



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, November 20, 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 Susan A. Eichhorn
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Upon roll call, those present were: Mayor David Browning, Vice Mayor Jim Rockett, and Council Members Tom Goltzené, Ronald Jarriel and Ryan Liang. Also present were: Town Manager Kutney, Town Planning Consultant Jim Fleischmann, Town Planning Technician Braeden Garrett, Town Attorney Michael D. Cirullo, Jr., and Town Clerk Susan Eichhorn.

- b. Pledge of Allegiance & Invocation – Mayor Browning

- c. Approval of Agenda

The following changes were made to the Agenda:

MOVE: 8.a. to become 3.b.

Motion: The Agenda was approved, as amended, through motion of Council Member Liang, seconded by Council Member Goltzene. The motion passed 5/0.

2. CONSENT AGENDA

- a. Minutes for Approval: Minutes of the Town Council Meeting held on October 2, 2012; Minutes of the Joint Meeting of Town of Loxahatchee Groves Town Council and Loxahatchee Groves Water Control District (LGWCD) held on October 16, 2012; Minutes of Special Town Council Meeting Held on November 12, 2012

Mayor Browning noted that there was an amendment to the Minutes of the Joint Meeting of Town of Loxahatchee Groves Town Council and Loxahatchee Groves Water Control District held on October 16, 2012:

Addition of language under Item 2 (page 26 of 210 of the Agenda Packet): Mayor Browning commented that it was the intent of both boards to give the Town control of the roads to be included, and that there was agreement that the Town could design the speed humps. Town Attorney Cirullo replied that, within the design criteria, the Town could set the standards.

Also, under item 2, 8th paragraph: Deletion of the language “and South “F” Road would be included”: Vice Mayor Rockett noted that it would include North “F” Road and South “F” Road, and North Road ~~and South “F” Road would be included.~~

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

Motion: Vice Mayor Rockett moved approval of the Consent Agenda, with the amendment to the Minutes of the Joint Meeting of Town of Loxahatchee Groves Town Council and Loxahatchee Groves Water Control District (LGWCD) held on October 16, 2012. The motion was seconded by Council Member Jarriel. The motion passed 5/0.

3. PRESENTATIONS

- a. Girl Scout Troop Presentation Regarding Girl Scout Program in Conjunction with Loxahatchee Groves Elementary School – *Tracie Schiola, Girl Scout Troop Leader*

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Tracie Schiola leader of Girl Scout Troop 20673 requested putting a collection bin in the town offices for a service project for items donated to families and children in need at Loxahatchee Groves Elementary School.

It was determined that a bin would be put in the town offices year round.

Motion: Vice Mayor Rockett made a motion that the Town Council make a cash contribution of \$500 to Loxahatchee Groves Elementary School for children in need. The motion was seconded by Council Member Liang. The motion passed 5/0.

- b. Initiative Proceedings for Repeal of Town of Loxahatchee Groves ordinance 2012-04 and 2012-05 (Palm Beach State College)

Town Manager Kutney reviewed the initiative proceedings for the repeal of Ordinances 2012-04 and 2012-05. He stated that Amanda Guerry had asked to be removed from the committee. With that, he turned it over to Town Attorney Cirullo.

Attorney Cirullo stated that the Town Charter provided for an initiative proceeding. He reviewed the request of the committee. He noted that there was a statute that prohibited referendum for comp plan amendments, and that gave him pause that this referendum was not appropriate, notwithstanding the Town's Charter. It was premature at this time to try to determine whether this was a valid question, because ultimately that would need to be done by a judge if the committee can reconstitute itself and pursue the initiative proceeding.

Comments by the Town Council:

Vice Mayor Rockett requested that the Town Attorney prepare a Resolution for the Town Council that would re-state its position regarding the Palm Beach State College. It was the consensus of the Town Council to agree with that request.

Council Member Ron Jarriel commented that he would not support this petition, and that he did not think that those asked to be on the committee had not been advised of what exactly was involved; he stated that people had ample time to come before this Town Council.

