



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 148th 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 2nd 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 2nd 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 - 1st 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 148th 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 6th 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 40th 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 not pleased that 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 140th.

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 140th 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. 12th.

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 agri-tourism 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 2nd meeting of the month.

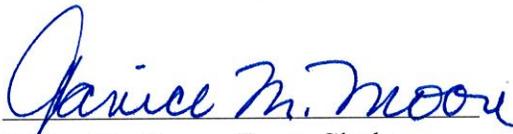
Councilman Rockett also expressed a strong concern for a second occurrence regarding the disrespectful comments to the town clerk made by a resident during a meeting. Councilman Goltzené agreed with Councilman Rockett and suggested adopting civility rules. Council Jarriel apologized to Town Clerk Moore 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.

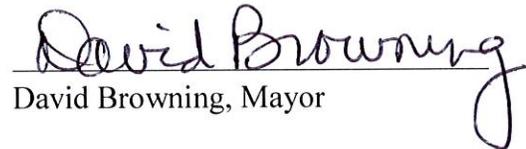
Mayor Browning announced that the next Town Council Meeting was Thursday, March 6th.

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.**


Janice M. Moore, Town Clerk


David Browning, Mayor

SEAL

RETGAC Greenway Committee Meeting Report 1/10 and 1/24/12

Staff Grant Writer attended the meetings
Approved minutes are not available at this time

1. Creation of a Vision Statement

We recommend a motion to accept the creation of the following Vision Statement as created by the RETGAC:

Development of a Recreational Greenways and Equestrian Trail Network for the Rural Town of Loxahatchee Groves.

2. Easement Recommendation

- a. We recommend that the town preserve and enhance all possible existing and available easements in Loxahatchee Groves.
- b. Future development should provide easements for trails and Greenways. Planning and Zoning Committee will need council's direction to assure provision of such easements for the Greenways and Trails.

3. Grants

We met with the staff's grant writer twice and are getting to know what is needed for the grants. The Town Manager will report further.

4. Trail Identification

Most North-South and some East-West Trails are identifiable. However, the East-West connectivity tends to need more creativity. A committee member has volunteered to obtain the necessary maps from LGWCD. Any assistance is appreciated and committee will advise council if any further assistance will be needed.

5. Priority

- a. Motion recommended to recognize and support F Rd. upgrades a priority to allow an effective trail from the Loxahatchee Groves Park to the Royal Palm Pines Natural Area and possibly with County's help, horse trailer parking in those parks. The effective trail from park to park will include improvements to the existing trail and a continuation of the existing trail across Collecting Canal and along F Rd. to the Loxahatchee Groves Park. Please consider the importance of the park to park connection.

- b. The RETGAC Committee has voted to supports the "Southern Greenway" AKA Linear Park. A better easement from B Rd. to D Rd. using 6th Court North has been discussed. The Committee supports the 6th St. Culvert Connection just East of C Rd and the use of 6th Court North from B to D Road. Council may wish to coordinate with Loxahatchee Groves Water Control District (LGWCD) to obtain more easement from the developer on 6th Court North from C to B Rd. (A continued easement width of up to 30' and clearing of the invasive plants in the easement was discussed. A better easement is encouraged prior to development, not waiting for what may potentially take years to develop, while not limiting the future width of the Southern Greenway and Buffer, AKA Linear Park.)

6. Signage

Signage is being studied for the town's greenways and trails, including but not limited to 6th Court North. Replacements for lost signs "Slow For Horses" is also being looked into.