



Town of Loxahatchee Groves Town Council Meeting

Tuesday, May 19, 2015 - 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 Planning Consultant Jim Fleischmann
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, Ryan Liang, and Jim Rockett. Also present were Town Manager Bill Underwood, Town Planning Consultant Jim Fleischmann, Town Attorney Mike Cirullo, and Town Clerk Janet K. Whipple.

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

Motion: Councilman Rockett made a motion to approve the Agenda, as presented. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.

2. CONSENT AGENDA

- a. Minutes:
 - **March 17, 2015** – Regular Town Council Meeting
- b. Consideration to cancel the June 2, 2015, Town Council Meeting. (Pulled from Consent Agenda to discuss later in the meeting).

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

Council discussed the reasoning behind the request for cancellation of the June 2, 2015, Town Council Meeting, and if there could be an alternate meeting date.

Motion: Vice-Mayor Jarriel made a motion to eliminate the first meeting of the month on June 2, 2015, and keeping the second meeting on June 16, 2015. Councilman Goltzené seconded the motion. Upon vote, the motion passed 5/0.

3. PUBLIC COMMENTS

Keith Harris, 2580 C Road, reported the residents of Citrus Drive have been complaining of dust and would like to have their road watered. Please give them consideration.

Vice-Mayor Jarriel responded with information that 161st is a two (2) mile trial run, how it is watered and that the watering took two (2) hours. He explained how the road was watered. Citrus Drive is highly traveled. He requested the Council come to a consensus to pay the Loxahatchee Groves Water Control District (LGWCD) to water. Town Manager Underwood will work with the District Administrator on this matter.

Bill Louda, 1300 E Road, pulled the Hydro Geology from the United States Geological Survey (USGC) and requested the Town come up with a resolution to not drill wells below one-hundred, fifty feet (150'). This will prevent cracking. He also suggested fixing water wells, cleaning up the phosphorus use, correct types of fertilizers used such as 666 blend.

Marge Herzog, 966 A Road, reported the Loxahatchee Groves Land Owners Association will host a Loxahatchee Groves Water Control District Candidate's Forum on Thursday at 7:00 p.m. Ken Johnson will be the moderator.

Phyllis Maniglia, 359 West D Road, reported there was no water in the canals on the north side of Okeechobee Boulevard, due to habitat people putting out trot lines and collecting turtles for meat.

4. PRESENTATIONS – NONE

5. COMMITTEE REPORTS - NONE

6. ORDINANCES

- a. **ORDINANCE 2015-02 ORDINANCE NO. 2015-02 / PUBLIC HEARING / SECOND AND FINAL READING:** *(Council Board Appointment for Planning & Zoning Board / Local Planning Agency (LPA) Members).*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2011-011, WHICH ESTABLISHED THE TOWN'S

PLANNING AND ZONING BOARD, AS AMENDED BY ORDINANCE 2012-02, TO AMEND SECTION 2, SUBSECTION ENTITLED "COMPOSITION AND TERM OF OFFICE", TO CHANGE THE TERM OF OFFICE FOR PLANNING AND ZONING BOARD MEMBERS FROM THREE YEAR TERMS TO ONE YEAR TERMS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Town Attorney Cirullo announced, and read, the title of Ordinance No. 2015-02. There will be one (1) change, to strike a portion of 1.a., changing three (3) year terms to one (1) year terms.

No discussion.

No public comments.

Motion: Councilman Liang made a motion to adopt Ordinance No. 2015-02, on second and final reading, as amended. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 5/0.

b. ORDINANCE NO. 2015-03 / PUBLIC HEARING / SECOND AND FINAL READING: *(Prohibiting Disposal of Waste Materials)*.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROHIBITING THE DISPOSAL OF WASTE MATERIALS, AS DEFINED HEREIN, WITHIN THE TOWN; PROVIDING FOR DEFINITIONS; FINDING THAT A VIOLATION OF THIS ORDINANCE SHALL BE DEEMED A NUISANCE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo announced, and read, the title of Ordinance No. 2015-03.

