

Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, November 3, 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 and Council Members Tom Goltzené, Ryan Liang and Jim Rockett. Also present was Town Manager Bill Underwood, Town Attorney Michael D. Cirullo, Jr. and Town Clerk Virginia Walton. Vice Mayor Ronald Jarriel was absent.

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

Council Member Rockett wanted to add an item under Old Business to discuss some ideas for the RV and Animal Cruelty issues and possible hotlines discussion. Council Member Goltzené was not in favor of discussion at this meeting.

Motion: A motion to approve the agenda as revised was made by Council Member Liang and seconded by Council Member Rockett. Motion passed 3 – 1, with Council Member Goltzené dissenting.

2. PUBLIC COMMENTS

Bill Louda and Ken Johnson both spoke on concerns about banning 24/7 operations, defeating any RV park plans and the manure problems. Mr. Louda stated the Property Appraiser's Office speaker had good information on agriculture classifications. Also suggested RV's might be considered seasonal rentals and excess of 30+ days would be considered commercial. Mr. Johnson suggested the Lt. and a Task Force be started again to put a lid on the manure issue. Also part of the run-off problem was being caused by people filling in ponds, which diverted the water to the roads or neighbor's property.

Jo Siciliano stated B Road owners were not opposed to a beautiful, functional roadway, but each property's impact would be different and wanted to suggest a meeting with the Engineer, the Council and the property owners.

3. CONSENT AGENDA

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

- a. Minutes: October 6, 2015
- b. Minutes: October 20, 2015
- c. Invoice for Goren, Cherof, Doody & Ezrol, P.A.

- d. Agreement with TFI Office Automation for a four year lease of the Lanier 416518 Digital Multi-Function Color Copier System
- e. Resolution No. 2015-36 Budget Amendment for Fiscal Year 2014-2015
- f. Local Government Mileage Report for FDOT (added to agenda in Addendum #1)

Council Member Rockett requested that item #d be pulled from the consent agenda for discussion. Council Member Goltzené requested that the added item #f be pulled from the consent agenda for discussion. Prior to voting on the revised consent agenda, Town Attorney Cirullo read Resolution No. 2015-36 by title.

Motion: A motion to approve the consent agenda as revised was made by Council Member Liang and seconded by Council Member Goltzené. Motion passed 4 – 0.

Discussion of pulled consent agenda items:

- d. Agreement with TFI Office Automation for a four year lease of the Lanier 416518 Digital Multi-Function Color Copier System

Council Member Rockett asked if this new copier was in addition to the existing copier or as a replacement. Town Manager Underwood responded the lease on the current copier was ending and this would be a replacement. There were no further council comments.

Motion: A motion to approve the lease agreement with TFI Office Automation was made by Council Member Liang and seconded by Council Member Rockett. Motion passed 4 – 0.

- f. Local Government Mileage Report for FDOT (added to agenda in Addendum #1)

Council Member Goltzené stated this has been an ongoing issue for several years and the District needed to get out of the road business and the Town needed to get into the road business. The ownerships were in question and it seemed the amount paid to the District was not in proportion to the roads listed as theirs. Council was reminded that although \$93,000 was budgeted for this, it had already been approved that this amount could be amended based on the adjusted road miles. Mayor Browning responded that the Council has never taken a stand regarding taking all the roads, and the premise had been for the two to co-exist. John Ryan stated the District never conveyed ownership of the roads to the Town, only easement interests. Keith Harris and Ken Johnson agreed that it was time for the Town to take over the roads.

Council questioned why the 600 ft. cut-through was listed as private when it has used as public access for over 25 years. Town Manager Underwood responded that Palm Beach County has never identified this as a public road. The problem here was that public funds could not be used to maintain a private road. Town Manager Underwood and Town Attorney Cirullo stated they would speak with Palm Beach County on this and then possibly see if the property owner would Deed the cut-through to the Town.