In response to several comments, Town Attorney Cirullo explained that the committee did not ask the Town Clerk to create the form to be signed; they had provided their own form. One of the items on that form was the date of collection, and if that date did not correspond with the date that they had an active committee, that would be another basis for requiring a judge to resolve the issue.

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Mayor Browning and Vice Mayor Rockett commented in support of the college. Discussion continued.

Council Member Goltzené commented that if the ordinances were repealed, the college could end up with commercial property on which they could put up a shopping center or something else.

Council Member Liang commented that he hoped that the pros and cons and possible ramifications were fully explained, and that folks had a right to file the petition, but that he hoped there was full explanation.

Public Comments:

Lung Chiu, 3270 “B” Rd.: Commented in support of the college

Frank Schiola, Marcella Blvd.: Commented in support of the college, the results if such a referendum went through, and if the people on the committee could be a party to a lawsuit.

Town Attorney Cirullo responded that if it got to the point where it unfortunately went through and the referendum, passed, the Town would definitely have to deal with some very significant issues for the Town. He noted that there was a right in the Charter, however, it may be limited by State law on this subject.

Todd McLendon, 3481 “D” Rd.: Mayor Browning read Mr. McLendon’s comments into the record, as requested by Mr. McLendon. The comments were submitted for the record to the Town Clerk.

Howard Voren, 1538 “E” Rd.: Commented regarding amending the Charter to include a time limit for an initiative, educating citizens as to what they were signing, looking into the possibility of the Town taking some legal action.

Phil Liu, 4245 148 Terr.N.: Commented regarding children or family relatives of Town resident who may go to the college, and if people do not live in the location, the roads and traffic would not affect them.

Darlene Snowball, 161st Terrace North – commented that her family has been here since the 1960s. Growth was inevitable, and the people that are against this, should know that we are very blessed to have a college, rather than commercial. The college was wonderful for the town; she suggested that the Town could end up with a Walmart, Target, etc.

Motion: Vice Mayor Rockett made a motion to request the Town Attorney to prepare a resolution in support of the college, and to provide some legal analysis of options for the Town at the next meeting. The motion was seconded by Councilman Jarriel.

Councilman Jarriel commented that a letter had been received from the attorneys representing the college, and read excerpts of the letter. He stated that there was no doubt in his mind that a referendum would result in a vote of support for the college.

The motion passed 5/0.

Council Member Liang commented that he had heard comments saying that the voters do not have a voice, and he noted that during the past two years, there had been multiple workshops for the public to discuss the college, and he had not heard too many people saying that they were against the school; there had been some issues regarding traffic.

Mayor Browning commented that the only people who had called him were some who lived very close to the project and they were all on board. No one else had called him on this. If citizens had a problem he encouraged them to call someone.

Council Member Jarriel commented that he wanted it put on the record that these people approached the Loxahatchee Landowners Association and they voted not to support it. They support the college and do not support the petition.

Mayor Browning commented that they also had approached Sunsport, and they too are very much in favor of the college.

4. COMMITTEE REPORTS

- a. FAAC Report & Approval of the August/September 2012 Financial Report – Vice Chair Elise Ryan

The FAAC Report was provided by Chair Lung Chiu.

Motion: Vice Mayor Rockett moved approval of the August/September 2012 Financial Report. The motion was seconded by Council Member Liang. The motion passed 4/0, as Council Member Jarriel had briefly left the dias.

5. PUBLIC HEARINGS (Ordinances 2nd Reading)–

a. Ordinance No. 2012-08

AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO CREATE A NEW ARTICLE 41, ENTITLED “PLANNED UNIT DEVELOPMENT (PUD)”; PROVIDING FOR PURPOSES AND INTENT, LAND USE AND DEVELOPMENT INTENSITY REGULATIONS, OBJECTIVES AND STANDARDS INCLUSIVE OF DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS, APPLICATION REQUIREMENTS, AND AMENDMENTS TO APPROVED PUDS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read Ordinance No. 2012-08 by title, as printed above.

Town Planning Consultant Jim Fleischmann provided the staff report, and reported that staff recommended approval of Ordinance No. 2012-08.

Mayor Browning opened the Public Hearing.

There was no one desiring to speak

Mayor Browning closed the Public Hearing.

