



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, July 1, 2014 at 7:00 p.m.

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 Mark Kutney
Town Clerk Janet K. Whipple
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING

- a. Call to Order & Roll Call Mayor

Mayor Browning called the meeting to order at 7:05 p.m. Present were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen Tom Goltzené, Ryan Liang, and Jim Rockett. Also present were Town Manager Mark Kutney, Town Attorney Mike Cirullo, Town Planning Technician Braeden Garrett, 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. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

1. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.

b. Minutes for Approval:

- May 6, 2014, Special Town Council Meeting
- May 20, 2014 Town Council Meeting
- June 3, 2014 Town Council Meeting

c. Consideration of Agreement with e-City Services LLC for media/video streaming.

d. Website Memorandum (*Receive and File.*)

e. Confirmation of “Legal Non-conforming Lot of Record” status of a parcel of land located at 14535 Paradise Trail, Loxahatchee Groves, FL 33470 (Parcel Control Number 41-41-43-17-01-342-0100).

f. Addendum #1: Consideration for water connection for the Groves Medical Plaza.

Motion: Councilman Liang made a motion to approve the Consent Agenda with the addition of Consent Agenda, f. Addendum #1. Councilman Rockett seconded the motion. Upon vote the motion passed 5/0.

3. PUBLIC COMMENT

Keith Harris, 2580 C Road, submitted a handout, concerning canals, culverts, and roadway canal replacement. He referenced the Interlocal Agreement with the Loxahatchee Groves Water Control District (LGWCD) for the funding of bridge maintenance. He provided the number of the contractor who can provide culvert replacement cheaper than what has been proposed.

Joe Hosford, 13244 Compton Road, spoke on the Compton Road resurfacing, he said it looks great. He suggested that the Town let people know the canal has been cleaned. He also suggested keeping the canal clean and in the future, painting the speed bumps.

Harold Murphy, 13245 Compton Road, stated the resurfacing for Compton Road was outstanding, and there is no more flooding. He would mark the speed bumps if the Town wanted him to. He expressed his thanks to the Town.

John Ryan, 3508 A Road, reported the Interlocal Agreement with the Loxahatchee Groves Water Control District (LGWCD), referenced by Mr. Harris, was for Town roads, and the focus was try to respond to the FEMA Flood Map. The land on the west side of the canal is cheaper than on the east side. He further explained access and water flow.

4. PRESENTATIONS

- a. Clement Clarke and Michael Sklar to provide a presentation on the Urban County Qualification Process for FY 2015-2017 between the Town of Loxahatchee Groves and Palm Beach County, enabling the Town to continue to access funds under the Community Development Block Grant program (CDBG).

Michael Sklar provided information on the 2015-2017 Community Development Block Grant, and other grants, and what the grant funds can be used for. He further explained qualifications requirements for the Urban County Program. Palm Beach County can use these federal for assistance.

Council asked questions, and expressed their concerns over the Agreement, and how it can benefit the Town.

- b. Sandra Semande, Volunteer Captain for the Palm Beach County Sheriff's Office (PBSO) Loxahatchee Rovers, to make a presentation concerning Citizen Observer Patrol (COP) Program.

Sandra Semand from the Palm Beach County Sheriff's Office (PBSO) is recruiting for Citizen Patrol Unit, and would like Council to reach out to the PBSO Volunteer Unit to help patrol Loxahatchee Groves. She mentioned there was a training class coming up on July 18, 2014. She encouraged people to get involved, and hoped the Town could write a letter to encourage involvement.

It was the consensus of Council to send the letter to encourage involvement.

5. COMMITTEE REPORTS

- a. Elise Ryan, Chair for the FAAC (Financial Advisory and Audit Committee), to provide Financial Report Ending May 2014.

Elise Ryan provided the May 2014 Financials. Mrs. Ryan stated the FAAC Board had recommended the Council approve a written policy for road improvement funds in order for the Board to recommend any road improvements. She also stated that capital improvement funds must be raised in order to cover the expenses such as the traffic light at Okeechobee Boulevard, trails, and equestrian crossings. The Board also recommended the millage rate be increased to 1.5 mills.

Elise passed out Chapter 6, Public Services from the Florida League of Cities Government Annual Report. Council discussed a few financial matters.

Motion: Councilman Rockett made a motion to accept the Financials for May 2014. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.