Motion: Councilman Rockett made a motion to adopt Ordinance No. 2015-03, on second and final reading, as presented. Councilman Liang seconded the motion. Upon roll call vote, the motion passed 5/0.

7. RESOLUTIONS

a. RESOLUTION 2015-10: *(Welcoming New Commissioner Melissa McKinlay)*.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA WELCOMING THE ELECTION OF COMMISSIONER MELISSA MCKINLAY AS COUNTY COMMISSIONER FOR DISTRICT 6; EXPRESSING THE TOWN COUNCIL'S OPTIMISM FOR WORKING WITH COMMISSIONER MCKINLAY FOR THE BENEFIT OF THE RESIDENTS OF THE TOWN; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of Resolution No. 2015-10.

Motion: Councilman Liang made a motion to adopt Resolution No. 2015-10, as presented. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 5/0.

b. RESOLUTION NO. 2015-15: *(Budget Amendments)*.

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, 2014 AND ENDING SEPTEMBER 30, 2015; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Town Manager Underwood noted an error in the resolution title. It should read "beginning October 1, 2015, and ending September 30, 2016". He continued to explain the budget amendment.

Town Attorney Cirullo read the title of Resolution No. 2015-15.

Motion: Councilman Rockett made a motion to adopt Resolution No. 2015-15, as amended. Councilman Liang seconded the motion. Upon roll call vote, the motion passed 4/1 with Councilman Goltzené casting the dissenting vote.

c. RESOLUTION NO. 2015-17: *(Appointment of Planning and Zoning/LPA Members and Alternates)*.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, _____, _____, _____, AND _____, AS REGULAR MEMBERS OF THE TOWN'S PLANNING AND ZONING BOARD TO SERVE TERMS OF ONE (1) YEAR, AND APPOINTING _____ AND _____ AS ALTERNATE MEMBERS OF THE TOWN'S PLANNING AND ZONING BOARD TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo provided direction on Council appointments for Regular Planning and Zoning (P&Z) Board Members and two (2) Alternates.

The appointments were as follows: Mayor Browning appointed Dennis Lipp; Vice-Mayor Jarriel appointed Grace Joyce; Councilman Goltzené appointed Lawrence Corning; Councilman Liang appointed Veronica Close; and Councilman Rockett appointed Robin Crawford.

It was the consensus of Council to appoint Joyce Batcheler and Karen Piesly as the two (2) Alternates to the Planning and Zoning Board.

Town Attorney Cirullo read the title of Resolution No. 2015-17 along with the names of each Board Member selected by the individual Council Members and the names of the Alternates selected.

Motion: Councilman Liang made a motion to adopt Resolution No. 2015-17. Councilman Goltzené seconded the motion. Upon roll call vote the motion passed 4/1, with Councilman Rockett casting the dissenting vote.

d. RESOLUTION No. 2015-18: (*Procedures/Public Participation at Town Boards or Committees*).

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO PROCEDURES AND PUBLIC PARTICIPATION FOR TOWN BOARD AND COMMITTEE MEETINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo explained, and read, the title of Resolution No. 2015-18.

Motion: Vice-Mayor Jarriel made a motion to adopt Resolution No. 2015-18, as presented. Councilman Liang seconded the motion. Upon roll call vote, the motion passed 5-0.

QUASI-JUDICIAL RESOLUTIONS

e. RESOLUTION NO. 2015-16 QUASI JUDICIAL / PUBLIC HEARING: (*Day property Site Plan Approval*).

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE DAY PROPERTY SITE PLAN, FOR LAND OWNED BY WILLIE H. AND FRANKIE J. DAY, CONSISTING OF 9.3 ACRES MORE OR LESS, LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo explained Resolution No. 2015-16, and the rules for Quasi-Judicial, then preceded to swear in those who wished to speak.

Chris Barry, Project Planner Urban Design Kilday, speaking for the applicant, presented a PowerPoint presentation on the Day Property Site Plan.

Vice-Mayor Jarriel spoke briefly on connectivity between the Day property and the Red Barn property.

Chris Barry touched on new location for cross access, a drive thru, signage, logistics of horse trails, roundabouts, and answered questions on impact fees.