Motion: Vice Mayor Rockett made a motion to adopt Ordinance No. 2012-08. The motion was seconded by Council Member Jarriel. The motion passed 5/0.

b. Ordinance No. 2012-09 (Quasi-Judicial Public Hearing)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 1.76 ACRES, MORE OR LESS, LOCATED ON SOUTHERN BOULEVARD, APPROXIMATELY 900 FEET EAST OF "C" ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE, FROM PALM BEACH COUNTY ZONING DESIGNATION COMMUNITY COMMERCIAL (CC) TO THE TOWN'S ZONING DESIGNATION COMMERCIAL LOW (CL); PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo advised that this was a quasi-judicial matter. Town Attorney Cirullo administered the oath to staff. There was no member of the public wishing to speak. Town Attorney Cirullo read Ordinance 2012-09 by title, as printed above.

Town Planning Consultant Jim Fleischmann provided the staff report, and reported that staff recommended approval of Ordinance 2012-09.

The Public Hearing was opened.

There was no one desiring to speak.

The Public Hearing was closed.

Councilman Goltzené commented that one thing to keep in mind was that these properties remain just pepper jungles with tires everywhere and maybe something should be done to clean up these type of properties. He noted that this particular property, as well as others up there, were places where bums hang out.

Town Manager Kutney responded that he would write to the owners requesting that they clean up the property

Motion: Vice Mayor Rockett made a motion to adopt Ordinance No. 2012-09. The motion was seconded by Councilman Jarriel. The motion passed 5/0.

6. **ORDINANCES** (1st Reading)

a. Ordinance No. 2012-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE NO. 2012-06 TO EXTEND THE MORATORIUM IMPOSED THEREIN UNTIL MARCH 30, 2013; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read Ordinance No. 2012-10 by title, as printed above. He noted that staff had commenced a review of the comprehensive plan, and more time was needed to complete that.

The Public Hearing was opened.

There was no one desiring to speak

The Public Hearing was closed.

Motion: Vice Mayor Rockett moved approval of Ordinance No. 2012-10 on first reading. The motion was seconded by Councilman Liang. The motion passed 5/0.

b. Ordinance No. 2012-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 1.0028 ACRES MORE OR LESS OF PROPERTY LOCATED ON SOUTHERN BOULEVARD, APPROXIMATELY 350 FEET WEST OF "D" ROAD, AND 5.90 ACRES, MORE OR LESS, LOCATED AT 14579 SOUTHERN BOULEVARD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE, FROM PALM BEACH COUNTY ZONING DESIGNATION GENERAL COMMERCIAL (GC) TO THE TOWN'S ZONING DESIGNATION

COMMERCIAL LOW (CL); PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read Ordinance No. 2012-11 by title, as printed above.

Town Planning Consultant Fleischmann provided the staff report, advising that staff recommended approval.

Motion: Council Member Liang made a motion to approve Ordinance No. 2012-11 on first reading. The motion was seconded by Council Member Jarriel. The motion passed 5/0.

7. RESOLUTIONS

a. Resolution No. 2012-19

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE CREATION OF THE “UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE” ; PROVIDING FOR DUTIES OF THE COMMITTEE; PROVIDING FOR THE METHOD OF APPOINTMENT OF COMMITTEE MEMBERS; PROVIDING FOR COMPLIANCE WITH FLORIDA’S SUNSHINE LAW AND PUBLIC RECORDS LAW; PROVIDING FOR PROCEDURAL MATTERS OF THE COMMITTEE; PROVIDING FOR SUNSETTING OF THE COMMITTEE; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo stated that the Town Council had directed the preparation of a resolution to create a committee to review the land development code. He explained the details of the resolution. All Unified Land Development Codes changes would need to go back to the Planning & Zoning Board for recommendations to the Town Council.

Attorney Cirullo noted that the Resolution did not provide for the appointment of alternate members, nor did it address attendance problems. He stated that the Town Council could choose to pass it now or amend it, and staff will bring it back.

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Town Manager Kutney noted that there was a sunset provision of December 31, 2013, in the Resolution. He referred to his Agenda Report, with Work Authorization No. 12-04 in the amount of \$16,475.00 for the Town Management Company to undertake the required activities and ultimate completion of the committee.