6. RESOLUTIONS - NONE

7. ORDINANCES

- a. ORDINANCE NO. 2014-04 2nd / FINAL READING / PUBLIC HEARING (Livestock Waste – Property Owners). (rev 05/15/2014) *(Deferred to a date certain from the June 3, 2014 Town Council Meeting requesting all five (5) Council Members to be present.)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE USE OF LIVESTOCK WASTE WITHIN THE TOWN; AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE BY AMENDING PART III ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 50 ENTITLED "PUBLIC NUISANCES" BY ADDING A NEW SECTION 50-035 TO BE ENTITLED "USE OF LIVESTOCK WASTE;" PROVIDING FOR DEFINITIONS; PROVIDING THAT THE USE OF LIVESTOCK WASTE IS A PUBLIC NUISANCE EXCEPT AS PROVIDED BY THIS SECTION; PROVIDING FOR REGISTRATION AND PERMITS, REQUIREMENTS AND LIMITATIONS ON THE DELIVERY AND USE OF LIVESTOCK WASTE; PROVIDING FOR REPORTING AND NOTICE REQUIREMENTS; PROVIDING FOR REVOCATION OF PERMITS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo explained the situation with Ordinance No. 2014-04, and read the title.

Motion: Councilman Rockett made a motion to approve Ordinance No. 2014-04. Vice-Mayor Jarriel seconded the motion with discussion.

Council discussed the pros and cons of establishing this ordinance.

Virginia Standish, 15410 North Road; Lawrence Corning, 2834 E Road; Nina Corning, 2834 E Road; John Ryan 3508 A Road; Todd McLendon; and Keith Harris, 2580 C Road; all expressed their concerns why Ordinance No. 2014-04 is not beneficial to the residents of the Town.

Council discussed with Town Attorney Cirullo the ramifications of not passing Ordinance No. 2014-04 this evening, and how to address the concerns of the residents.

Jo Siciliano, 1530 B Road; Ken Johnson, 15409 Collecting Canal Road; and Christine St. John, 14220 43rd Road North; also provided their input and expressed their concerns over Ordinance No. 2014-04.

Upon Roll Call Vote, the motion to adopt Ordinance No. 2014-04 failed, 1/4 with Mayor Browning, Vice-Mayor Jarriel, Councilman Goltzené, and Councilman Liang dissenting.

Mayor Browning called for a very brief break.

8. ADMINISTRATIVE UPDATE – *Town Manager Kutney*

a. Okeechobee Boulevard

Town Manager Kutney reported on a June 16th meeting with Palm Beach County Engineer George Webb relative to the ability of the Town to take jurisdictional control over Okeechobee Boulevard and to indicate that the Town is interested in creating roundabouts at both B and F Roads. These ideas were recommend to the Town Council during a joint meeting between the Planning and Zoning Board (P&Z) and the Roadway, Equestrian Trails, Greenway Advisory Committee (RETGAC). Asking Mr. Webb his opinion and what the Town would have to go through in order to implement the ideas, Mr. Webb did not think recommending jurisdictional control over Okeechobee Boulevard for the Town was something he would not be able to recommend; however he was staying open to the matter. Mr. Webb indicated there was not really a formal process to the County relative to these types of requests, but a letter from the Town, directed either to him or County Administrator Weisman would be sufficient enough to get the ball rolling. Mr. Webb also was open to conditions and concerns of the Town, relating to the Minto Project

It was the consensuses of Council to have Mr. Kutney write the letter.

Council brought up a few more concerns regarding the expansion of Okeechobee Boulevard.

Virginia Standish, 15410 North Road; and Nina Corning, 2834 E Road; spoke of their thoughts on the matter of Okeechobee Boulevard, and asking for what the Town wants. Mrs. Corning handed out maps to Council.

Motion: Council Rockett made a motion to Receive and File the maps. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

Dennis Lipp, 13402 North Road; Ken Johnson, 15409 Collecting Canal Road; and Lawrence Corning, 2834 E Road; spoke on Palm Beach County changing the integrity of the Town, especially if there are plans to extend Okeechobee Boulevard all the way to Twenty (20)

Mile Bend, working with the current County Commission in order to keep the rural character of the Town, trying to keep Okeechobee Boulevard two lanes, installing traffic calming devices, and traffic studies.

Councilman Goltzené recommended proactive measures.

b. IGC Meeting

Town Manager Kutney reported on the Intergovernmental Coordination Committee (IGC) Meeting that discussed drainage. The next meeting would be held on Friday, July 25, 2014, at 3:00 p.m.

Councilman Goltzené provided a report on the horse trails and Town Manager Kutney and LGWCD Administrator Steve Yohe would be working on the maintenance of the trails and noted that the easements must be mowed more often than twice a year.

Town Manager announced that Laura Danowski was the newest member of the Roadway, Equestrian Trails and Greenway Committee (RETGAC) (*Appointed by Mayor Browning*).

9. OLD BUSINESS

- a. Consideration for the FY 2015-2017 Agreement between the Town of Loxahatchee Groves and Palm Beach County for the Urban County Jurisdiction to enable residents continued access to funds under the Community Development Block Grant (CDBG).

Town Manager Kutney provided background on the Agreement.

