



# Town of Loxahatchee Groves

## Regular Town Council Meeting

Tuesday, August 2, 2016 at 6:00 p.m.

### MINUTES

#### 1. OPENING

##### a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 6:00 p.m. Present were Mayor David Browning, Vice Mayor Tom Goltzené and Council Member Todd McLendon. Council Members Ronald Jarriel and Ryan Liang were absent. Also present was Town Manager Bill Underwood, Town Attorney Michael D. Cirullo, Jr. and Town Clerk Virginia Walton.

##### b. Pledge of Allegiance & Invocation – Mayor Browning

Mayor Browning announced that the Town had lost one of the original “Loxahatchee 11”, who founded the Town, Jamie Yudel. Mayor Browning spoke of Mr. Yudel and his love for the Town and efforts to keep the original rural atmosphere alive.

##### c. Approval of Agenda

Council Member McLendon asked that an item be added under his discussions as item #10(a) “Council direction for ULDC Committee”.

**Motion:** a motion to approve the agenda as revised was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 3 – 0.

#### 2. PUBLIC COMMENTS

Karen Piesley, D Road, provided a powerpoint presentation on the Publix landscaping inspection and deficiencies. Virginia Standish, North Road, added that the Town should consider hiring a landscape reviewed to assist the Town’s Plan’s Reviewer.

Dennis Lipp, North Road, commented that he was saddened to hear of Mr. Yudels’ passing. Also, he had received calls from two neighbors this past week asking that he fill code complaints for them on a commercial business in the neighborhood pretending to be residential. They were afraid of retaliation. Mr. Lipp suggested the Town develop a protocol that would give code enforcement permission to look at these issues without waiting for a formal complaint.

Council Member McLendon responded that the Council had already adopted a policy regarding code enforcement for commercial properties, but it doesn’t cover residential acting as commercial. The Town should consider expanding the policy, and requested that this be brought back on the next agenda. Council agreed.

Maureen Leftkowitz, D Road, stated there was a part of the Town's website that was bothering her. There was a phrase used on the website that she felt was not favorable and let people to think they can do whatever they want here with no regard for neighbors. She suggested it might be changed to "pursue our dreams with respect for our neighbors" or something similar. Also, she had been unaware that the Town now had a code officer and wanted to know when her long standing code complaint would be handled. Manager Underwood responded that they had over 85 cases they were reviewing and were starting with the oldest case and working forward.

Brett Taylor, from the Acreage, stated he was part of the organization that was working on incorporation for the Acreage and asked if one or more of the council members would consider attending their next meeting to discuss the pros and cons and what the Town had gone thru to accomplish incorporation. The meeting was on September 6<sup>th</sup> at the Acreage Library. Mayor Browning stated a good resource for them would be Dennis Lipp, who was part of that process and on the first Town Council elected.

Bill Louda, E Road, stated he agreed with Karen and Virginia on the Publix landscape issues and sticking with the rural vista guidelines. The royal palms were dangerous. He asked that someone explain the ballot question regarding the Manager's duties. He was informed the ordinances fully explaining the charter amendment questions on the August 30<sup>th</sup> ballot were on the website.

Simon Fernandez, Tangerine Drive, stated that a new center had been reviewed at the last P&Z Board Meeting and he hoped not to see the same problems as with Big Dog. He had concerns about the park and the wall separating the center from residential properties. Also, he was concerned about traffic onto Tangerine Drive.

Ken Johnson, Collecting Canal Road made comments supporting the annexation of the properties north of Walgreens and Wild West Diner and west of Folsom and Crestwood; the speed limit signs for Okeechobee and Folsom; the need for PBSO for speed control for the trailers and signage on B Road and Collecting Canal.

Maryann Miles, B Road, stated she watched the meetings usually on live streaming and was disappointed in some things she heard. Lower speed limits and roundabouts were not the answer. What was needed was a reliever road and police enforcement.

### **3. CONSENT AGENDA**

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

- a. Minutes: July 19, 2016 Town Council Meeting
- b. July Invoices for Goren, Cherof, Doody & Ezrol, PA
- c. RESOLUTION NO. 2016-58 (PBSO Agreement)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND RIC L. BRADSHAW, SHERIFF OF PALM BEACH

COUNTY, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

**Motion:** a motion to approve the consent agenda as presented was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 3 – 0.

**4. PRESENTATIONS – none scheduled**

**5. COMMITTEE REPORTS**

a. Planning and Zoning Board – Dennis Lipp, Chair

Dennis Lipp, Chair of Planning & Zoning Board, stated that the Board has been discussing commercial development at recent meetings. He went back to the Visioning Program that had been written about 10 years ago when the Town first incorporated. In that plan, Tangerine was to be Main Street from D Road to E Road and E. Citrus at the northern point. Maybe the Town needed to have a new Visioning Workshop. Mr. Lipp suggested that this neighborhood could be rezoned as commercial and create an overlay with boardwalks/sidewalks type atmosphere. Something like the Mt. Dora artsy communities.

