



Town of Loxahatchee Groves Town Council Meeting

Tuesday, November 18, 2014 - 7:00 p.m. to 10:30 p.m.

(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)

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 William F. Underwood, II
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 Dave Browning, Vice-Mayor Ron Jarriel, Councilmen Tom Goltzené, Ryan Liang, and Jim Rockett. Also present were Town Manager Bill Underwood, Town Attorney Mike Cirullo, Town Planning Consultant Jim Fleischmann, and Town Clerk Janet K. Whipple.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Vice-Mayor Jarriel requested to amend 7. c. of Addendum # 1 for discussion or direction, and to pull Exhibit "A" in 7.c.

Motion: Councilman Rockett made a motion to approve the Agenda, as amended. Councilman Liang seconded the motion. Upon vote the motion passed 5/0.

2. **CONSENT AGENDA**

a. Minutes:

- August 19, 2014 Regular Town Council Meeting
- September 2, 2014 Regular Town Council Meeting
- September 11, 2014 Tentative Millage/Budget Town Council Meeting

Motion: Councilman Liang made a motion to approve the Minutes, as presented. Councilman Rockett seconded the motion. Upon vote, the motion passed 5/0.

3. **PUBLIC COMMENTS**

Keith Harris, 2580 C Road, read letter from Joyce Batcheler, a member of the Roze Horseman's Association who feels the equestrians are being "thrown under the bus" and not being looked after within the Town.

Marge Herzog, 966 A Road, noted that on Thursday, November 20, 2014, the Land Owners Association Meeting would be held at the Palms West Presbyterian Church.

Phyllis Maniglia, 359 West D Road, a resident since 1989, and is still waiting for equestrian trails. She has also activated her real estate license, and noted people were calling her to ask for stalls and she could not recommend any within the Town. It is not safe to ride in Loxahatchee Groves.

4. **PRESENTATIONS - NONE**

5. **COMMITTEE REPORTS - NONE**

(Clerk Note: Resolutions have been moved to Item Number 7. on the Agenda in order to accompany the adoption of Ordinance No's. 2014-06 and 2014-07 concerning the Public Hearing on the Day Property.)

6. **ORDINANCES**

a. **ORDINANCE NO. 2014-06: PUBLIC HEARING/SECOND AND FINAL READING (Day Property Comprehensive Land Use Change)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AMENDMENT 14-2(SS) TO THE TOWN OF LOXAHATCHEE GROVES COMPREHENSIVE PLAN, CONCERNING A SMALL-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, WILLIE H. AND FRANKIE J. DAY TO CHANGE THE DESIGNATION OF

THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 5 ACRES) TO COMMERCIAL LOW TO ACCOMMODATE THE FUTURE DEVELOPMENT OF A MAXIMUM OF 9.3 ACRES OF COMMERCIAL USES LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD, LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of Ordinance No. 2014-06, and noted this is a public hearing.

Motion: Councilman Rockett made a motion to approve Ordinance No. 2014-06. Vice-Mayor Jarriel seconded the motion. Discussion.

No discussion from Council or the audience.

Applicant rep Kerry Kilday, Urban Design Kilday, presented his discussion on the topic. He noted he will still need to come back for site plan approval.

Council and members of the audience discussed notifying the Palm Beach County Board of County Commissioners concerning traffic calming devices. They also discussed the dangerous Folsom Road traffic, and an access into the Red Barn parking area from Folsom Road, and speed humps.

Upon roll call, vote the motion passed 5/0.

b. ORDINANCE NO. 2014-07: QUASI-JUDICIAL/PUBLIC HEARING/SECOND AND FINAL READING (Day Property – Rezoning)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AMENDMENT REZ 14-02 TO THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE, CONDERNING A REZONING APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, WILLIE H. AND FRANKIE J. DAY TO CHANGE THE ZONING DESIGNATION OF THE SUBJECT PROPERTY FROM AGRICULTURAL RESIDENTIAL (AR) TO COMMERCIAL LOW (CL) TO ACCOMMODATE THE FUTURE DEVELOPMENT OF A MAXIMUM OF 9.3 ACRES OF COMMERCIAL USES LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD, LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR AMENDMENT TO THE ZONING MAP TO REFLECT SUCH CHANGE;

PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo explained the action for Quasi-Judicial Procedures, and then proceeded to swear in those in attendance who wished to speak the Quasi-Judicial portion of the meeting.

