Service

Councilman Jarriel suggested leaving it up to each Town Council member or they could pass it to someone else. Councilman Rockett expressed that he wanted to see the IGC be more than just a committee, with more than two (2) Town Council members, to schedule the meetings in the evenings for residents to attend, and to develop it into an organization with cooperation and functioning better. Town Attorney Cirullo did not think that having more than one (1) Town Council member on the committee was a conflict, but said he would look into it.

By **consensus**, the Town Council agreed that the current Town Council member could either fill the term or pass it to another Town Council member.

- d. Consideration for adopting a resolution considered by the Inspector General

**Motion:** Councilman Rockett moved to be proactive in **supporting** the IOG efforts by using Councilman Jarriel's words and to come back with a resolution on March 20th. Councilman Jarriel seconded the motion. **(Motion carried 5-0).**

## 11. Closing Comments

- a. Public

Grace Joyce, 3886 147<sup>th</sup> Avenue North, spoke about the public notice and agenda, specifically regarding the back up to Item 19b. OGEM Project, and perception.

- b. Town Attorney - *None*
- c. Town Council Members

**Councilman Rockett** thanked everyone for coming to the meeting.

**Vice Mayor Liang** encouraged everyone to vote.

**Councilman Jarriel** thanked everyone for coming and agreed with Grace Joyce's comments about the application.

**Councilman Goltzené** noted that democracy was alive and well in Loxahatchee Groves and encouraged everyone to come out and vote.

**Mayor Browning** thanked everyone for coming.

## 12. Adjournment

The meeting was adjourned at 10:16 p.m.

**These minutes were approved by the  
Town Council on Tuesday, April 17, 2012.**

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Janice M. Moore, Town Clerk

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David Browning, Mayor

SEAL



# Town of Loxahatchee Groves

## Regular Town Council Meeting

Tuesday, April 3, 2012 at 7:00 p.m.

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

### MINUTES

#### 1. Opening

##### a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:04 p.m. Present were Mayor David Browning, and Council Members Ronald D. Jarriel and Jim Rockett. Also present were Town Manager Mark Kutney, Town Clerk Janice M. Moore, and Town Attorney D.J. Doody. Councilman Tom Goltzené was absent. Councilman Ryan Liang arrived at 7:10 p.m.

##### b. Pledge of Allegiance & Invocation - Mayor Browning

##### c. Appointments:

###### 1. Mayor

**Motion:** Councilman Jarriel moved to **appoint** David Browning as Mayor. Councilman Rockett seconded the motion, which passed unanimously. **(Motion carried 3-0).**

###### 2. Vice Mayor

**Motion:** Councilman Jarriel moved to **appoint** Jim Rockett as Vice Mayor. Mayor Browning seconded the motion, which passed unanimously. **(Motion carried 3-0).**

###### 3. Town Council Liaison for the Roadway, Equestrian Trails & Greenway Advisory Committee (RETGAC)

By consensus, the Town Council agreed to **postpone** this item until the next meeting.

##### d. Approval of Agenda

**Motion:** Vice Mayor Rockett moved to **approve** the agenda. Councilman Jarriel seconded the motion, which passed unanimously. **(Motion carried 3-0).**

#### 2. Consent Agenda

##### a. Minutes for Approval: March 20, 2012 (Regular) and March 20, 2012 (Workshop)

- b. Invoices from Goren, Cherof, Doody & Ezrol, P.A.

**Motion:** Councilman Rockett moved to **approve** the Consent Agenda. Councilman Jarriel seconded the motion, which passed unanimously. **(Motion carried 3-0).**

### 3. Presentations

Town Manager Kutney introduced Palm Beach County Fire Rescue Battalion Chief Michael R. Arena.

Councilman Liang arrived at this time.

### 4. Committee Reports

Vice Chair Elise Ryan reported the following:

- Approval of the February 2012 Financials
- Update on the Funds Balances
- Audit Progressing Well
- Reviewed CAFR
- RFP for Banking Services (Received 3 Responses, 1 Disqualified)
- Members were well-prepared for the meeting. A number of residents attended.
- Next Meeting - Monday, April 23, 2012

- a. FAAC Report & Approval of the February 2012 Financial Report

**Motion:** Vice Mayor Rockett moved to **approve** the February 2012 Financial Activity Report. Councilman Jarriel seconded the motion, which passed unanimously. **(Motion carried 4-0).**

Dennis Lipp, 13402 North Road, inquired as to results of the special magistrate process and information on a budget item. Town Manager Kutney responded to his inquiries.

