

Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, December 1, 2015 at 7:00 p.m.

MINUTES

1. OPENING

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice Mayor Ronald Jarriel and Council Members Tom Goltzené, Ryan Liang and Jim Rockett. Also present was Town Manager Bill Underwood, Town Attorney Michael D. Cirullo, Jr., Town Planning Consultant Jim Fleischmann and Town Clerk Virginia Walton.

- b. Pledge of Allegiance & Invocation - Mayor Browning
- c. Approval of Agenda

Motion: A motion to approve the agenda as presented was made by Council Member Liang and seconded by Vice Mayor Jarriel. Motion passed 5 - 0.

2. PUBLIC COMMENTS

Todd McClendon announced that he was running for Town Council and hoped people would get out and Vote, and keep it clean.

Bill Louda submitted a copy of an article on fracking for the Council to read, asked that they consider a resolution for setting maximum depth for wells, and asked that “bullying from the pulpit” not be used for electioneering.

Virginia Standish spoke on how much information she had gained at a government financing course she recently took and suggested that the entire Town Finance Committee would benefit from attending as well.

Elizabeth Dovall was a former Loxahatchee Groves resident and was active with the Animal Recovery Group that had brought the slaughtering issue to light. She requested that the Council keep this issue in the forefront and possibly pass a resolution asking that the State Attorney consider the maximum penalty with no plea deals. Vice Mayor Jarriel responded that the matter was not being ignored. He had spoken to Dave Aronburg and was advised that too much media would hinder the investigation.

Patrick Ford, Joey Quinn, Jennifer Dewan and Matt Marshall all spoke about recent thefts to their nursery businesses and asked for more police presence. A neighborhood crime watch program was suggested and would be followed up with Lt. Combs.

Doreen Baxter had recruited a new person for the FAAC Committee who was a CPA, and asked the Council to appoint him. Also, where there is a disagreement with the Manager, why was it necessary to bring in the IG, rather than just go talk to him about the issue. The Town needed to set some goals for spending the Town budgeted millage funds, including doing something about the crappy condition of the roads and the Town in general.

Ken Johnson announced three upcoming holiday events: CERT Christmas Dessert Party on Thursday at the Palms West Community Church, with a gift exchange; a LGLA Association Pot Luck Dinner and gift exchange on December 17th @ 7pm at the Palms West Community Church and a LGLA Candidate Forum on February 26, 2016, also at the Palms West Community Church. If any candidate wanted to participate, please RSVP to Marge Herzog by February 1st.

Phyllis Maniglia stated she had not been at a meeting in a while because she was very upset with the Town and with the Council. Nothing is being done about seasonal trailers; the Town Management and the residents had worked together and come up with a plan, but nothing was done about it; this would be considered harassment of the equestrian people; what about trails; the FAAC Committee needs more people and needs to get active.

Jo Siciliano, asked the Council to consider some Christmas decorations for the Town, and maybe some lights. She also agreed with helping with the horse slaughtering issue.

3. CONSENT AGENDA

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: November 3, 2015
- b. Invoice for Goren, Cherof, Doody & Ezrol, P.A.
- c. Escrow Agreement with Palm Beach County Clerk of the Courts for recording Town documents

Motion: A motion to approve the consent agenda as presented was made by Vice Mayor Jarriel and seconded by Council Member Liang. Motion passed 5 – 0.

4. PRESENTATIONS

- a. New Palm Beach State College

Ms. Ava Parker, President of the Palm Beach State College, introduced herself to the Council and gave them a powerpoint presentation showing the construction progress with Phase I of the college campus and talked about the current programs, such as Nursing, and proposed future sessions that would be offered. Their goal was to be completed with Phase I by December 2016. They hoped to offer Vet Tech and Horticulture in Phase II; however, those would require a clinic and larger facilities.

Vice Mayor Jarriel suggested that healthcare careers would be important for the future and possibly the College could establish some kind of joint partnership with PBC Fire-Rescue for EMTs and Paramedics, the Wellington High School had a Cadet Program, or possibly the Police Academy. The Town would shortly have Big Dog Ranch on F Road, which would have a vet clinic. Ms. Parker thanked him for the suggestions.