Council discussed the possible relocation of the stand alone building that will need a drive thru in order to address trash issues, connectivity, and Palm Beach County funding.

Jim Fleischmann, Town Planning Consultant, explained the history of the Day Property Application. The Town is recommending approval of the Site Plan subject to the Conditions of Approval. He read the Staff recommendations.

Council Comments:

Councilman Rockett asked about cost recovery.

Town Manager Underwood explained the Town sent an invoice and has not received remittance. He requested the applicant explain the unpaid charges.

Chris Barry thought the fees were current did not believe Mr. Day had received a bill.

Town Attorney Cirullo noted Cost Recovery is part of the settlement and should be paid.

Public Comments:

Bill Louda, 1300 E Road, suggested switching the green space, relocating the entrance of the project to the north end, no cross traffic for trailers, the need for internal signage, the trail to nowhere being filled later, and east/west connectivity.

Nina Corning, 2834 E Road, was also disappointed on the equestrian easement. She stated the Town should protect the easements and green space whenever possible, and she suggested removing Folsom Road from the Thorough-Fare Map.

Lawrence Corning, 2834 E Road, suggested a survey to find out what the residents choose. He seemed to have missed that the trail did not come up in the Settlement Agreement. If the Okeechobee Boulevard plan does not work, or it slips, the Town needs to be concerned.

Town Attorney Cirullo swore in Ken Johnson who wished to speak.

Ken Johnson, 15409 Collecting Canal Road, had a couple of questions concerning the differences approved between the Simon Property and the Day Property, and the logistics and need for a fast food restaurant.

Keith Harris, 2580 C Road, referencing his positions on the Planning and Zoning Board (P&Z) and the Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC), described the road trips per day just for the restaurant. If Mr. Day does not want to put in a trail, Mr. Harris suggested Mr. Day give the Town funding for a future trail. He added it would be a blessing to have safe crossing across Okeechobee Boulevard.

Todd McLendon, 3481 D Road, did not see the Settlement Agreement in the Agenda Packet, and would like to see a copy. Fees should be paid before the Agreement comes before the Town Council.

Mayor Browning reported the FAR (Floor Area Ratio) was still under review.

Mary McNicholas, 12845 Raymond Drive, spoke on connectivity, and does not see that the Town has any commitment. She noted she had received a copy of the Settlement Agreement. The Town needs to bend over backwards if the Planning & Zoning (P&Z) Board and the Roadway, Equestrian Trails, and Greenway Advisory Committee (RETGAC) have requirements on the trails, they need to be addressed.

Jo Siciliano, 1530 B Road, does not see any traffic calming addressed, discussed roundabouts and the funding, and noted Mr. Day had not complied with requests by the Town.

Jim Fleischmann, Town Planning Consultant, read a recommended Condition of Approval.

Marty Perry, Attorney for Mr. Day, noted this project has a long and expensive history which needs to be put to bed. He addressed connectivity, and keeping the fast food restaurant in its designated location, according to the site plan.

Town Attorney Cirullo stated it was time for deliberation. Decisions will depend on the Town Code.

Council discussed, with input from Town Attorney Cirullo and Town Manager Underwood, logistics of the fast food restaurant, the fate of the easement once Okeechobee Boulevard is widened to four (4) lanes, the fate of all trails on the entire Okeechobee Boulevard Corridor by adding them piecemeal, the traffic light, traffic calming devices, and the possibility of Mr. Hyslop, from the Red Barn, dedicating twelve feet (12') of his property for a continuation of the trail.

Marty Perry stated he would be glad to work with Commissioner Melissa McKinlay and the Town Council concerning connectivity for equestrian trails. He further discussed matters and agreed to the amendments in Resolution No. 2015-16.

Motion: Councilman Rockett made a motion to adopt Resolution No. 2015-16, as amended. Vice-Mayor Jarriel seconded the motion.

Town Attorney Cirullo read title of Resolution No. 2015-16.

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

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

- a. **AGENDA ITEM REPORT (AIR)** - Updates on various activities and issues concerning the Town.

