



Town of Loxahatchee Groves
Regular Town Council Meeting
Tuesday, December 6, 2011 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 7:02 p.m. Present were Mayor David Browning, Vice Mayor Ryan Liang, and Councilmen 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 - Led by Mayor Browning

c. Invocation - Given by Mayor Browning

d. Additions and Deletions

Councilman Rockett requested the following two (2) items added to 8. Old Business: 1) Capital Improvement: Trimming the Brush on Non-District Roads; and 2) Road Progress of Water Control District. Mayor Browning requested Item 9a. Purchase of Equipment for C.E.R.T. be postponed until January 3rd.

e. Approval of Agenda

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

f. Swearing In of the Planning & Zoning Board Members

Town Attorney Michael D. Cirullo, Jr. swore in the following members: Veronica Close, Robin Crawford, Keith Harris, Grace Joyce, and Dennis Lipp. Lawrence Corning was not present and Fred Schriefer resigned.

Dennis Lipp suggested the Planning & Zoning Board be involved in the development of Okeechobee Boulevard and bring a format to the Town Council for consideration.

2. Consent Agenda

- a. Approval of Minutes: November 1, 2011
- b. Invoices – Goren, Cherof, Doody & Ezrol, P.A. for November 2011
- c. Palms West Presbyterian Church Request for Town Council Approval Related to the Connection of New Potable Water Service with Palm Beach County
- d. Resolution No. 2011-019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE TO QUALIFY AND FILE FOR THE OFFICE OF TOWN COUNCIL MEMBER FOR SEATS 1 AND 3 PRIOR TO THE MUNICIPAL GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 13, 2012, PURSUANT TO THE TOWN CHARTER AND CHAPTERS 97 – 106, FLORIDA STATUTES; THE ELECTION FILING PERIOD OPENS PROMPTLY AT 12:00 NOON ON JANUARY 31, 2012 AND CLOSES PROMPTLY AT 12:00 NOON ON FEBRUARY 7, 2012; SETTING FILING FEES; AUTHORIZING THE TOWN CLERK TO APPOINT ELECTION BOARDS FOR ELECTION PRECINCT 6080; AUTHORIZING THE SUPERVISOR OF ELECTIONS TO CONDUCT THE TOWN ELECTION AND APPROVING THE AGREEMENT BETWEEN THE TOWN AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR ELECTION SERVICES; APPOINTING THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS TO THE TOWN'S CANVASSING BOARD TO HANDLE ALL MUNICIPAL ABSENTEE BALLOTS AND TO REPRESENT THE TOWN OF LOXAHATCHEE GROVES AT ALL LOGIC AND ACCURACY TESTS OF THE OPTICAL SCANNING VOTING EQUIPMENT PRIOR TO THE MUNICIPAL ELECTION; AUTHORIZING THE TOWN CLERK OR DESIGNEE TO HANDLE CERTAIN ELECTION MATTERS; OPTING OUT OF EARLY VOTING; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

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

3. Presentations

Councilman Jarriel presented a plaque and read a thank you note from the Drowning Prevention Coalition of Palm Beach County and Palm Beach County Fire Rescue Volunteer Battalion for the \$500 donation towards the charity golf tournament.

Mayor Browning announced a holiday event on December 9 – 11th at the Old Schoolhouse and asked to give recognition to Roxy.

4. Committee Reports

- a. Finance Advisory & Audit Committee (Meeting 11-18-11)

Vice Chair Elise Ryan reported the following:

- Received new 2011 Budget Book.

- No reclassifications.
- \$74,000 in revenues, \$49,000 in expenses.
- Created new encumbrance column.
- No individual items were over budget; however, some outstanding invoices were being charged to 2011.
- All planning and zoning invoices were charged to development accounts. Town Management to streamline the process.
- PB State College – no account for planning & invoices.
- Discussion about “government light”.
- Account changes made conforming to the Uniform Chart of Accounts.
- Millage documents were not into compliance, but the issue had been resolved.
- Transfer of financial records for 2011 had not occurred. 82 entries made by Town Management. Charge to Town due to not being included in the RFP in contract. Closing out FY 2011.
- Received updated accounting procedures manual.
- Town Management suggested an RFP for banking services and will prepare for Committee at the next meeting for its approval on Monday, January 23rd.