Motion: Vice Mayor Rockett made a motion to adopt Resolution No. 2012-19 with the amendment to Section 2.I.(b) of the Resolution (Amended to read: Each member of the Unified Land Development Code Review Committee shall be an elector of the Town). The motion was seconded by Council Member Liang.

Public Comment:

Howard Voren, 1538 "E" Rd: Commented regarding the structure of the ULDC Committee.

Discussion then took place regarding the number of members that would compose the Committee, and the method of operating.

Town Manager Kutney suggested that staff would prepare an agenda and divide it up to a cap of 18 meetings. A section of the Code would be reviewed at each meeting, with the history provided, as well as any problems that have occurred. Any information provided to him by the Town Council could be incorporated in the information presented to the Committee; the Committee could request further information, and that is how he saw the process working.

Vice Mayor Rockett expressed concern with adding committees to the list of things to do, noting that there was a limit, and that there were now eight or nine meetings per month.

Town Manager Kutney stated that if cost was a factor, an alternative would be to reserve the second meeting of the Town Council each month for review of the ULDC.

Public Comments:

Virginia Standish, 15140 North Rd.: Commented regarding the ULDC Committee; that there are people willing to help.

Larry Lefkowitz, 3485 "D" Rd.: Commented regarding the motivation behind creating a ULDC Committee.

Mayor Browning commented that it was the hope that residents would contact staff and the Town Council with issues relating to the ULDC. Then the committee could work on those.

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Marge Herzog, 966 "A" Rd.: Commented regarding the contract and duties of the present Management Company.

Cassie Suchy, "B" Rd.: Commented regarding the rules and protocols involved with committees, and suggested an open forum for suggestions that the committee could then consider.

Discussion took place regarding how the committee would look at subjects. It was suggested that one mechanism of controlling the volume of work would be for the Town Council to tell the Committee the items on which it needed advice. The first step would be to determine those items.

Motion: Vice Mayor Rockett added to his motion to adopt Resolution 2012-19, as amended (Amended to read: Each member of the Unified Land Development Code Review Committee shall be an elector of the Town); to include that the subject matter for the Committee would come from the Town Council through the Town Manager. The seconder of the motion agreed.

Town Manager Kutney clarified that the Town Council would identify priorities.

Mayor Browning stated that we are talking about doing the areas we have problems with. We need to go through and customize what we need to take care of. I am not looking to re-address the whole thing.

The motion passed 5/0.

*****A brief break was taken at 8:55 p.m. – the meeting resumed at 9:01 p.m.*****

Motion: Councilman Jarriel made a motion to approve Work Authorization 12-04, in the amount of \$16,475.00. The motion was seconded by Vice Mayor Rockett.

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Council Member Goltzené commented that the review of the ULDC was not government light, and that if we are going to work toward government light, it is going to cost us something to get there.

Public Comment:

Marge Herzog, 966 "A" Rd.: Commented with concerns that the Management Contract was not being fulfilled, and that audio posting and a newsletter had been paid for and not fulfilled, and that it was time to say no.

Councilman Goltzené responded that the work authorization was being discussed at this time, and that he was quite satisfied with the work that Underwood Management was doing.

Vice Mayor Rockett commented that one problem is that it is strange in the years that we had prior management companies, none of the issues were raised about lack of things being done, and there had been a lack of things being done. Both videos and audios were being posted on the web, which was more than what was called for in the current management contract.

The motion to approve Work Authorization 12-04 passed 5/0.

b. Resolution No. 2012-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Town Attorney Cirullo read Resolution 2012-20 by title, as printed above.

Motion: Council Member Liang made a motion to approve Resolution No. 2012-20. The motion was seconded by Vice Mayor Rockett. The motion passed 5/0.

8. ADMINISTRATIVE UPDATE – Town Manager Kutney

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Town Manager Kutney reported that there was still a member vacancy on the Finance Advisory & Audit Committee (FAAC). He advised that there was a vacancy for alternate #2 on the Planning and Zoning Board. The alternate #1 position was currently held by Veronica Close, and her appointment had been for one year, and she needed to be reappointed.