Council Member McLendon responded that he agreed with the concept and realized the Town Council had in the past approved things in conflict with the Comp Plan. Vice Mayor Goltzené agreed there was need to make some changes, possibly in the norther portion of E. Citrus; but the artsy communities in towns like Mt. Dora, he felt, were created because nothing else retail or commercial was being used there.

**6. ORDINANCES – none scheduled**

**7. MANAGER’S REPORT – Town Manager Underwood**

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

Manager Underwood updated the Council on the following items:

- Another repair run was being done on the roads. The last one was 90 days ago.
- Waiting for response from the County on the new speed signs for Okeechobee and Folsom roads.
- Code officer continues to work on active code cases and closing out old cases
- Letter of Interest was being advertised for Special Magistrate Hearing Services with deadline of August 16<sup>th</sup> at 1:00pm
- Legal still working one issue to exclude PBSC property from trails with WCD
- Permits for trails – need 25 feet from water’s edge, therefore need 40 foot R/O/W on west side of canals
- Culvert replacement projects ongoing
- IGC Meeting – discussed changing meeting location from WCD to Town Hall
- 8<sup>th</sup> Place North – attorneys are working on resolution
- Water Utilities Meeting – waiting for new date

- B Road construction moved to north end then going southerly
- Town received payment for solid waste lien plus interest for 1666 C Road
- Folsom Road annexation would be heard at next P&Z Board meeting, but have not heard from Cramer property yet
- ULDC Committee met for organizational meeting and set first review meeting
- Make sure WCD and Town boundaries along Folsom match
- Need a resolution to establish intent to annex all properties from our border to Wellington's border, including 230 acres in Natural Preserve, Southern Boulevard, Folsom Road and G Road. Not buy the preserve land, just annex

Town Attorney Cirullo wanted to clarify that Southern Boulevard was a State Road and could not be annexed, but Folsom, G Road and the Preserve could be included. Mayor Browning added that he hoped one day the Town could annex the hospital.

**Motion:** a motion to bring forward a resolution establishing intent to annex properties as clarified by Town Attorney was made by Vice Mayor Goltzené and seconded by Council Member McLendon. Motion passed 3 – 0.

b. House Appropriations Request Form

Manager Underwood asked the Council to consider what capital projects they would their representatives in Tallahassee to know are important for the Town. After discussion, the following three top priorities were established:

- Road improvements
- Guard rails improvements
- Water lines improvements

Council Member McLendon stated he was in agreement with items #1 and #3; but regarding #2 guard rails, if 25 foot easements were needed for trails, then maybe they could mitigate the canals for the trails. Vice Mayor Goltzené reminded him that the Town did not own the canals.

c. Committee Vacancies – Council was reminded that there are still openings on several committees.

## **8. OLD BUSINESS**

a. RESOLUTION NO. 2016-57

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXHATCHEE GROVES, FLORIDA, ADOPTING A ROAD IMPROVEMENT PRIORITIZATION POLICY FOR ROADWAYS WITHIN THE TOWN; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT SUCH POLICIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion:** a motion to adopt the resolution and road improvement prioritization policy for roadways within the Town was made by Council Member McLendon and seconded by Vice Mayor Goltzené. Motion passed 3 – 0.

Mayor Browning called a break at 8:00pm. The meeting re-convened at 8:08pm.

## 9. NEW BUSINESS

### a. Fiscal Year 2016/2017 Budget Recommendations

Manager Underwood advised that there were some new departments added, as well as the new accounting software system.

Vice Mayor Goltzené stated his review showed the General Fund, Transportation and Solid Waste were the big ticket line items and they were covered by outside contracts. He suggested that the Town take more Capital Improvement Funds and move possibly \$800,000 to Roads since there did not appear to be enough there now to finish. Maybe some of that could be used for drainage as well.

Council Member McLendon agreed that the Town needed to get serious about the roads, as this would increase property values.

Mayor Browning agreed also and commented that the Town was in a unique timing right now with asphalt being cheaper than rock, and the Town should proceed and quit just moving dirt around.

**Motion:** a motion to add \$800,000 to the Roads Fund was made by Vice Mayor Goltzené and seconded by Council Member McLendon. Motion passed 3 – 0.