1. Approval of the Final Budget Including Accruals - FY 2011

- a. Final Budget – September 2011
- b. Revised Balance Sheet & Trial Balance – September 2011
- c. Revised General Ledger Detail – September 2011

Motion: Vice Mayor Liang moved to **approve** the Final Budget Including Accruals - FY 2011. Councilman Rockett seconded the motion, which passed unanimously. **(Motion carried 5-0).**

2. Approval of October Financial Statement – FY 2012

- a. Financial Activity Report – October 2011
- b. Budget vs. Actual – October 2011
- c. Bank Reconciliation – October 2011
- d. General Ledger Detail – October 2011

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

5. Public Hearings - Ordinances 2nd Reading - None

6. Ordinances - 1st Readings – None

7. Resolutions

a. Resolution No. 2011-018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES APPROVING A SITE PLAN AMENDMENT FOR THE FIRST SEVENTH DAY ADVENTIST CHURCH OF LOXAHATCHEE GROVES, CONTROL NO. SP(A) 2011-001; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AND EFFECTIVE DATE.

Town Attorney Michael D. Cirullo, Jr. noted that this was a quasi-judicial hearing and swore in those giving testimony. He then read the resolution title and noted that the Staff report was being made part of the record.

Chris Barry, John Schmidt & Associates, noted that the plan was previously approved by the Town Council in 2008, but there were some minor changes. He provided a brief overview and answered questions posed by the Town Council. Jim Fleischmann, Town Planner, provided an overview and noted that Planning & Zoning Board voted in favor of the resolution 5-0.

Public Comment

Grace Joyce, 3886 147th Avenue N, suggested the Staff present first, then the applicant. She requested a Powerpoint presentation from the applicant, so the Public could be more informed. Ms. Joyce agreed with the Town not having a plan for Okeechobee Blvd. and suggested including an equestrian trail.

Motion: Councilman Jarriel moved to **approve** Resolution No. 2011-018. Vice Mayor Liang seconded the motion. In a roll call vote, all voted in favor of the motion with the exception of Councilman Goltzené who voted in the negative. **(Motion carried 4-1).**

8. Old Business

a. Capital Improvement - Trimming the Brush on Non-District Roads

Councilman Rocket requested the Town look into the service and/or the purchasing of equipment Councilman Goltzené, Councilman Jarriel and Mayor Browning expressed in favor of finding out the cost of services. Vice Mayor Liang provided an overview of the service he received for his parents' property. Councilman Goltzené highly recommended that roads needing this service be determination and a calculation of the mileage.

John Choquette, C & C Loader, noted fiber optic cables along the road and that he was looking into some equipment options.

Frank Schoila, solid waste contractor, spoke about two (2) companies in the Orlando area that provided these services and other related farm services, but were not available to visit the Town. He said he was not in favor of purchasing equipment.

Following discussion, Town Manager Kutney was directed to research the cost of services and report back at the January 3, 2012 meeting.

Clete Saunier, LGWCD, noted that there were certain roads that were overgrown and that equipment could not get into roads. He suggested having someone with a chainsaw.

b. Road Progress of Water Control District

Mr. Saunier reported that an RFP was to be advertised for the placement of OGEM on all district roads February through May 2012. He noted that road signs would be posted during the project directing traffic.

9. New Business

- a. Purchase of Equipment for C.E.R.T. – *(postponed until January 3, 2012)*
- b. Noise Measurement Certification

Councilman Jarriel spoke about the availability of the noise measurement device and suggested one (1) or two (2) more people be certified. He reported a cost of \$595 per seminar for 10 people. Town Manager Kutney explained that these people would be a witness for code enforcement violations and would need to work with police officials.