Motion: Vice Mayor Rockett made a motion to reappoint Veronica Close as alternate #1 on the Planning and Zoning Board for another year. The motion was seconded by Council Member Goltzené. The motion passed 5/0.

Public Comment:

Marge Herzog, 966 "A" Rd.: Commented that Byrnes Guillaume had made a request to be on the Planning and Zoning Board.

Mayor Browning replied that his name had been brought up for the FAAC to take Ken Johnson's place. Mayor Browning said that he would also like to see a list of potential people for vacant board/committee positions.

Town Manager Kutney responded that he would check with Mr. Guillaume, and that notices were on the Town website and in Town Hall for board/committee vacancies.

Town Manager Kutney reported that the Town had received a perfect compliance letter from the State of Florida, Department of Financial Services for its TRIM documents.

Town Manager Kutney referred to the Tri-City Barbeque, and advised that the Town staff would RSVP for everyone. He addressed the upcoming Holiday Parade, and discussion took place regarding specifics.

Town Manager Kutney referred to the Community of Hope outdoor event; the annual Christmas event. He noted that staff had met recently with Billy Langley regarding the requirement for a special event, and there was not time to go through the formal approval process. He requested that the Town Council allow staff to review the application, administratively approve it, and bring it back to the Town Council at the December 4, 2012, Town Council meeting for approval.

Town Attorney Cirullo stated that when the issue came up there was dialogue that it would be considered a zoning in progress, and when the ULDC was re-done, we would make the code match that. The Town Council had previously given the prior management company authority to review these types of applications.

Mayor Browning commented that he thought that there had been a kind of special consideration for this event every year.

Billy Langley, representing Community Of Hope 14055 Okeechobee Blvd.: Commented regarding the outdoor event and that the Community of Hope wanted to do it the right way, and had gotten information ready for the Town. There had been previous years when traffic had been a real issue, and improvements had been made in handling that traffic. He reviewed some of the details of the traffic plan. The program had also been changed so that people could leave the parking lot much sooner than previous years. There would be peak times, but he believed there will be a major improvement in those peak times and traffic issues.

Town Manager Kutney noted that he had advised Mr. Langley that the Town handled these types of permits with cost recovery, and had indicated that he could not waive those costs, and that Mr. Langley was free to address it with the Town Council.

Council Member Goltzené and Council Member Jarriel stated that they would like to see the Town waive the costs.

Town Manager Kutney recommended to the Town Council that they approve this subject to staff review and if there is any issue with insurance, etc., and if there is anything that has to come back to you then we will bring it back to the Town Council at the December 4, 2012 Town Council meeting.

Motion: Vice Mayor Rockett made a motion to approve this application, subject to staff review, and any additional information would be brought back to the December 4, 2012, Town Council meeting. The motion was seconded by Council Member Jarriel. The motion carried 5/0.

9. OLD BUSINESS

a. WBI Contracting Invoice

Town Manager Kutney addressed the invoices from WBI Contracting of Palm Beach, Inc., for emergency repair and response work during the recent storm. He explained that the Town was being asked to cover this expense by the Loxahatchee Groves Water Control District (LGWCD), even though the Town Manager had not been consulted about the work. After discussion with

LGWCD Administrator Saunier, Mr. Saunier had indicated that communication with the Town had been overlooked by LGWCD and that it was his understanding that without immediate response, the situation would have continued to deteriorate and result in more property damage, and the oversight was not intentional. The total cost of the invoices was \$2,177.00.

Motion: Council Member Jarriel made a motion to approve reimbursing the LGWCD for the invoices from WBI Contracting of Palm Beach invoices in the amount of \$2,177.00. The motion was seconded by Council Member Liang. The motion passed 5/0.

Vice Mayor Rockett clarified that in this type of situation, unless Town Manager Kutney or his staff was contacted, the LGWCD should not be doing this work. This was the last time invoices would be approved without the proper procedures being followed.

