



Town of Loxahatchee Groves

Regular Meeting, September 7, 2010 at 7:00 p.m.

MINUTES

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

Frank R. Spence, Town Manager
Michael Cirullo, Town Attorney; Goren, Cherof, Doody & Ezrol, P.A.
Ann Harper, Town Clerk

1. OPENING

- A. Call to Order/Roll Call
- B. Pledge of Allegiance
- C. Invocation

Mayor David Browning called the meeting to order at 7:10 p.m. following the meeting of the Local Planning Agency. In addition to Mayor Browning, the following Council members were present: Councilmen Ron Jarriel, Ryan Liang, and Jim Rockett, and Vice-Mayor Dennis Lipp. After the Pledge of Allegiance, Mayor Browning gave the Invocation. Present from Staff were Frank Spence, Town Manager, Michael Cirullo, Town Attorney, and Ann Harper, Town Clerk.

D. Additions and Deletions - none

E. Approval of Agenda

Motion was made by Vice-Mayor Lipp, seconded by Councilman Liang, to approve the agenda. The motion carried by voice vote, 5/0.

2. CONSENT AGENDA

- A. Approval of August 2010 Invoice from Town Attorney
- B. Approval of Court Reporting Invoice for Shade Meeting 7/27/10
- C. Approval of July 2010 Financial Reports (FAAC approved on 8/23/10)
- D. Approval of August 3, 2010 Council Meeting Minutes

Motion was made by Vice-Mayor Lipp, seconded by Councilman Liang, to approve the Consent Agenda. The motion carried by voice vote, 5/0.

3. PRESENTATIONS

- A. Florida Department of Transportation (FDOT) District Four - Representative – John Thompson Study to investigate alternatives to widen SR 80 (Southern Blvd.) From CR 880 to Forest Hill Blvd. to meet existing and future traffic demand

John Thompson introduced Silvia Beltre, Consultant for FDOT from the firm of Corzo, Castella, Carballo, Thompson, Salman (C3TS), Engineers, Architects, and Planners. Ms. Beltre said they have a power point presentation outlining alternatives to widen SR 80 from CR 880 to Forest Hill Boulevard. She said that this presentation has been made to the Agency and various public groups. She said SR 80 provides

a link to Lake Okeechobee region and is a principal emergency evacuation route. It also provides service to rural areas of critical economic concern, Belle Glade and South Bay. There will be additional workshops for the public to attend and make comments. The completion of the study is projected to be the summer of 2012.

4. COMMITTEE REPORTS

A. Finance Advisory & Audit Committee Report

(Chair Lung Chiu)

Elise Ryan, Vice-Chair, said the Committee met on August 23rd and approved the July financial statements. The only new issue discussed was the setting up of a website page for the Committee which would serve as a reference document. They also discussed establishing a line of credit which would be available to use if needed. The next meeting is scheduled for Monday, September 27th, at 7 pm.

5. ORDINANCES - PUBLIC HEARING – 2nd Reading – None

6. ORDINANCES - 1st Reading

A.

ORDINANCE 2010-008

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING THE TOWN OF LOXAHATCHEE GROVES ENVIRONMENTAL REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Spence read the title of the Ordinance and said that the Local Planning Agency at their meeting earlier this evening recommended transmittal to the Council as amended. The Council has authority to make any changes they choose to make.

Motion was made by Vice-Mayor Lipp, seconded by Councilman Liang, to approve the Ordinance as amended on first reading, and schedule second reading for October 5th, 2010. The motion carried by roll-call vote, as follows:

AYES: Councilmen Jarriel, Liang, and Rockett; Vice-Mayor Lipp, and Mayor Browning.

NAYS: None.

7. RESOLUTIONS

RESOLUTION NO. 2010-008

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES ADOPTING THE 2009 REVISED PALM BEACH COUNTY UNIFIED LOCAL MITIGATION STRATEGY PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Spence read the title of the Resolution and said with this Resolution, the Town is adopting the Palm Beach County Local Mitigation Strategy (LMS) Plan. It is mandatory for cities to participate with the County in this Plan in order to qualify for reimbursement from FEMA and/or other grant programs that may exist in the event of a hurricane or other emergency. It was called to his attention that the Town has not adopted this plan, and it is in the best interest of the community that this Resolution is approved.

Motion was made by Vice-Mayor Lipp, seconded by Councilman Jarriel, to approve the Resolution.

Councilman Rockett said Exhibit A is not attached to the Resolution. Attorney Cirullo said the Resolution will be changed to incorporate the Palm Beach County Plan by reference. Vice-Mayor Lipp and Councilman Jarriel accepted the change. Councilman Rockett said he is not sure what the Palm Beach County Plan says and he does not know what he would be approving. Councilman Jarriel said he took an eight-hour course with FEMA and it is like a pre-plan, and if you do not have the plan in advance of a disaster, FEMA will not give you the grants. Vice-Mayor Lipp suggested that Councilman Rockett attend the next LMS meeting as the Town's representative. Mayor Browning said we were under this umbrella when we were unincorporated, so this puts us back under this protection.

Mayor Browning called for a voice vote on the motion to approve the Resolution. The motion carried by voice vote, 5/0.

8. OLD BUSINESS

A. Report on 40th Road N Culvert/Title Issues (Town Attorney)

Attorney Cirullo said his office has been working with the District as well as title companies constructing a culvert over the canal and getting access to the road. The culvert will be owned by the Town and the public roadway will be accessible. The Town needs to pursue some rights in the form of easements or other ways. The request is for the Town to take action to put this in place. We are looking for some direction or consensus to move forward.

Councilman Liang said he would abstain from voting because he lives on the street, and he would sign the voting conflict form.