Town Attorney Cirullo read the title of Ordinance No. 2014-07.

Kerry Kilday, of Urban Design Kilday, opened the floor for questions.

Jim Fleischmann, Town Planning Consultant, provided background and the Planning and Zoning Board recommendations of approval concerning the eight (8) conditions set forth.

There were no questions.

Motion: Councilman Liang made a motion to approve Ordinance No. 2014-07 on Second and Final Reading. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 5/0.

7. **RESOLUTIONS**

a. **RESOLUTION NO. 2014-18: (Accepting Restrictive Covenants for Day Property)**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE RESTRICTIVE COVENANT FROM WILLIAM AND FRANKIE DAY RELATING TO THE CONDITIONS OF APPROVAL FOR THE LAND USE AMENDMENT FOR COMMERCIAL DEVELOPMENT ON THEIR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo explained and read the title of Resolution No.2014-18.

Motion: Councilman Liang made a motion to approve Resolution No. 2014-18. Vice-Mayor Jarriel seconded the motion. No discussion. Upon Roll call vote the motion passed 5/0.

b. **RESOLUTION NO. 2014-19: (Budget Amendment Fiscal Year 2013-2014)**

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, 2013 AND ENDING

SEPTEMBER 30, 2014; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Town Manager Underwood explained elements of the budget amendments.

Council discussed with Mr. Underwood various aspects of the budget activities.

Town Attorney Cirullo read the title of Resolution No. 2014-19.

Motion: Councilman Rockett made a motion to approve Resolution No. 2014-19. Councilman Liang seconded the motion. No discussion. Upon roll call vote the motion passed 5/0.

c. **RESOLUTION NO. 2014-20: (Interlocal Agreement with the Loxahatchee Groves Water Control District (LGWCD) for Maintenance of Public Recreational Trails).**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR AND TOWN CLERK TO EXECUTE AN INTERLOCAL AGREEMENT FOR THE TOWN PUBLIC RECREATIONAL TRAILS BETWEEN THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT AND THE TOWN; PROVIDING FOR RECORDING OF APPROVED AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Underwood explained the incidence with the two agreements, one (1) from the Loxahatchee Control Water Control District (LGWCD) and one (1) from the Town. He felt there were items in the District agreement that might cause a problem with the Town. He explained discrepancies, and stated we want to create a partnership. He prefers the Town agreement rather than the District agreement, which he had initially taken off the Agenda.

Council discussed both agreements.

Motion: Councilman Goltzené made a motion to approve Resolution No. 2014-20 with the Town's Agreement. Councilman Rockett seconded the motion. Discussion.

Council had an intense discussion concerning both agreements conditions of the trails, and where to commence any work that needs to be done.

Public comments.

Members of the audience expressed their concerns that the community needs to feel safe, and the Town and District should share costs; how many dollars it will cost before paying for the job; whether there is a deed owned by Southern Timber along the easements; maintenance by the District has eliminated a lot of easements; thanks to Council for dealing with a problem that the Town has had for a long time; the positive reaction to referencing public recreation trails; looking for consistency in the agreement language; writing a check for services when the work has been completed; a request to surveying all of the canals; a reference that the District agreement has

followed the local bill.

Council followed with discussion differences between the Town and the District.

Mayor Browning asked if this can be tabled until staff can work this out. Council continued discussion.

Town Attorney Cirullo read the title of Resolution No. 2014-20 and stated it will be brought back for the December 2, 2015 Town Council Meeting.