Council Member McLendon stated that on page 63 in “unscheduled events”, the Town should move \$3,000 of that to the 10<sup>th</sup> Anniversary fund. Also, on page 68 Comp Plan, more would be needed for the amendments being reviewed and they should take \$25,000 from the “Contingency Fund” on page 74. Also, on page 59 the study to collect waste from vacant land that was needed should be moved from General Fund to Sanitation. Also, under WCD, the lane miles amount should be recalculated since 6<sup>th</sup> Court N. was never a district road. Mayor Browning agreed the Town should reclaim 6<sup>th</sup> Court N. Their agreement states “up to \$77,000, but the Town only pays what they bill. The bill would be paid on lane miles only.

Virginia Standish, North Road, commented that she owns property to the canal and the Town and WCD had worked together when her road was paved. What are the plans for the north side of North Road Canal? Would the Town get back the \$40,000 from the WCD?

Vice Mayor Goltzené and Council Member McLendon both agreed that in the past things happened that should not have happened, but it was time to move forward.

**10. COUNCIL REPORTS**

a. Council Member McLendon

1. Discussion and direction for ULDC members

Council Member McLendon stated that it appeared the UDC members had no idea what they were supposed to be doing and felt Council needed to give some direction. Vice Mayor Goltzené responded that they were advisory and we should let them give ideas and get input. He would like to see landscape and buffers, and Tangerine area.

Manager Underwood responded that his approach was to take specific topics rather than just go from beginning to end, and also get the Comp Plan and the ULDC to match.

Mayor Browning stated one thing he felt was critical was billboards. Town Attorney Cirullo stated that the Town could have some conditions, such as color, size and placement; however, the Town could not compel indirectly or regulate the content of the message. Mayor Browning agreed that the committee should get the topics done first and then look at other issues.

**11. CLOSING COMMENTS**

a. Public

Bill Louda, E Road, stated he was in favor of the annexations mentioned; the trails needed sloping and drainage; the Town should try to get a 15 foot trail from the Day property; and wanted to know who fills in the holes on E & Okeechobee.

Ken Johnson, Collecting Canal Road, stated a property in question for code violations also serves food along with the other convenience store type sales they are conducting; the roads and trails were joined at the hip and can't do one without the other; and the intersection of B Road and Collecting Canal required 90 degree turns and should be looked at during construction.

Laura Danowski, E Road, stated as a resident she was fed up listening to the contempt and disdain run on about other elected officials. The gas tax money for 6<sup>th</sup> Ct N was a Town Council problem and they should just do so without venom and untruths, and leave the past behind.

Joe Lelonek, owner of the Publix Center, responded to the comments on their landscape from the residents and would work with Staff on the issues since they intended to be good neighbors. Tractor Supply would be opening this Saturday and Publix in two weeks.

Maryann Miles, B Road, stated they should not be concentrating on plants, but rather getting rid of the holly and melaleucas and spending money piping into the canals for drainage.

b. Town Attorney – no report

c. Town Council Members

Vice Mayor Goltzené stated that it was not venomous to say that the antiquated road system would save money for residents and lower assessments if they were turned over to the Town. The State does not give the WCD gas tax money, it gives the money to the Town. Vice Mayor Goltzené added that possibly a statement should be posted on the website explaining the charter amendments, particularly the one about borrowing money. The Town would not raise taxes, but rather use the gas tax money to repay the loans. If the amendment doesn't pass, then the Town doesn't borrow the money and continues to do a few streets at a time. Mayor Browning suggested an open letter from a Council Member to the residents.

Town Attorney Cirullo reminded the Town that they could put out information to educate on the amendments, but not advocate. He had never heard of an open letter, but a statement on the website could be possible.

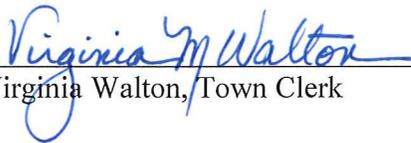
**Motion:** a motion to authorize a statement be placed on the website educating the residents on the ballot questions was made by Vice Mayor Goltzené. The motion failed for lack of a second.

Council Member McLendon stated the royal palms at the new plaza on B Road and Southern don't fit in with the Loxahatchee Groves esthetics. Regarding the District Funds, the factual dollars don't add up and that was not trying to bash the WCD, but just the facts; regarding the Brazilian peppers clogging the roads and canals, the maintenance crews were now using a herbicide that would destroy them so they would not be a problem in the future.

Mayor Browning stated there were two sides with District Roads and Town Roads. The taxpayers had paid the full bill prior to incorporation. Now the Town gets the gas tax money, count all the roads and give the WCD the amount for theirs. Regarding debt and borrowing, the original incorporation group had never wanted to be in debt or borrow money; however, now to be able to borrow enough to fix all the roads and pay the debt off with only the gas tax money was a good idea with no burden to the taxpayers.

**12. ADJOURNMENT**

Hearing no further business, a motion to adjourn the meeting was made at 9.18 PM.

  
Virginia Walton, Town Clerk

  
David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, SEPT 8, 2016.