### 5. Public Hearings - Ordinances 2<sup>nd</sup> Reading

- a. Ordinance 2012-03 (Manure Dumping)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING AND RESTATING ORDINANCE 2010-003, RELATING TO DUMPING OF MANURE AND HORSE BEDDING WITHIN THE TOWN; PROVIDING THAT ONLY THOSE PROPERTIES DESIGNATED AGRICULTURE OR RESIDENTIAL ON PROPERTY TAX RECORDS MAY RECEIVE MANURE AND HORSE BEDDING FOR AGRICULTURAL USE ON THE PROPERTY; AMENDING THE PERMITTED DAYS FOR DEPOSITING MANURE AND HORSE BEDDING; PERMIT APPLICATION REQUIREMENTS FOR PROPERTY OWNERS AND HAULERS; ADDING PROVISIONS ON THE LOCATION OF DUMPING ON PROPERTY; AMENDING PROVISIONS RELATING TO HAULER PERMIT FEES; PROVIDING THAT EXCEPT AS AMENDED HEREIN, ORDINANCE 2010-003 IS RESTATED AND IN FORCE AND EFFECT;

PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Doody read the title of the ordinance. Town Manager Kutney provided an overview of the changes as discussed at the previous meeting.

**Motion:** Vice Mayor Rockett moved to **approve** Ordinance 2012-03 on 2<sup>nd</sup> and Final Reading. Councilman Jarriel seconded the motion.

#### Public Comment

Dennis Lipp, 13402 North Road, expressed concern for enforcement of the ordinance. Councilman Jarriel and Vice Mayor Rockett spoke to his concerns.

Bill Louda, 1300 E Road, spoke about the dumping of high phosphate water. Vice Mayor Rockett spoke to his concern.

Marsha Newell, 3508 C Road, posed several questions regarding manure dumping. Councilman Jarriel, Town Attorney Doody and Mayor Browning spoke to her concerns.

**Motion:** The motion passed unanimously. **(Motion carried 4-0).**

#### **6. Ordinances - 1<sup>st</sup> Reading**

##### a. Ordinance 2012-01 (Day Property)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AMENDMENT 11-2(SS) TO THE TOWN OF LOXAHATCHEE GROVES COMPREHENSIVE PLAN, CONCERNING A SMALL-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, WILLIE H. AND FRANKIE J. DAY TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 5 ACRES) TO COMMERCIAL LOW AND COMMERCIAL LOW-OFFICE, TO ACCOMMODATE THE FUTURE DEVELOPMENT OF A MAXIMUM OF 4.96 ACRES OF COMMERCIAL RETAIL AND A MAXIMUM OF 4.34 ACRES OF COMMERCIAL OFFICE AND ACCESSORY USES ON 9.30 ACRES LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD, LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Doody read the title and noted that this ordinance would require a vote of 3-1 to pass on 1<sup>st</sup> Reading and a supermajority of 4 to pass on 2<sup>nd</sup> and Final Reading.

Town Planner Jim Fleischman provided a detailed overview of his staff report. He read into the record his final staff recommendation including conditions and answered questions posed by the Town Council.

Kieran Kilday, Urban Design Kilday Studios, provided a brief overview of the 1<sup>st</sup> presentation and postponement to this meeting. He spoke about the removal of the mixed use component with retail remaining the same and restaurant/office decreasing. Mr. Kilday then presented a detailed overview of the application. Councilman Jarriel expressed a request for a round-about. Mayor Browning expressed concern for low impact non-residential.

### Public Comment

Ilene Rindom, 14285 Collecting Canal, expressed great concerns for the commercial development on Okeechobee Blvd. and spoke about the past planning and asked the Town Council to consider what the residents want.

Dennis Lipp, 13402 North Road, spoke about the request for the round-about "sweetening the pot." He requested a .05 floor-area-ratio (FAR) for Okeechobee Blvd. and to have the development amend the application to that ratio.

Bill Louda, 1300 E Road, questioned the reduction. He spoke about low impact non-residential, the buffering with 250 parking spaces, and made some suggestions on viable uses and the .05 FAR.