Town Attorney Cirullo referenced sections in the Agreement he felt should be addressed before it was signed. He also noted this was a standard Agreement that the Town passed in 2011, and that basically there were no red flags.

Motion: Councilman Liang made a motion to approve the Urban County Jurisdiction Agreement. Vice Mayor Jarriel seconded the motion for discussion.

John Ryan, 3508 A Road, expressed his concerns.

Council discussed with Town Attorney Cirullo the purpose of the Agreement.

Councilman Rockett asked about the issues Councilman Goltzené raised and when was the deadline for approval, and was told July 25, 2014.

Councilman Rockett requested to table the Agreement until the next Council Meeting.

Town Attorney Cirullo will review the Agreement with the Palm Beach County Attorney.

Motion: Councilman Liang made a motion to postpone approving the Urban County Jurisdiction Agreement. Vice-Mayor Jarriel seconded the motion. Upon vote the motion passed 5/0.

b. Discussion of Gas Tax Map with particular reference to 43rd Road North.

Town Manager Kutney had received a notice from Christine St. John, 14220 43rd Road North, concerning her road being on the Gas Tax Map and wanting it removed.

Town Attorney Cirullo stated the Council would have to take action to remove 43 Road North from the Gas Tax Map.

Council discussed the ratio of residents wanting to leave 43rd Road North on the Gas Tax Map and those that want the road removed.

Councilman Rockett abstained from voting, as he lives on 43rd Road North.

Christine St. John, 14220 43rd Road North requested a copy of the Gas Tax Map and was told by her attorney not to continue speaking on the matter.

Keith Harris, 2580 C Road, referenced the claiming of Gas Tax monies without due process, and noted he had met with Town Manager Kutney, and Town Planning Technician Braeden Garrett to discuss the situation.

Motion: Councilman Goltzené made a motion to continue with the allocation of Gas Tax Money for 43rd Road North. Vice-Mayor Jarriel seconded the motion, for discussion.

Mayor Browning explained the history of the Gas Tax Money. If the majority of the people want it then we will keep it.

Upon vote, the motion passed 3/1 with Councilman Goltzené dissenting and Councilman Rockett abstaining.

c. Phyllis Maniglia to speak on Code Enforcement matters. *(Councilman Ron Jarriel)*

Phyllis Maniglia, 359 West D Road, provided a PowerPoint Presentation that turned out not to be Code Enforcement matters per say, but a complaint against two particular Town Vendors.

Council had a hard time following the presentation, but said they would be happy to investigate and have the vendors respond.

Todd McLendon, 3481 D Road; and Lawrence Corning, 2834 E Road, expressed their opinions.

Council made a few additional comments, and wanted to know about the letter Ms. Maniglia was referring to.

Town Manager Kutney explained the situation, and stated Ms. Maniglia had already received the letter releasing her from the code violation, and felt the additional letter she requested was not necessary. Mr. Kutney will provide a report to Council, and noted if there was a problem with the vendors, the Town will investigate.

John Ryan, 3506 A Road, expressed his opinion on Code Enforcement matters.

Mayor Browning called for a break 10:01 - 10:08 p.m.

10. NEW BUSINESS

a. Transmittal of Fiscal Year 2014/2015 Budget

Town Manager Kutney requested a Town Council Meeting on July 18, 2014 at 6:00 p.m. in order to approve the non-ad valorem and Solid Waste Budget matters.

Motion: Councilman Rockett wanted to commence Budget discussion this evening as he does not like the proposed 1.5 millage increase; therefore, he made a motion to leave the millage at 1.2. Councilman Goltzené seconded the motion for discussion.

Town Manager Kutney reported that during the FAAC meeting there has been a lot of discussion, especially road items. The Committee is recommending the proposed millage of 1.5.

Upon vote the motion passed 4/1 with Vice-Mayor Jarriel dissenting.

Motion: Vice-Mayor Jarriel made a motion to schedule a Town Council Meeting on Friday July 18, 2014, from 6:00 to 9:00 p.m. Councilman Rockett seconded the motion. Upon vote the motion passed 5/0.

Council discussed, and had questions, on particular line items within the Budget.

Motion: Councilman Rockett made a motion that the Legal Counsel line item be reduced from \$120,000 to \$90,000. Also to reduce the Public Works line item from \$10,000 to \$4,000. Councilman Liang seconded the motion. Upon vote the motion passed 5/0.

b. Imposition of Code Enforcement Administrative Cost (*Councilman Tom Goltzené*)

Councilman Goltzené, in the interest of time, stated he had spoken the Town Attorney Cirullo and he would like to discuss this item at the August Town Council Meeting.

c. Request for an Investigation of a Town Vendor

Town Manager Kutney explained, and reported, that he had spoken with Town Attorney Cirullo, and others, on this matter. Town Manager Kutney provided alternatives for the investigation, one of which was to contact an outside attorney as an independent investigator.