Upon roll call vote, the motion passed 4/0, with Vice-Mayor Jarriel dissenting.

Mayor Browning called for a break at 8:10 – 8:14 p.m.

Motion: Vice-Mayor Jarriel made a motion to approve the District's Interlocal Agreement with the District Maintenance Easement Maps, with three (3) changes. Councilman Liang seconded the motion.

In response to a question from Councilman Rockett, Town Attorney Cirullo stated if Council were to pass the District's agreement it would be in conflict with the Town's Agreement, and if so, it would need direction. Should Council pass both Agreements there would be two (2) different directions.

Council continued discussion.

Members of the audience expressed their opinions on the subject.

Upon vote, motion failed 1/4 with Mayor Browning, Councilman Goltzené and Councilman Rockett dissenting

8. **MANAGER'S REPORT** – *Town Manager Underwood*

a. **AGENDA ITEM REPORT:** Updates on various activities and issues concerning the Town.

b. **Palm Beach Sheriff's Office (PBSO) Monthly Report:** October 2014

Town Manager Underwood provided his report.

Councilman Liang Ryan noted the Town needs a standard for roads and a need to create a road policy.

9. **OLD BUSINESS**

- a. Consideration for Acquisition of Central Palm Beach County Chamber of Commerce Building.

Town Manager Underwood provided background on the Chamber building's statistics, and an analysis between current rental and chamber building costs.

Motion: Councilman Rockett made a motion to direct staff to proceed with the purchase of the Chamber building. Councilman Liang seconded the motion. Discussion.

Town Manager Underwood elaborated on problems with the Town offices current location

Council discussed the purchase and the impact on the Town's capital funds; possibly putting this topic up for a vote from the people; how the purchase will benefit the Town in the long run; if down the road we do not want it as a town hall it could be a community center.

Members of the audience brought up possible flooding at the Chamber building and if it could affect the purchase price; not to abandon the Palms West Plaza and its business, but to make an effort for revitalization; appreciation for the roads which have resurfaced; and the Chamber land which is owned by Palm Beach County.

Council provided responses.

Upon vote, the motion passed 4/1 with Councilman Goltzené dissenting.

10. **NEW BUSINESS** – NONE

11. **CLOSING COMMENTS**

- a. Public

No further comments.

- b. Town Attorney

Town Attorney Cirullo wished a Happy Thanksgiving to all and stated "Go Gators".

- c. Town Council Members

Councilman Goltzené referencing a recent lawsuit that Council was in agreement on, noted he was not going to voice his opinion on every single item as no one would get out of the meeting on a timely manner. He speaks for himself. He commented it was a great year for the Gators, and wished all a Happy Thanksgiving.

Vice-Mayor Jarriel stated it was a great year for the “Noles” (Florida State Seminoles) and expressed his appreciation to Town Manager Underwood for the work he has done with the Chamber. He also expressed Happy Thanksgiving to all.

Councilman Liang thanked everyone for coming, wished everyone a Happy Thanksgiving, stated “Go Gators” and advised all the get ready for the impending cold weather.

Councilman Rockett also thanked everyone for coming wished all a Happy Thanksgiving.

Mayor Browning asked Town Manager Underwood if he has a chance to contact Palm Beach County concerning doing work from Okeechobee Boulevard to E Road?

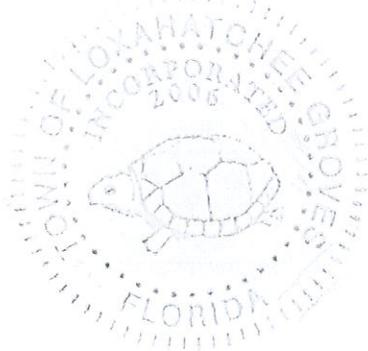
Town Manger Underwood stated he had not.

12. ADJOURNMENT

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 9:10 p.m.


Janet K. Whipple, Town Clerk


David Browning, Mayor



These minutes were approved during the February 3, 2015 Town Council Meeting.