Council also questioned whether 10th Place North was private, since it was not colored as such on the map presented. Town Manager Underwood stated it was private. There were also questions raised about the road control for the roads at the Sun Sport property. Town had traffic control but who owned the road.

Motion: A motion to approve the Mileage Report for FDOT was made by Council Member Liang and seconded by Council Member Rockett. Motion passed 3 – 1, with Council Member Goltzené dissenting.

4. PRESENTATIONS – None Scheduled

5. COMMITTEE REPORTS

a. FAAC Financial Report 2015

Motion: A motion to approve the FAAC Financial Report was made by Council Member Goltzené and seconded by Council Member Liang. Motion passed 4 – 0.

6. RESOLUTIONS – none scheduled

7. ORDINANCES

a. ORDINANCE NO. 2015-08 (First 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 MPOSED 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 advised the Council that Staff had been directed to bring this moratorium extension forward for council approval, since Council was not ready to adopt the amendment to the Town's Comprehensive Plan relating to commercial land uses along Okeechobee Boulevard. Town Attorney Cirullo then read the ordinance by title.

Motion: A motion to approve Ordinance No. 2015-08 on first reading was made by Council Member Liang and seconded by Council Member Rockett. Motion passed 4 – 0

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

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

Regarding Big Dog Ranch, Manager Underwood was awaiting response to contribution agreement and funding check. Council noted that the entire property had been cleared out with no permits obtained. There was smoke all over today as they were burning a lot of trees, again without

permits. Palm Beach County appeared to be allowing this to happen, when a Stop and Desist Order should have been issued. Code enforcement was crucial. Regarding the bid opening for Public Works functions, it was disappointing that the Water District has not submitted a quote. Regarding Folsom Road Traffic Calming, Staff was waiting for response of timeline from Commissions' Staff.

b. Palm Beach County League of Cities 2016 Priorities List

Council reviewed the list of priorities, agreed with some and opposed to others. After discussion, consensus was that each council member would mark up the League list with their opinions and use that as speaking points during the Legislative Conference meeting with legislators. Council was also reminded that there was a small amount in the budget for a lobbyist.

9. OLD BUSINESS – added to agenda by Council Member Rockett

a. Discussion about Staff bringing back alternate plans or ordinances for addressing RV's and Animal Slaughtering concerns.

Council Member Rockett stated that at the last meeting Staff had been directed to bring back alternate plans or ordinances for the RV issue, manure issue, substandard housing issue and animal slaughtering issue; and he had yet to see anything. Possibly Council needed to give Staff more direction. Council Member Rockett again brought up the idea of a local anonymous reporting hotline.

Mayor Browning responded that this item had been approved for addition to the agenda as a discussion item only. Council should not give direction on something that was not officially put on the agenda. Council Member Goltzené added that an anonymous hotline was not necessary. There were already U.S. Agency hotlines in place for anonymous complaints, such as Crimestoppers for criminal activities, FWC for wildlife abuses and DCF for human abuses.

Town Attorney Cirullo stated that the resolution had been pulled from the previous meeting; however, discussion and public comment had taken place. The Council had given direction to Staff to come back with alternate ordinances or plans. They were still researching and working on these plans; however if Council would like to give Staff their thoughts, they could be incorporated into a report that could be presented at the December meeting.

After discussion, Council came up with the following ideas:

1. Code enforcement hearings took too long and a possible citation program taken to the County Court System should be considered.
2. Some program to education people what they can do to prevent a repeat of the animal abuse situation that recently occurred.
3. Need to get code enforcement people in place with some clout; then work on solving the problems. The Town also should look at having its own building department.
4. Migrant sub-standard housing – ongoing problem that needs to be addressed separately.
5. RV's. The Council was not against the equestrian people, but they do bring in multiple RV's and create part of the problem.

