



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, June 3, 2014 at 7:00 p.m.

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

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

Town Manager Mark Kutney
Town Clerk Janet K. Whipple
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:01 p.m. Present were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen Tom Goltzené, and Jim Rockett. Also present were Town Manager Mark Kutney, Town Attorney Mike Cirullo, Town Planning Technician Braeden Garrett, Town Planning Consultant Jim Fleischmann, and Town Clerk Janet K. Whipple. Councilman Ryan Lang was not present at this time.

- b. Pledge of Allegiance & Invocation – Mayor Browning

- c. Approval of Agenda

Town Manager Kutney requested that a presentation by Frank Schiola be added to *Presentations* as Item "d."

Motion: Councilman Rockett made a motion to approve the Agenda, as amended. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.

2. CONSENT AGENDA

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

b. Minutes for Approval:

- May 6, 2014, Town Council Meeting

c. Approval of Connection of New Potable Water Service with Palm Beach County, Norma Davis – 14685 40th Street North, Loxahatchee Groves, FL 33470

Motion: Vice-Mayor Jarriel made a motion to approve the Consent Agenda. Councilman Rockett seconded the motion. Upon vote, the motion passed 4/0.

3. PUBLIC COMMENT

Keith Harris, 2580 C Road, read a prayer referencing dual allegiance in our elected Town Government. Mr. Harris spoke on roads on the gas tax maps and the difference of opinions concerning this matter. He remarked that the Water District (LGWCD) is not his Town government. Mr. Harris noted many incidences and discussions concerning roads and culverts in which Vice-Mayor Jarriel should have recused himself, and did not.

David Braswell, 13118 Casey Road, requested that his road be paved and he will work with other residents along Casey Road. As he understands, the Town needs fifty-one percent (51%) of residents, in agreement, to proceed.

Amy Braswell, 13118 Casey Road, expressed her concern of three (3) drug rehabilitation houses on her road. Mrs. Braswell had called to report the activity but has not heard back. She wanted to know if these houses are legal.

4. PRESENTATIONS

- a. Representative Mark S. Pafford, Florida House of Representative, District 86, to provide Legislative Update.

Representative Mark Pafford first responded to Mrs. Braswell's concern on drug rehabilitation houses. The State does not define these homes. A bill concerning the houses went thru the House and died, and it is a concern; however, at this time there is no legislation. Representative Pafford then reported that the proposed Palm Beach State College was not vetoed by the Governor; and there is a lack of funding for schools in the County and a lack of Health Care coverage.

John Ryan, Supervisor at the Loxahatchee Groves Water Control District (LGWCD), invited Representative Pafford to the District meeting for recognition of his leadership and efforts towards the community.

Mayor Browning appreciated Representative Pafford's work with the District Road Bill and the Equestrian Trails Bill that passed before the Special Acts of the Legislature.

- b. Phyllis Maniglia, representing the Loxahatchee Groves Land Owners Association, is requesting consideration of a monetary donation from the Town, as a sponsor for her attendance to the 2014 Florida Neighborhoods Conference in Orlando, July 11th and 12th, 2014.

Phyllis Maniglia, 359 West D Road, had come before Town Council to request sponsorship for her attendance to the Neighborhoods Conference in Orlando. The Loxahatchee Groves Land Owners Association was sending her as their representative; however, through other sponsorships she had met her expenses. She thanked Council for their consideration, and to those who had made donations as sponsor.

- c. Jim Fleischmann, Town Planning Consultant, to present the Unified Land Development Code Review Committee Summary Report.

Jim Fleischmann, Town Planning Consultant, provided background on the Unified Land Development Code (ULDC) Board Final Report.

Council briefly discussed the packet and Mayor Browning stated this information needed to be brought to Council as a separate agenda item or have a Special Workshop to review the information.

- d. Frank Schiola, to administer Certificates of Appreciation. *(added to the agenda per an amendment)*

Frank Schiola, 13434 Marcella Boulevard, came to the Town Council meeting to present Certificates of Appreciation to Councilman Jim Rockett and to John and Elise Ryan for their help during the Loxahatchee Groves Elementary School Annual Spring Carnival and Silent Auction. Mr. Schiola thanked them on behalf of the school.