Councilman Rockett wanted to know what the issue was between Keith Harris, 2580 C Road, and Frank Schiola, Town Vendor.

Town Manager Kutney explained there was a problem with vegetation stockpiled along C Road that looked like one large pile, when in fact it was from multiple property owners. Mr. Harris had sent word to Town Manager Kutney that no one was to enter his property, and apparently Mr. Schiola had entered during his investigation. Words were exchanged, and a complaint was filed against Mr. Schiola.

Motion: Councilman Rockett made a motion to Receive and File a book Mr. Harris had written and given to each Council Member. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

Council discussed the situation, money being spent, and suggested not sending Mr. Schiola out for Code Enforcement violations from this point forward. Also, when one is out on an inspection, the proper procedure would be to call the owner from outside the property line.

Responding to a question from a member of the audience concerning lack of yard waste pick up, Town Manager Kutney and Council addressed the website connection to WastePro and the use of the link when complaint calls come into the Town. It was noted that Mr. Schiola was working on the problem. It was suggested that the Town can fine WastePro or fire them.

Members of the audience also came to the podium to speak on the WastePro matter.

Virginia Standish, 15410 North Road, speaking as a resident and FAAC Member reported that she would bring the violations to the Board, but would like to have documentation.

John Ryan, 3508 A Road, commented on the conversation between Keith Harris and Frank Schiola.

Frank Schiola, 13434 Marcella Boulevard, reported on the WastePro letter, stated the complaints are without merit, and that he would not object to any investigation.

Motion: Councilman Goltzené made a motion to hire an independent investigation concerning the allegations against Frank Schiola. Mayor Browning passed the gavel to Vice-Mayor Jarriel and seconded the motion for discussion.

Council discussed the cost factor of an independent investigation, the scope of Mr. Schiola's duties on any Code violation matters and to decide how his services are most beneficial.

Phyllis Maniglia continued her complaints against the Town vendors, and requested to see the letter sent to Town Manager Kutney from the Office of Inspector General, and the response.

Upon vote, the motion failed 3/2, with Vice-Mayor Jarriel, Councilman Rockett and Councilman Liang dissenting.

Council continued to discuss the Code matters concerning Mr. Schiola. It was suggested that staff handle and document any calls instead of Mr. Schiola responding, and limit his responsibility to solid waste complaints and illegal dumping.

Councilman Rockett will make a motion to have Mr. Schiola limit his investigations to solid waste complaints and manure issues/problems and report back to Town Staff to be handled, and not having any personal contact with the people involved.

Town Attorney Cirullo stated Mr. Schiola performs his duties as directed by Town Manager Kutney, and Council would be limiting the scope of work. Mr. Schiola's contract expires September 30th.

Council discussed the pros and cons of hiring an independent investigator.

Keith Harris, 2580 C Road, explained his complaint towards the Town he was upset that the motion to investigate was turned down.

Town Manager Kutney noted, as a point for consideration, as it applies to the solid waste we now have an EZ Track automated system, dealing with WastePro complaints. There are some complaints when Mr. Schiola will need to go out to speak with residents to investigate a matter.

Councilman Liang does not want an investigation but suggested the dialog will have to be curtailed. He feels that Mr. Schiola understands and will not be joking around in the future.

Councilman Goltzené felt is very premature and very judgmental towards Mr. Schiola.

Motion: Councilman Rockett made a motion, and wished to restate, that where Mr. Schiola is involved in investigations, report his finding back to the Town, and the Town's response in whatever way is for appropriate action relative to WastePro. The motion was seconded by Councilman Liang. Upon vote, the motion passed 3/2, with Mayor Browning and Councilman Goltzené dissenting.

11. CLOSING COMMENTS

a. Public

None

c. Town Attorney

Town Attorney Cirullo is working on the Captive Wildlife proposal.

c. Town Council Members

Councilman Rockett thanked everyone for coming and to have a great 4th of July.

Councilman Liang also thanked everyone for coming.

Vice-Mayor Jarriel wanted everyone to be safe going home.

Councilman Goltzené stated any jackass can build a barn and only a carpenter can fix it; basically it means, we need to live together and cooperate with each other. He thanked everyone.

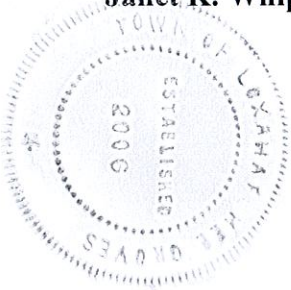
Mayor Browning still felt the Town should have conducted the investigation as it would have cleared the matter.

12. ADJOURNMENT

There being no further business to come before Council, Mayor Browning adjourned the meeting at 11:37 p.m.


Janet K. Whipple, Town Clerk


David Browning, Mayor



These minutes were approved during the August 19, 2014 Town Council Meeting.