5. COMMITTEE REPORTS – None Scheduled

QUASI JUDICIAL

6. RESOLUTIONS

a. RESOLUTION NO. 2015-36 (Drysdale Site Plan)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE DRYSDALE PROPERTY (VALENCIA VILLAGE) SITE PLAN, FOR LAND OWNED BY NANCY C. DRYSDALE, AS TRUSTEE, UNDER THE NANCY C. DRYSDALE REVOCABLE TRUST AGREEMENT DATED SEPTEMBER 19, 2005, CONSISTING OF 6.55 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND LOXAHATCHEE AVENUE LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Nancy Drysdale, Glen Drysdale, Bill Louda and Ken Johnson were sworn in. Town Attorney Cirullo read the resolution by title. Glen Drysdale stated his Mother had owned the property for 27 years and this development would be her retirement plan. The project had taken two years, was designed for equestrian use, would be landscaped, and fronted Southern Boulevard with no access from Tangerine, as requested by Staff. They did not have a major tenant signed as yet, but were talking to several potential clients.

There was discussion between Council, the Applicants and Town Planning Consultant Fleischmann about re-naming the equestrian trails as multi-purpose for horses/bikes/people and also the paving of Tangerine. After discussion, the condition was suggested to change from “horse trails” to “greenways and horse trails”. Planning Consultant Fleischmann advised the Council that another project for this area was pending and additional paving on Tangerine would be part of that plan. Between these two projects, the issue should be resolved with slight revisions to the conditions. One of the site plan conditions based on the TPS report stated that the project was limited to 15,300 s.f. until FDOT widens Southern Boulevard and D Road right turn only conversion. It was added that FDOT had stated that a traffic light was not warranted, even though they had previously come to a meeting at Town Hall and had agreed to the light. Council was not in favor of these conditions; however Mr. Fleischmann stated that the Applicant would not be able to get their traffic plan approved by the County without these conditions and their project would not be able to start. Mayor Browning suggested that the site plan could be approved with the conditions; but the Town could still go after FDOT.

Public Comment from Bill Louda, Todd McClendon, Ken Johnson and Nina Corning were happy to see small developments along Southern Boulevard, wanted to see the equestrian trail stay as presented and would like the Town to continue to ask for a D Road traffic light.

Motion: After further discussion, a motion to approve the site plan with the amended conditions discussed tonight was made by Council Member Liang. Vice Mayor Jarriel wanted to

amend the motion to require paving to Tangerine. Council Member Liang did not agree with amended motion. There was no second and motion died.

Motion: Council Member Liang made a motion to approve the site plan with the amended conditions discussed tonight. Motion was seconded by Council Member Goltzené. A roll call vote was in favor of approval 5 – 0.

Town Attorney Cirullo stated the conditions and resolution would be amended and then be forwarded for signatures.

b. RESOLUTION NO. 2015-37 (Weber Variance No. 2015-01)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA APPROVING THE WEBER VARIANCE FOR LAND OWNED BY CHRISTOPHER D. WEBER AND DARA M. WEBER AND RONALD A. CRAVENS, SR. AND JEANNE O. CRAVENS, CONSISTING OF 2.0 ACRES MORE OR LESS, LOCATED AT THE SOUTHWEST CORNER OF KERRY LAND AND FARLEY ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Christopher Weber and Ray Stevens were sworn in. Town Attorney Cirullo read the resolution by title. Mr. Weber stated that they could not meet the required setbacks because of existing structures and septic tanks already on the property. Also, there were road easements on two sides. Town Planning Consultant Fleischmann stated the Applicant did meet the Town’s requirements for granting of the variances, and had also supplied a letter from all surrounding property owners stating they had no objections to the variances. Ray Stevens, property owner to the south of the Weber property, stated they were good neighbors and had done nothing but improve the property.

Motion: After further discussion from Council, a motion to approve the variances was made by Council Member Goltzené and seconded by Council Member Jim Rockett. A roll call vote was in favor of approval 5 – 0.

Mayor Browning called for a brief break in the meeting at 8:52pm. The meeting reconvened at 8:59pm.

c. RESOLUTION NO. 2015-38 Relating to Award of Gravel Road Grading RFP (support documents were included under a separate cover as an Addendum to the Agenda)

Town Attorney Cirullo advised the Council that this resolution was not under quasi-judicial procedures. Town Manager Underwood explained to the Council that there were six phases to the RFP. They had received three bids, one of which only bid on one phase. There was no evaluation committee; therefore, Town Engineer Randy Keshavarz reviewed and completed due diligence for all three bids. A memo from one of the bidders, Bergeron, was provided to the Council, stating that they felt they should be included in all the phases or not at all. Ron Thompson, Bergeron representative, was present to speak and answer questions.