5. COMMITTEE REPORTS

- a. Elise Ryan, Chair for the Financial Advisory and Audit Committee (FAAC), to provide Financial Report ending April 2014.

Elise Ryan, Chair for the FAAC provided the Financial Report ending April 2014. As there were items in the Capital Budget that were not yet approved, she requested Council provide to Staff the items that need to be rolled over into the 2015-1016 Capital Budget.

Town Attorney Cirullo will meet with Town Manager Kutney and Perla Underwood for discussion on this matter.

Motion: Councilman Rockett made a motion to approve the Financial Report ending April 2014. Councilman Goltzené seconded the motion. Upon vote, the motion passed 4/0.

Council discussed the Budget.

Motion: Councilman Rockett made a motion to have a second meeting in June to discuss the Budget.

After further discussion, the motion failed for lack of a second.

Members of the audience expressed their support of two meeting per month, and suggested that a Workshop could be scheduled in July.

6. RESOLUTIONS

RESOLUTION NO. 2014-05 (Opposition to Minto West Development Amendments):

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, OPPOSING THE AMENDMENTS TO THE PALM BEACH COUNTY COMPREHENSIVE PLAN PROPOSED FOR THE MINTO WEST DEVELOPMENT ON PROPERTY ABUTTING THE TOWN OF LOXAHATCHEE GROVES AND FORMERLY REFERRED TO AS CALLERY JUDGE GROVES; URGING THE PALM BEACH COUNTY COMMISSION TO DENY THE PROPOSED AMENDMENTS; PROVIDING FOR COPIES OF THIS RESOLUTION TO BE DISTRIBUTED TO AFFECTED ENTITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Goltzené recused himself from voting, but not from discussion. He stated there are people in Town who want to live in the 21st Century. Folks need to live with reality and realize growth will happen.

Town Attorney Cirullo read the title of Resolution No. 2014-05.

Council discussed portions they felt were vague, and how the impact of the Minto Project would affect the traffic flow in the Town.

Motion: Councilman Rockett made a motion to approve Resolution No. 2014-05. Vice-Mayor Jarriel seconded the motion.

Further discussion ensued with audience participation.

Upon roll call vote, the motion passed 3/0.

Council discussed notifying residents; however, upon further discussion the residents were encouraged to contact the Palm Beach County Commissioners with their individual concerns.

7. ORDINANCES

a. ORDINANCE NO. 2014-04 2nd / FINAL READING / PUBLIC HEARING (Livestock Waste – Property Owners). (rev 05/15/2014)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE USE OF LIVESTOCK WASTE WITHIN THE TOWN; AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE BY AMENDING PART III ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 50 ENTITLED "PUBLIC NUISANCES" BY ADDING A NEW SECTION 50-035 TO BE ENTITLED "USE OF LIVESTOCK WASTE;" PROVIDING FOR DEFINITIONS; PROVIDING THAT THE USE OF LIVESTOCK WASTE IS A PUBLIC NUISANCE EXCEPT AS PROVIDED BY THIS SECTION; PROVIDING FOR REGISTRATION AND PERMITS, REQUIREMENTS AND LIMITATIONS ON THE DELIVERY AND USE OF LIVESTOCK WASTE; PROVIDING FOR REPORTING AND NOTICE REQUIREMENTS; PROVIDING FOR REVOCATION OF PERMITS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the title for Ordinance No. 2014-04, and advised Council the adoption will require four (4) affirmative votes to adopt on Second (2nd) Reading.

Motion: Councilman Rockett made a motion to postpone the vote on Ordinance No. 2014-04 until all five (5) Council Members are present.

Town Attorney Cirullo noted that by establishing a date certain, the Town will not have to notice the ordinance again.

Councilman Rockett modified his motion to postpone until the July 1, 2014, Town Council Meeting. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 3/1 with Councilman Goltzené casting a dissenting vote.

b. ORDINANCE NO 2014-05: 2ND / FINAL READING / PUBLIC HEARING (Guns, Firearms, Gun Ranges).