Nancy Handweg, 14878 19<sup>th</sup> Street North, encouraged voting "no" on the ordinance.

Marge Herzog, 966 A Road, speaking for the residents who attended the recent Landowners Association Meeting, noted that the residents have repeatedly asked for no commercial development on Okeechobee Blvd. and was requesting moratorium.

Roy Parks, 14900 North Road, expressed concern for empty office space and restaurants on Royal Palm Beach Blvd. and Okeechobee Blvd. He noted that there were no elements of horse trails behind the commercial properties and suggested the donation of a school for special needs kids.

Bernadette Fitzpatrick, 13024 Raymond Drive, spoke about the vision of protecting the rural environment and unique lifestyles of Loxahatchee Groves.

Ruth Menor, 13095 Bryan Road, spoke against the issue of commercializing Okeechobee Blvd.

Gaye Hankla, 14523 Okeechobee Blvd & D Road, expressed that she supported Bill Day because it was a unique property and that those property owners on Okeechobee Blvd. do not want to live on that road. She spoke about her past negative experiences in attending town and planning meetings and the issues relating to Okeechobee Blvd.

Ann Parker, 15565 Collecting Canal Road, expressed disappointed with certain members of the Town Council who did not ask questions and regarding the staff recommendation. She spoke about the traffic problems and expressed that it was not a good time to do this project.

Grace Joyce, 3886 147<sup>th</sup> Avenue N, spoke about the lack of vision for Okeechobee Blvd. and no definition of low impact non-residential. She applauded the staff for an outstanding job.

## 8. Administrative Update

- a. Intergovernmental Coordination (IGC) Report - The March 28<sup>th</sup> meeting was postponed to April 5<sup>th</sup>.

Town Manager Kutney reported the following:

- Town Council Meeting scheduled for April 17<sup>th</sup>.
- Noise Meter Training - successfully conducted on March 29<sup>th</sup> with Frank Schiola, Tina Boynak (Tew & Taylor), Stephen Hainline, Office Coordinator and Town Manager Kutney.
- Recreational Grant has been submitted.
- Offering a reward regarding destruction of OGEM project - Town Attorney Michael Cirullo will be reporting at the next meeting.
- PBC Ordinance Lobbyist Registration– Town can opt out. Update to come at the April 17<sup>th</sup> meeting.
- OGEM on Collecting Canal Road – Quote just for OGEM was \$300,000, drainage issues and the need for rock. Update to come on the April 17<sup>th</sup>.
- Light at Okeechobee Blvd. – pursuing the issue and will report back.
- Website – basic design completed, very user friendly, may be completed within 60 days.
- County Planning and Zoning Records in possession (15 boxes).
- Definition of Rural Character request by Councilman Liang – will continue working on the definition presented.

### OGEM for Collecting Canal

Councilman Jarriel requesting the following items to be added to the IGC upcoming agenda: 1) OGEM for Collecting Canal; and 2) cutting costs for those residents who already paid to OGEM the roads. He asked the Town Council for support to fund the town signage and speed humps. Town Mark Kutney spoke of the CIP being presented at the May meeting. He also noted that Frank Schiola made an inventory of missing street signs, traffic signs, etc. and that Town Manager Kutney had acquired one (1) quote and need two (2) more in order for the project to qualify for open market method. Town Manager Kutney said this process could expedite the project. Vice Mayor Rockett spoke about the cost being even for everyone and creating a possible formula that would apply. Councilman Ryan spoke in favor of Councilman Jarriel's comments about helping the residents; however, he recommended that the Town Council look at

Mary McNicholas, 12845 Raymond Drive, requested the Town Council to do what the community wished and spoke of protecting “the little slice of paradise.”

Councilman Jarriel requested the audience to raise their hands if they were in favor of this application – one person came forward and noted with modifications. He spoke about amending the comprehensive land use plan and getting public input. Councilman Rockett noted that he did not have any questions about the presentation; however, he was present to listen in his role as councilmember.

Councilman Liang spoke about the application meeting all of the requirements in our comprehensive land use plan and allow public hearing. He suggested it more forward to 2<sup>nd</sup> Reading.