Town Manager Underwood provided his report to the Town Council, and noted especially the Town Hall Ribbon Cutting Dedication will be on Saturday June 13, 2015 from 10:00 a.m. to 1:00 p.m.

Council discussed brush clearing, road watering, and the cost.

Motion: Vice-Mayor Jarriel made a motion requesting Town Manager Underwood draft a Letter of Agreement and work with the Loxahatchee Groves Water Control District (LGWCD) Administrator Steve Yohe for road watering. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

9. OLD BUSINESS – NONE

10. NEW BUSINESS

- a. Approve or modify Local Planning Agency recommendation regarding Okeechobee Boulevard Comprehensive Plan Future Land Use Amendment.

Council discussed postponement of 10.a., the deadline on the moratorium, and the lack of residents in the audience who need to be included in the discussion.

Town Manager Underwood reported the moratorium can be extended for a short period of time.

Town Attorney Cirullo suggested Council give directions to extend the moratorium via an ordinance which can be presented for first reading during the June 16, 2015, Town Council Meeting.

Jim Fleischmann noted the Planning and Zoning (P&Z) Board has met nine (9) times on this matter since December. He asks for Council to verify that the Board is “on base” with their finding; then they will review once more. There will be three (3) more Public Hearings and a lot more review, then thirty (30) days to the State for review.

Discussion followed.

Motion: Councilman Liang made a motion to extend the moratorium in the form of an ordinance, and bring it back for first reading on June 16, 2015. Councilman Rockett seconded the motion.

Town Manager Underwood expressed the importance of Mr. Fleischmann getting Council feedback collectively; therefore, he will have Mr. Fleischmann contact each Council Member individually.

Discussion.

Upon vote the motion passed 5/0.

11. COUNCIL REPORTS

- a. Vice-Mayor Ron Jarriel
 - Discussion of Grant Applications for Trails.

Vice-Mayor Jarriel reported the Town cannot proceed until the Maintenance Survey Maps are completed. He would like to see the Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC) put back into service to start working on this grant.

Bill will bring a work authorization back to council.

- Discussion and Direction on Interlocal Agreement (ILA) for Trails.

Motion: Vice-Mayor Jarriel made a motion to approve the Interlocal Agreement between the Town and the Loxahatchee Groves Water Control District (LGWCD). Councilman Rockett seconded the motion. Upon vote, the motion passed 5/0.

(Clerk note: This Interlocal Agreement (ILA) will supersede the previous agreement attached to Resolution No. 2014-20).

Vice-Mayor Jarriel discussed the grant history, and suggested Town Manager Underwood coordinate the process of writing a new grant.

Town Manager Underwood will bring back a work authorization for Council approval.

12. CLOSING COMMENTS

a. Public

Laura Danowski, 1032 E Road, announce she will be running for a seat on the Loxahatchee Groves Water Control District's (LGWCD) Board during their upcoming election on May 28, 2015.

b. Town Attorney

Town Attorney Cirullo stated "Go Gators".

c. Town Council Members

Councilman Rockett expressed thanks for those who stayed, and also appreciated the attention of those who left.

Councilman Liang stated that this evening was pretty productive, many issues were cleared up, and the Interlocal Agreement worked out. He also thanked everyone for coming.

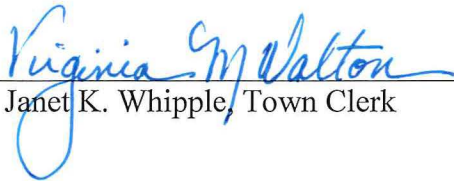
Vice-Mayor Jarriel, also stated "Go Gators", and wished everyone a safe trip home.

Councilman Goltzené also thanked everyone for coming.

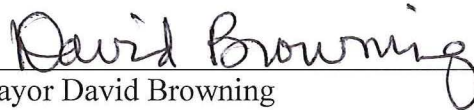
Mayor, thanked those that mattered and stayed.

13. ADJOURNMENT

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 10:21 p.m.



For: Janet K. Whipple, Town Clerk



Mayor David Browning

These minutes were approved during the APRIL 5, 2016 Town Council Meeting.