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE TO ELIMINATE REGULATIONS RELATING TO GUNS, FIREARMS AND GUN RANGES TO ADDRESS STATE PREEMPTIONS OF THE REGULATION OF

THESE SUBJECTS; PROVIDING FOR INTENT OF THE TOWN TO COMPLY WITH THE STATE'S PREEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of Ordinance No. 2014-05 and again advised Council that Ordinance No. 2014-05 also requires four (4) affirmative votes to adopt on Second (2nd) Reading.

Councilman Rockett made a motion to approve Ordinance No. 2014-05. Councilman Goltzene seconded the motion. There being no discussion by Council or the audience, and upon roll call vote, the motion passed 4/0.

8. ADMINISTRATIVE UPDATE – *Town Manager Kutney*

Town Manager Kutney reminded Council of the meeting changes.

9. OLD BUSINESS - *None*

10. NEW BUSINESS

- a. Florida Fish and Wildlife Conservation Commission Office of the General Counsel, re Local Ordinances and the Regulations of Captive Wildlife. (*Councilman Goltzené*)

Councilman Goltzené stressed that captive wildlife is the regulatory responsibility of the Florida Fish and Wildlife Conservation Commission (FWC), and the Town should remove Town responsibility from the Code Book. Captive wildlife has always been a part of Loxahatchee Groves, and as such, needs to be left alone by the Town.

Town Attorney Cirullo stated the matter is worth looking into, and he will work with Town Manager Kutney and Town Planning Consultant Fleischman, if Council wishes, to address this issue.

It was the consensus of Council to direct the Town Attorney and Staff to review the Town Code in reference to captive wildlife.

- b. Code Enforcement PowerPoint Presentation (*Town Manager Kutney – Receive and File*)

11. CLOSING COMMENTS

a. Public

Phyllis Maniglia, 359 West D Road, reported that she had attended the Finance Advisory and Audit Committee (FAAC) Meeting, and after watching Town Manager Kutney's Code Enforcement Presentation, she advised Council that she would like to be on the next Town Council Agenda concerning Code Enforcement and review how the Town is closing cases. She also reported that Code Enforcement Officer Russ Elgin was allowed on her property to review the circumstances of her case, and he had stated that the Code Enforcement complaint was unfounded. Ms. Maniglia has not yet received a letter to that effect.

Jo Siciliano, 1530 B Road, wants to make sure she is maintaining her property correctly, what is her responsibility, and where can she find this information.

Mayor Browning suggested Ms. Siciliano contact Palm Beach County Emergency Management.

Vice-Mayor Jarriel suggested Ms. Siciliano also contact the Steve Yohe, the Loxahatchee Groves Water Control District Administrator.

John Ryan, 3508 A Road, referenced reports from the Unified Land Development Code (ULDC) Review Committee interim recommendations.

b. Town Attorney

Town Attorney Cirullo had no report.

c. Town Council Members

Councilman Goltzené thanked everyone for staying tonight. He felt the Town Council made a mistake regarding the Minto Project. Had the Town worked with Minto, fees that were contributed to Palm Beach County would have been given to Loxahatchee Groves. Councilman Goltzené also noted that the mean spirited actions are not acceptable and this has caused the Town to kick the folks in the teeth who could have helped us. Now the Town has to look at Representative Pafford for assistance. Talking to people is better than fighting and the silent majority just lost their chance; someday the Town will grow up.

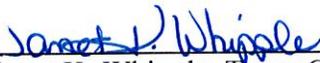
Vice-Mayor Jarriel thanked everyone for coming and the having a full house.

Councilman Rockett thanked everyone for coming.

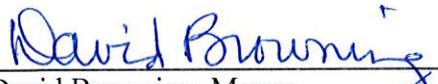
Mayor Browning disagrees with Councilman Goltzené, as it is his opinion that Minto wants to change it all. He noted most everyone was flooded during Tropical Storm Isaac. He also thanked everyone for coming.

12. ADJOURNMENT

There being no further business to come before Council, Mayor Browning adjourned the meeting at 8:22 p.m.



Janet K. Whipple, Town Clerk



David Browning, Mayor



These minutes were approved during the July 1, 2014 Town Council Meeting.