**Motion:** Councilman Jarriel moved to **approve** Ordinance 2012-01 on 1st Reading. Councilman Liang seconded the motion. Councilman Jarriel and Councilman Liang both voted in the favor of the motion. Mayor Browning and Vice Mayor Rockett voted against the motion. (**Motioned failed 2-2**).

The meeting was recessed at 9:14 p.m. and reconvened at 9:21 p.m.

## **7. Resolutions**

### a. Resolution 2012-05 (Development Review Committee)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE ESTABLISHMENT OF A DEVELOPMENT REVIEW COMMITTEE TO REVIEW SITE PLAN APPLICATIONS PRIOR TO PLANNING AND ZONING BOARD REVIEW; PROVIDING FOR MEMBERSHIP ON THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR THE TOWN MANAGER TO COORDINATE THE MEETINGS OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR COST RECOVERY; PROVIDING FOR OTHER MATTERS RELATING TO THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Doody read the title of the resolution.

**Motion:** Vice Mayor Rockett moved to **approve** Resolution 2012-05. Councilman Jarriel seconded the motion. Town Manager provided a brief overview of the resolution.

### Public Comment

Dennis Lipp, 13402 North Road, suggested that a change in the resolution the land use be established prior to the committee meeting. Town Manager Kutney noted that the land use would be confirmed prior.

**Motion:** The motion passed unanimously. (**Motion carried 4-0**).

the Capital Improvement first and requested funds to be set aside for the non-district roads. Mayor Browning spoke in favor of Vice Mayor Rockett's comment and the sense of fairness.

## 9. Old Business

- a. Appointment of Planning & Zoning Alternate Member #2

**Motion:** Vice Mayor Rockett moved to appoint Debi Castiglione as Planning & Zoning Alternate Member #2. Councilman Jarriel seconded the motion, which passed unanimously. **(Motion carried 4-0.)**

## 10. New Business

- a. RETGAC Request for the Town Attorney to Research the Liability on Trails & Applicable State Statutes

Town Manager Kutney provided a brief overview of the request.

### Public Comment

Peggy Koyacs, 3695 B Road, spoke about her long-term involvement in the community and read a letter regarding opening the canal easements to the riders. She noted that the riders assume their own risk. Vice Mayor Rockett noted that the Town was in the process of working with the LGWCD in opening up the canals. Councilman Jarriel spoke about the grant providing for a minimum of a 12 mile trail.

**Motion:** Councilman Liang moved to **approve** the request for the Town Attorney to Research the Liability on Trails & Applicable State Statutes. Vice Mayor Rockett seconded the motion, which passed unanimously. **(Motion carried 4-0.)**

## 11. Closing Comments

- a. Public

Debi Castiglione, 3065 C Road, noted that she voted against OGEM on her road and then expressed positive feedback about it.

Marsha Newell, 3508 C Road, expressed that she was favor of the OGEM and spoke about her wheelchair's impact on the speed humps. She also expressed concern for the issue of those who voted against the OGEM and had to pay for it, "black stuff" seeping onto the side of the road.

Jeff Smith, 3410 A Road, expressed positive comments about the OGEM project and thanked those involved.

Ronny Correll, 3442 C Road, expressed concern about the speed humps wasting gas and requested them to be widened.

Cassie Suchy, 3685 B Road, noted that she spoke to a traffic calming expert and will provide the information gathered to Town Manager Kutney.

Clete Saunier, LGWWCD, thanked everyone for the beautiful bouquet arrangement for the passing of his mother.

- b. Town Attorney - *None*
- c. Town Council Members

Vice Mayor Rockett noted that it was great see everyone and thanked the Town Council for their participation.

Councilman Liang thanked the Town Council and spoke of pursuing the definition of rural character.

Councilman Jarriel thanked everyone for coming.

Mayor Browning thanked everyone for coming and spoke in favor of re-addressing the land use on Okeechobee Blvd., defining low impact non-residential and researching the taxes.

## **12. Adjournment**

**Motion:** Vice Mayor Rockett moved to **adjourn** the meeting at 10:17 p.m. Councilman Liang seconded the motion, which passed unanimously. **(Motion carried 4-0.)**

**These minutes were approved by the  
Town Council on Tuesday, April 17, 2012.**

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Janice M. Moore, Town Clerk

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David Browning, Mayor

SEAL