Keith Harris was not in favor of anonymous complaint. John Ryan added that the Town has codes, the anonymous complaints would just start the process and the Town would actually be doing

the investigating and prosecution. Tim Hart and Ken Johnson were in agreement with previous comments about “everyone knows but no one tells” and the need for code enforcement clout and ordinances to address the problems. Possibly there could be something on the website for the residents to be the eyes and ears of the community.

Mayor Browning responded that it was easy to find the problems; but the hard part was finding the legal solutions that would stand up to scrutiny.

Town Attorney Cirullo and Town Manager Underwood both stated that they have noted the topics discussed tonight and would work on a written report on some preliminary findings for the next meeting.

10. NEW BUSINESS

a. Okeechobee Corridor Master Plan – Work Authorization Okeechobee Boulevard Planning & Zoning

Council Member Rockett stated he had a problem paying the Management Company extra for not doing what was already in the RFP. Council Member Goltzené responded this was not in his contract. Mayor Browning stated this needed to get finally resolved or the Town would start losing pending lawsuits.

Motion: Council Member Rockett made a motion to only fund the portion of this work authorization dealing with outside vendors. The motion was seconded by Council Member Liang. Motion was tied 2 – 2, and did not pass.

Motion: Council Member Goltzené made a motion to fund the work authorization fully. Motion was seconded by Mayor Browning. Motion was tied 2 – 2, and did not pass.

Town Attorney Cirullo reminded Council that the Workshop has already been set by motion adoption at the last meeting; and if they did not want to fund the work necessary for the workshop, then they would have to make a motion to cancel the workshop. Council consensus was that the workshop stay on the schedule and this work authorization be brought back again at the next council meeting.

b. B Road “OGEM” Improvements Change Order (added to agenda under Addendum #1)

Council Member Rockett asked if this change order was just for the design. Town Manager Underwood responded this was for the designs, research and letters to be sent out.

Motion: A motion to approve the change order was made by Council Member Rockett and seconded by Council Member Liang. Motion passed 4 – 0.

11. COUNCIL REPORTS

a. Mayor Browning

1. Town of Palm Beach Letter regarding Legislative Proposal on Standardized Date for Local Government Elections

Town Attorney Cirullo explained that this proposal had not been brought forward as an actual Legislative Bill yet, but support or opposition from local municipalities was encouraged to let legislators know how they felt. This proposal would require the Town to change its Charter, and also to change Council term to either 4 year terms or 2 year terms. Council was in consensus that they strongly opposed this proposal.

Motion: A motion to direct Staff and Legal to draft a memo for the Mayor's signature opposing all the items covered in this proposal and sent to the State Legislators was made by Council Member Rockett and seconded by Council Member Liang. Motion passed 4 – 0.

12. CLOSING COMMENTS

a. Public

A final comment card from Bill Johnson was read by the Mayor.

b. Town Attorney

1. Council Ethics Training

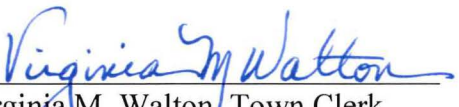
Town Attorney Cirullo advised the Council that the new State Law required each of them to fulfill 4 hours of training each calendar year, and starting with the 2015 Financial Statement Form 1, they would need to confirm in writing that they had in fact taken the training. The Ethics training that Council had completed earlier in the year could count towards this requirement. There were some online options available through Florida Commission on Ethics website and also the Florida Institute of Government website, www.IOG.fsu.edu/events/online_training/index.html

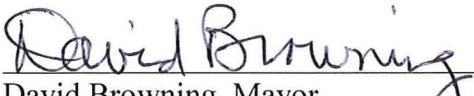
c. Town Council Members

Town Council Members each thanked everyone for coming tonight and wished everyone a Happy Thanksgiving. Mayor Browning also announced that he had decided to run again for Council and had submitted his qualifying paperwork today.

13. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 9:43 p.m.


Virginia M. Walton, Town Clerk


David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, DEC. 1, 2015.