Frank Schiola, Solid Waste Contractor, spoke about the noise measurement certification. He suggested an after-hours call line for emergencies only.

Dennis Lipp, 13402 North Road, spoke about a City of Port St. Lucie ordinance regarding low base noises, giving police officers the ability to respond.

Todd McLendon, 3481 D Road, spoke in favor of having the right people for the certification.

Town Manager Kutney said he would look into researching the cost and securing of additional training. He noted that the certified person's testimony would be solicited for special magistrate hearings.

Motion: Councilman Jarriel moved to come back with a plan at his flexibility. Councilman Rockett seconded the motion, which passed unanimously. **(Motion carried 5-0).**

10. Administrative Update

Town Manager Kutney reported the following:

- Folsom Road – located in our corporate limits. Town has the authority to take down “No Through Trucks” sign on the two (2) lane road.

Motion: Councilman Jarriel **moved** to remove the sign on Folsom Road. Vice Mayor Liang seconded the motion.

Motion: Councilman Goltzené **directed** Town Attorney Cirullo to outline the process for possible town-district merger and to give legal direction on the possible problems. Councilman Rockett seconded. **(Motion carried 5-0).**

- The Newsletter was mailed on December 2nd.
- 148th Terrace North Bridge – Engineer reported that contractor performed a good job.
- HB7207 – Growth Management and Planning Laws – Automatic two (2) year waiver after 2012. \$76 fee – intention is to use the county’s form and fee to offset. There were no objections.
- Planning & Zoning Board Request – Alternates would like to participate in discussion; however, the current ordinance does not provide for this. **Motion:** Councilman Goltzené moved **amend** the ordinance to include “The Town of Palm Beach Method” with alternates being allowed to participate. Vice Mayor Liang seconded the motion. **(Motion carried 5-0.)**

Town Manager Kutney reminded Mayor Browning to discuss the school bus stops under his report.

11. Closing Comments

a. Public

Marge Herzog, A Road, regarding the Town-District merger, she asked if Wellington was contacted. She suggested talking to others on the Board and that the Palm Beach County Commission needed to be involved in the process. She inquired about the wires on Okeechobee and F Road. Ms. Herzog suggested that the sign on Folsom Road be kept with the spare signs to use for replacing the unsightly ones. She requested to firm up B Road due to the large amount of sand.

Frank Schiola read a letter from the Loxahatchee Groves Elementary School regarding the recent donation from the Town. He noted that Underwood Management Services also made a donation. Mr. Schiola recognized Mayor Browning and Sharyn Browning for reading *llama, llama, red pajama*. He announced that Career Day was scheduled for December 16th.

b. Town Attorney Comments - Merry Christmas, Happy New Year.

c. Town Council Members

Councilman Rockett requested to add the following to tomorrow's IGC meeting: discussion of speed bump issue included in resurfaced roads. He wished everyone a great Merry Christmas and Happy Holidays.

Vice Mayor Liang wished everyone a Happy Holidays and noted that he was the 1st person to use the Culvert.

Councilman Jarriel thanked everyone for attending the meeting and encouraged everyone to enjoy the holidays.

Councilman Goltzené wished everyone a Merry Christmas, Happy New Year

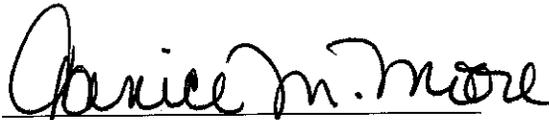
Mayor Browning wished everyone Happy Holidays.

Town Manager Kutney reminded the Town Council to bring an unwrapped toy to the Tri Cities Barbeque on Friday.

12. Adjournment

Councilman Rockett moved to **adjourn** the meeting at 9:29 pm. Councilman Goltzené seconded the motion, which passed unanimously. **(Motion carried 5-0).**

**These minutes were approved by the
Town Council on Tuesday, January 3, 2012.**


Janice M. Moore, Town Clerk


David Browning, Mayor

SEAL