Council had concerns about how the bids were presented and the vast differences in some of the pricing. It was clarified that the bid had requested that the pricing be per month, but PSG had submitted their bid per mile. Ron Thompson stated they had complied with the only recourse the RFP allowed by submitting their protest letter. The letter was late in arrival because the bid award item was not placed on the agenda until late. Mr. Thompson stated that Bergeron had complied specifically as the RFP stipulated, they were better equipped to respond with company owned equipment, would have a staging area in town with proper management, mobilization was included in their pricing, has a supervisor that just moved to Loxahatchee Groves; and requested that they be primary for ease and continuity.

Mayor Browning stated that the cost to taxpayers was their main priority and they could not show undue preference for any company. Town Manager Underwood suggested that Bergeron could be added back in for all six phases, but the Town would still go with the lowest pricing. After further discussion between Council, there was consensus for the following changes to the resolution:

- 1) revise resolution to include Bergeron as secondary for Phase I and VI and PSG as secondary for Phase II;
- 2) revise resolution to read “not to exceed \$272,000 based on unit pricing; and
- 3) ability to add roads as needed.

Motion: A motion to authorize the negotiation of a contract with Bergeron and PSG, subject to changes made tonight, and authorize the Mayor to sign said contracts, was made by Council Member Goltzené and seconded by Council Member Rockett. Motion passed 5 – 0.

7. ORDINANCES

a. ORDINANCE NO. 2015-08 (Second Reading – Extend Moratorium)\

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCES 2014-08 AND 2015-05, THROUGH WHICH THE TOWN COUNCIL IMPOSED AMORATORIUM ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR AMENDMENTS TO THE TOWN’S COMPREHENSIVE PLAN, INCLUDING FUTURE LAND USE MAP AMENDMENTS AND TEXT AMENDMENTS, RELATING TO COMMERCIAL LAND USES ON PROPERTIES FRONTING ON OKEECHOBEE BOULEVARD WITHIN THE CORPORATE BOUNDARIES OF THE TOWN UNTIL DECEMBER 31, 2015, TO EXTEND THE MORATORIUM UNTIL JUNE 30, 2016 TO ENABLE THE ADOPTION OF APPROPRIATE AMENDMENTS TO THE TOWN’S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the ordinance by title. Mayor Browning reminded everyone about the Okeechobee Boulevard Workshop this Saturday, starting at 9:00am and that the Council needed their input on this issue. There were no additional comments from the Council or from the public.

Motion: A motion to approve Ordinance No. 2015-08 on second and final reading was made by Council Member Liang and seconded by Council Member Goltzené. A roll call vote was in favor of approval 5 – 0.

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

a. Agenda Item Report - Updates on various activities and issues concerning the Town

Town Manager Underwood advised the Council that the check for \$100,000 and signed agreement for the improvements to the west side of D Road, and all plans from Big Dog Ranch had been received today and awaiting approval. In order not to hold up the project, Manager Underwood was requesting that since Big Dog Ranch had met all requirements, they be allowed to move forward; and then the plans would be brought to Council for formal approval in January. After discussion, Council consensus was to allow them to proceed once there was clearance on the check.

Manager Underwood then brought the Council up to date on the Okeechobee traffic light, 6th Court proposal for work; Red Clover Nursery; culverts and the first payment from Palm Beach State College. There was no action yet on water utilities for B Road, C Road property was up for sale, and he was still waiting for traffic calming information. Manager Underwood added that the RFP for Code Enforcement Services was out with a bid opening date of December 20, 2015. Council reminded Manager Underwood to speak with Lt. Combs on the theft issues brought up tonight during public comment.

b. Palm Beach County Fire/Rescue Monthly Reports for October 2015

c. Palm Beach County Sheriff's Office Monthly Report for November 2015

d. Discussion Relative to Town Lane Miles – 140th Avenue N Sun Sport Cut-Through

Regarding the 140th Ave N/SunSport Cut-through removal from the Gas Tax Report, Mayor Browning stated he would meet with SunSport early next year to clarify any legal responsibility. Mr. Morley, representing SunSport, stated he understood that no part of 140th was in Loxahatchee Groves; but was willing to work something out with the Town. When the road was widened, it had cut into the privacy berm; however, they had purchased 100 areca palms for installation on the berm. Once the palms matured, they would take down the fence.