10. NEW BUSINESS

- a. Renewal Agreements (Bergeron Emergency Services, Inc. Extension Agreement; C & C Loader Service, Inc. Extension Agreement, Tag Grinding Services, Inc. Extension Agreement; O'Brien's Response Management, Inc. Extension Agreement)

Town Manager Kutney reviewed the debris/disaster agreements. He noted that all of them allow for an additional one year term, and there were no cost increases.

Motion: Vice Mayor Rockett made a motion to approve the renewal agreements for Bergeron Emergency Services, Inc., C & C Loader Service, Tag Grinding Services, Inc., and O'Brien's Response Management. The motion was seconded by Council Member Jarriel.

Public Comment:

Frank Schiola: Commented regarding any assignment clause that may be in the agreements. Town Manager Kutney advised that he would review that.

The motion passed 5/0.

- b. Rescheduling of January 1, 2013 Town Council Meeting

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Town Manager Kutney reviewed the options for rescheduling the January 1, 2013, Town Council meeting, and recommended meeting on January 15, 2013.

It was the consensus of the Town Council to cancel the Town Council meeting scheduled for January 1, 2013, and re-schedule the meeting for January 15, 2013.

- c. Motion and Agreement on Roadway Issue as a Result of the Joint Meeting of the Town of Loxahatchee Groves Town Council and the Loxahatchee Groves Water Control District Held on October 16, 2012.

Town Attorney Cirullo referred to the Joint Workshop meeting held on October 15, 2012 and noted that it was the consensus to start the process of transitioning whatever rights the LGWCD has to public roads to the Town. It was directed to come back with an appropriate motion. Attorney Cirullo noted that the consensus had been to begin the process with the transfer of the roads that were surfaced with Open-Graded Emulsified Mix (OGEM). Those roads were identified at the Workshop as:

The four roads listed in Chapter 2011-257, Laws of Florida ("Special Act"):

- A" Road from Okeechobee Boulevard to North Road, and North Road for approximately ¼ mile east of "A";
- "C" Road South, from Collecting Canal Road to Okeechobee Blvd., and Collecting Canal approximately ¼ mile each direction from "C" Road;
- "C" Road North from Okeechobee Blvd. to North Road and North Road for approximately ¼ mile each direction from "C" Road; and,
- "D" Road from Okeechobee Blvd. to North Road and North Road approximately ¼ mile each direction from "D" Road;
- Marcella Boulevard; and,
- Compton Road

He also noted that in reviewing the issue with the LGWCD Board of Supervisors, Bryan Road also came up. The district may not have any rights on that road, but the thought process was to put that on the list so that it could be confirmed.

Town Attorney Cirullo read the motion into the record.

Motion to assign, transfer or otherwise convey as necessary, District rights in certain roads to the Town and to authorize Town Administration and Town Attorney to coordinate and develop the plan of action necessary to accomplish such, and report back to the Town Council, for the following roads: North A Road, North C Road, South C Road, North D Road, Upper North Road, F Road, Marcella Boulevard, Compton Road and Bryan Road.

Councilman Liang moved approval of the motion. The motion was seconded by Councilman Jarriel.

Councilman Goltzené commented that it was his understanding that certain funds were borrowed by the District for maintenance or re-surfacing, and questioned whether the Town was taking responsibility for that as well.

Attorney Cirullo replied that the reason the motion was structured like it was is that there are going to be a lot of issues to resolve, but direction was needed before staff could undertake that work.

The motion passed 5/0.

Public Comment:

Virginia Standish, 15140 North Rd.: commented regarding the joint workshop and specific roadways; reviewing surveys, especially for North Road; what Town ownership of the roads would entail. She said that people wanted to know if they would be reimbursed for what they paid on their tax bill, or was the Town just going to take over the debt. She clarified that the people paid the tax bill for the OGEMing of roads, and the Town would not get easements without compensating the owners. She stated that she did not hear a definition for the term “public”. Horses and cattle still had the right of way in this State.

Town Manager Kutney referred to the fact that the Town Council had floated the idea of paying \$360,000 for the purpose of satisfying the debt for the OGEM project, and that was turned down by the LGWCD. Now, that was open for review and staffs were working to see how that will be addressed when the Town takes over the roads.