Clete Saunier, Administrator of the Loxahatchee Groves Water Control District, gave a history of this bridge construction project and outlined the concerns of the title companies relating to title issues.

Vice-Mayor Lipp asked how many more of these does he anticipate doing. Mr. Saunier said this is the only bridge being worked on at this time, but there is another landowner in the Town who is considering construction.

Councilman Rockett asked about the Town's responsibility for various bridges, and Mr. Saunier described the bridges and the responsibility of the Town and/or the District for bridge and road maintenance.

Vice-Mayor Lipp said in the future, every five years when the Capital Improvement portion of the budget is prepared, there must be a provision for "future culvert needs" since the bridges will need to be replaced after approximately twenty-five years.

Mr. Spence said that under the Florida accounting regulations, cities are to set up an amortization schedule identifying the life cycle of its assets, and these bridges could become the first assets to work towards a life cycle to set aside reserves.

Motion was made by Councilman Jarriel, seconded by Vice-Mayor Lipp, to authorize Staff to pursue a permit for the culvert and to pursue public access rights for 148th Road North, and if necessary 40th Road North.

Councilman Rockett said this is creating a precedent. Councilman Jarriel disagreed.

After further discussion, Mayor Browning called for a vote on the motion, which carried 4/0 with Councilman Liang abstaining.

9. NEW BUSINESS

A. Discussion of proposed franchise fees for Dumpsters and Roll-offs (Town Manager)

Mr. Spence said this subject came up at a Finance Advisory & Audit Committee (FAAC) meeting and they asked him to look into levying some kind of franchise fee for companies providing dumpsters and roll-off containers in the Town. Under the Town's contract with Waste Pro, there is an exclusivity provision that at such time as a fee is levied, they will agree to pay it. He said he is looking for input from the Council.

Councilman Rockett commented that Waste Pro has exclusive rights in the Town, but some residents have dumpsters from other companies. He asked whether or not we have to enforce the "exclusive rights" in Waste Pro's contract. Attorney Cirullo said the Town needs to have an ordinance in place in order to enforce that provision.

Vice-Mayor Lipp and Councilman Jarriel said we should not go there.

Councilman Liang said he would want to look at how much money the Town would generate, then he would think about it.

Mayor Browning said he thinks the program would cost more than we would recover.

No action was taken on this agenda item.

B. Consideration of banning turtle trapping and hooking in Loxahatchee Groves (Town Manager)

Mr. Spence said last week a man was caught setting traps and hooks for turtles on D Road. Mr. Spence placed a call to Fish & Wildlife to see if there are State regulations and to ask whether or not the Town could pass an ordinance which would ban turtle trapping. He has been told by other sources that turtles are not protected, but since the turtle is the Town's symbol, we do not want to allow them to all be trapped.

Mayor Browning said the Town already contacted Fish & Wildlife and were told that we could not pass any ordinance to cover something over which they have control. He said he thinks that you are legally allowed to trap turtles if you have a fishing license. Attorney Cirullo said he would research that and report back.

Councilman Jarriel said he would like to find out if we can stop people from other cities from coming here and trapping turtles to sell. Residents are allowed to trap one turtle per day.

C. Addendum items (if needed) - none

10. ADMINISTRATIVE UPDATE

- A. Administrative Update
- B. Review of September meeting calendar and consideration of rescheduling or cancelling September 21, 2010, Council meeting. (Manager to be out of town)

The following meetings were scheduled and/or confirmed:

- September 13 – 1st Public Hearing on the Solid Waste Fee and FY 2010-2011 Budget;
Mayor will not be present
- September 21 – 7 pm - Cancel Regular Meeting; Schedule Land Development Regulations Workshop; Council members are to send comments to Town Manager so he can distribute them to other members prior to the LDR workshop
- September 28 – 6 pm - Final workshop on Land Development Regulations with Consultant, Michelle Mellgren
- October 5th – 6 pm – Local Planning Agency (LPA) for LDR Ordinance
7 pm – Regular Council meeting

Councilman Rockett asked whether or not we have any contracts coming up for renewal in the next sixty days. Mr. Spence said he would have to consult the contracts list. Councilman Rockett asked specifically about the contracts related to hurricane debris removal. He asked that the Council consider asking for new quotes and proposals from companies for the hurricane-related contracts.

Mr. Spence said he would provide a list of contracts that expire in sixty days. He said that he would be going out to bid for consulting engineering services for the non-district road maintenance program that the Town will be undertaking. Mayor Browning said he did not think we would be needing that much engineering on every road we take over, because we are going to take over and maintain "as is."

C. Council "Bucket List"

Mr. Spence said it was suggested to him by Vice-Mayor Lipp that the format of the list be revised to include more details, similar to the format used by the FAAC, which shows the status of projects.

11. CLOSING COMMENTS

A. Public Comments

Michael Giarla said he has a safety concern regarding protection because of a problem they are having with neighbors. A nearby house is occupied by minors, and there is underage drinking on the property. The occupants of the house also made a home-made bomb which they used to frighten the horses on Mr. Giarla's property. Michael and Carol Giarla said they have notified the Sheriff's Office, but the officers who responded did not help with the problem. Mayor Browning said the Town would set up a meeting with Lieutenant Combs and the detective in charge of the area in an effort to solve the problem.

Elise Ryan said she is planning an event on October 16th to raise funds for scholarships for students who are studying horticulture. She asked whether or not she will need a permit. Staff will check with the County and advise her.

John Ryan commented on the problem with power poles on C Road.

There being no further discussion and no additional public comment, the meeting was adjourned at 9:15 p.m.



DAVID BROWNING, Mayor

October 5, 2010
Date Council Approved

Attest:



Ann Harper, Town Clerk