9. OLD BUSINESS

a. Report on addressing RV Uses

Town Attorney Cirullo stated he had reviewed the current regulations, which used traditional code enforcement. To change to a civil infraction, the Town would need to decide on a list of violations and set corresponding fine amounts. The matter would go to civil court and the Judge would find guilt or innocence and set the fines. Manager Underwood stated the difference between the Code Magistrate and the Court/Judge procedures would be a one-time fine from the Judge or a daily fine from the Magistrate. Also, this would mean having to go back to Court for each citation.

Council Member Goltzené asked if the Attorney had looked into the vacation aspect of the RV's and Attorney Cirullo stated he had not, but would do so.

b. Discussion on Substandard Housing

Town Attorney Cirullo provided samples of sub-standard housing regulations from several other cities and asked for Council to review and give their comments on how they would like Staff to proceed.

Council Member Goltzené asked if the same rules for Ag housing and migrant labor camps would apply to nurseries or horse farms. Mayor Browning added that not that many were housing their own employees since you could see lots of bikes going out each morning. Vice Mayor Jarriel also added that with migrant camps the housing was free, but that was not the issue here.

Vice Mayor Jarriel stated he felt the enforcement should be kept with the Code Magistrate with daily fines. Council Member Goltzené added that first we needed to get a code enforcement person on board.

Motion: In accordance with timeframe procedures established by Resolution No. 2014-08, Council Member Goltzené made a motion to extend the meeting past 10:30pm for Items #10a. and final public comment, then continue all other items to the next council meeting. Motion was seconded by Council Member Rockett and passed 5 – 0.

c. 2016 Legislative Policy (this item was continued to Jan 2016 agenda)

10. NEW BUSINESS

a. Approval of proposal from Keshavarz Associates for preparation of Maintenance Maps/Specific Purpose Surveys for Acquisition of Road Right-of-Way for 41 roadways, totaling 9.95 miles of town roadways, Loxahatchee Groves, FL, in the total amount of \$97,585.40.

Town Manager Underwood advised the Council these were the horizontal east and west roads. They were now prescriptive easements. Once completed, the Town Attorney would file the map and legal descriptions.

Motion: A motion was made by Council Member Liang to approve the proposal and was seconded by Council Member Goltzené. Motion passed 5 – 0.

b. South Florida Fair – Palm Beach County Municipalities Free Display Space (this item was continued to the January 2016 agenda)

11. COUNCIL REPORTS (Items #a and #b were continued to the January 2016 agenda)

- a. Councilman Tom Goltzené
 - 1. Discussion of LGWCD Billing for Trails
 - 2. Discussion of request for resolution to claim all LGWCD roads and maintenance easements within the Town boundaries.

- b. Vice-Mayor Ron Jarriel
 - 1. Discussion Relative site clearing (Clear Cut), and residential structures on to agriculture classified properties
 - 2. Discussion Relative to site distance and drainage at intersection of E Road and Collecting Canal Road

12. CLOSING COMMENTS

a. Public

Joyce Batchelor stated she didn't want to see five RVs on each property, but the Town didn't have the ability to regulate RV rentals. Need codes for Ag and Nurseries that say if no business there then no RVs allowed.

John Ryan, stated that the District does not hold debt proceeds regarding any monies for the bid on road grading.

b. Town Attorney

Regarding the letter Council had asked by sent regarding the proposed mandatory election date bill, there as a committee review and vote planned for this Thursday and he would see what the results of that was before drafting the letter.

c. Town Council Members

Council Member Goltzené wished everyone a Merry Christmas and added God Bless America and Viva La France.

Vice Mayor Jarriel reminded everyone to come this Saturday for the Workshop and BBQ.

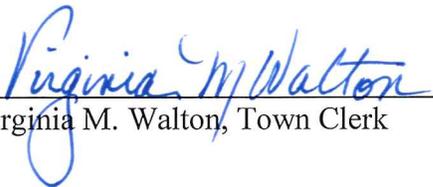
Council Member Rockett reminded Council of the timing needed for code enforcement on these RVs because once season was over, issue was over. Also, regarding letter to the State on proposed election bill, he agreed it should be made more current before sending.

Mayor Browning added that the Town needed to have a policy in place for RVs and sub-standard housing; and requested that the Council take home the information provided by the Attorney and review.

Council Member Liang commented that the issue of robberies at properties brought up during public comment was something that had happened to his property as well and they were probably done by a group who case the properties. He warned everyone to keep an eye out for strange people or activities. Council Member Liang wished everyone a Happy Holiday

13. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 10:40 p.m.


Virginia M. Walton, Town Clerk


David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, JAN 5, 2016.