Councilman Goltzené stated that the Town Council had never made a decision to OGEM any road other than North Rd. and Collecting Canal. All others had been citizen initiated or done through the County. The Town was only assuming maintenance responsibilities from the LGWCD with the goal of bringing a unified system under one roof.

d. Compton Road Issue

Town Manager Kutney reported that this issue had been brought forward at the October 2, 2012, Town Council meeting, and that he had been quite concerned as a result and went to the area in question on October 4, 2012, accompanied by Councilman Goltzené. He provided photos of the area, noting that there had not been any standing water on the properties, and that the west part of the culvert had been stopped up, but cleared when Mr. Goltzené moved the dirt and debris. The water started moving, and the area was now bone dry. There was vegetation in the ditch, and if the residents wanted the Town to remove that, it could be added to the list of projects. His recommendation was to put it on the list and try to work on it; it did not seem necessary to do anything immediately.

Discussion took place regarding roadway elevation, fixing the problems before the next rainy season, the LGWCD ensuring that drains into their canals were clear; the importance of getting an RFP for services so that there would be someone available to do the work when it was needed.

Public Comment:

Joe Hosford, 13244 Compton Rd.: Commented that the issue was not the end of the canal; after the storm he couldn't get his mail for five days, and had problems for five weeks. The middle of the road was the worst area because people do not clean out their drainage ditches.

Frank Schiola, 13434 Marcella Blvd.: Commented that the "F" road culvert had been totally blocked during the storm, and both sides of it had been cleaned out. He spoke about collapsed culverts, the low road, and culvert pipes. He noted that there was a lot of water on Compton and the water had no place to go.

11. CLOSING COMMENTS

a. Public

Mayor Browning read a comment card from Linda Isaacs, 12881 Marcella Blvd., into the record, as requested by Ms. Isaacs, regarding revisiting an ordinance related to vegetation on the streets, and property owners being billed for removal.

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Virginia Standish, 15410 North Rd.: Commented regarding a presentation by Land Design South at the Palm Beach County Convention Center.

b. Town Attorney

1. Proposed letter regarding Attorney General Opinion

Town Attorney Cirullo presented the request for an Attorney General Opinion for review and authorization to forward to the Attorney General.

Vice Mayor Rockett questioned a citing referred to in the letter, and Town Attorney Cirullo verified that it was correct.

Motion: Vice Mayor Rockett made a motion to authorize Town Attorney Cirullo to forward the letter to the Attorney General. The motion was seconded by Council Member Jarriel. The motion passed 5/0.

c. Town Council Members

Vice Mayor Rockett: Thanked everyone and Happy Thanksgiving.

Council Member Liang: Thanks for coming and Happy Holidays.

Council Member Jarriel: Asked about monthly newsletters. Town Manager Kutney responded that the first newsletter that had been done had been quite costly. Discussion had taken place about a newsletter that may be generated from the new website. Council Member Jarriel suggested one important newsletter at the beginning of the year to say what had been accomplished in the past year and what would be accomplished in the next year.

Council Member Goltzené: Commented that a lot of criticisms come from sources that were close with previous Town Management firms. Thanked everyone for coming to the meeting.

Mayor Browning: Commented that he had received a comment from a resident who feels that he has no place to put his clippings and yard stuff. He noted that he had received a call from a resident on "A" Road saying that some of the equestrians have not closed her gate and it might be good to have an open fence for people to get their horses through there. People are now going through the fence and not putting it back up. Council Member Jarriel commented that the west

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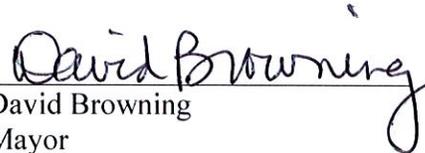
side of the canal is our future equestrian trail. To fence off her five acres would not be expensive and it would protect her property and that way we would be paying part of the request.

12. ADJOURNMENT

There being no further business, the Town Council meeting of November 20, 2012, was adjourned at 10:50 p.m.



Susan Eichhorn
Town Clerk



David Browning
Mayor

**These minutes were approved by the
Town Council on Tuesday, March 5, 2013**