



Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, April 17, 2012 at 7:00 p.m.

Loxahatchee Groves Water Control District, 101 West "D" Road

MINUTES

1. Opening

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:02 p.m. Present were Mayor David Browning, Vice Mayor Jim Rockett, and Council Members Tom Goltzené, Ronald D. Jarriel and Ryan Liang. Also present were Town Manager Mark Kutney, Town Clerk Janice M. Moore, Town Attorney Michael D. Cirullo, Jr., and Bill Underwood, Managing Partner of Underwood Management Services Group (UMSG).

b. Pledge of Allegiance & Invocation - Mayor Browning

c. Approval of Agenda

Councilman Jarriel requested to add Item 10 c. OGEM Repair & Maintenance of South F Road/North F Road, Compton Road and Bryan Road. There were no objections.

Motion: Councilman Jarriel moved to **approve** the agenda as amended. Councilman Liang seconded the motion, which passed unanimously. **(Motion carried 5-0).**

d. Town Council Liaison for the Roadway, Equestrian Trails & Greenway Advisory Committee (RETGAC)

Motion: Councilman Jarriel moved to **appoint** Tom Goltzené as the RETGAC Town Council Liaison. Vice Mayor Rockett seconded the motion, which passed unanimously. **(Motion carried 5-0).**

2. Consent Agenda

a. Minutes for Approval: February 7, 2012 (Regular), March 6, 2012 (Regular), April 3, 2012 (Regular)

Town Clerk Moore noted an insert of the word "not" on page 6 of the February 7, 2012 minutes under Nina Corning's statement.

Motion: Councilman Liang moved to **approve** the Consent Agenda as amended. Councilman Jarriel seconded the motion, which passed unanimously. **(Motion carried 5-0).**

3. Presentations

a. Automated Service vs. Hand Pick-up

Patricia Christensen, Waste Pro, provided a detailed overview and advantages of automated and semi-automated services. She answered questions posed by the Town Council regarding cart tracking, cost, replacement, durability and size. Pete Reilly, Waste Pro customer representative, was present during the discussion. Vice Mayor Rockett requested the delivery of a cart sample to Town Hall.

Public Comment

Dennis Lipp, 13402 North Road, expressed concern for a resident on F Road who unloaded his garbage out of a golf cart.

4. Committee Reports - None

5. Public Hearings - Ordinances 2nd Reading - None

6. Ordinances - 1st Reading - None

7. Resolutions - None

8. Administrative Update

a. Intergovernmental Coordination (IGC) Report - April 5, 2012 Meeting

Town Manager Kutney reported the following:

- Councilman Jarriel sat in for Councilman Goltzené
- Traffic Signal at Okeechobee Boulevard
- Recreational Trails Grant submitted
- Future Town/District Joint Workshops
- Modifications to the Interlocal Agreement with Town & District
- Collecting Canal Road
- Issues Relating to Speed Humps
- Next Meeting: Tuesday, April 24, 2012 at 11:00 a.m.

Town Manager Kutney also reported:

- School District's Advisory Boundary Committee (ABC) will review proposed boundary changes from Western Pines Middle School to Osceola Creek Middle School at their

April 19, 2012 meeting at 6:30 p.m. in the Board Room in the Fulton Holland Educational Services Center at 3300 Forest Hill Boulevard.

- Scrivener's Errors in Code Section Article 87, Tree Preservation Relating to the Actual Size of the Tree

Vice Mayor Rockett explained that a committee had created guidelines and then the Town Council approved the Unified Land Development Code (ULDC). He noted that he made two (2) documents available to Town Manager Kutney: 1) a document with changes agreed upon at the Town Council Meeting; and 2) a document that was distributed within 24 hours and was to include changes. Vice Mayor Rockett also noted that one of the documents was brought to the Town's attention by Resident Larry Lefkowitz and the other by himself.

Motion: Vice Mayor Rockett moved to **direct** Town Manager Kutney to hire a professional to review 200 pages relating to the documents and to report back to the Town Council. Councilman Jarriel seconded the motion.

Mayor Browning inquired as to the cost. Town Manager Kutney noted that it would depend on the hourly wage. Councilman Goltzené noted that over \$10,000 was spent regarding the ULDC and that the consultant should take responsibility. He further noted that there were some issues regarding the impact on businesses, setbacks, and damages to animals. He urged the Town Council to review the ULDC. Councilman Liang agreed with approaching the original consultant and amending the ULDC as necessary. Councilman Jarriel requested that if the Town incurred additional costs, that it be brought back to the Town Council. Town Manager Kutney noted that it would be hard to determine fault. Mayor Browning expressed that he was agreeable to having someone review the documents and to review and modify the ULDC by sections.

Vote: (Motion carried 5-0).

Councilman Goltzené requested the two (2) code enforcement issues (tree mitigation and setbacks) be reviewed by Town Manager Kutney. Town Manager Kutney clarified if the Town Council wanted him to take no action on these matters until investigation was completed and a report was presented. Town Attorney Cirullo noted that this was about the written code and how it was being applied relating to these specific issues prior to the code enforcement process. Vice Mayor Rockett spoke about the balance between hearing appeals for code enforcement cases and reviewing the ULDC at the same time. Town Attorney Cirullo encouraged the Town Council to look at these sections first, as they were being applied. Town Manager Kutney noted that he believed that these types of issues will continue to be brought to him for addressing. Mayor Browning explained to the Public that someone damaged cypress trees by roping off an area for their horses.

Motion: Vice Mayor Rockett moved to **place** the two (2) code enforcement cases on hold for discussion at the next Town Council Meeting. Councilman Jarriel seconded the motion. **(Motion carried 5-0).**

- Inconsistent County Zoning Designations

Town Manager Kutney requested the Town Council create a more painless approach where the Town Staff had the administrative authority to rezone certain properties, so that owners did not incur any cost recovery expenses. He noted that this item would be coming back for further discussion.

- Administrative Workload

Town Manager Kutney requested to provide a report at the next meeting regarding the prioritization of projects and planning & zoning. There were no objections. Vice Mayor Rockett requested that the list be presented to the Town Council as soon as possible.

9. Old Business

a. Town Manager Recommendation Regarding Okeechobee Boulevard

Town Manager Kutney, referring to the Town Zoning Map, provided an overview of recommended amendments to the *Objectives and Policies* relating to Southern Boulevard and Okeechobee Boulevard. Councilman Liang requested that it be presented to the Planning & Zoning Board as well as Town Planner Jim Fleischman for input.

Town Attorney Cirullo suggested that **Item 10b. Discussion of a Moratorium on Future Development Applications Due to Issues with the Comprehensive Plan/Unified Land Development Code** be discussed at this time. There were no objections. Councilman Goltzené explained that he was looking to prevent any land use changes until Town Council and Staff could make the Comprehensive Land Use Plan more cohesive. Town Manager Kutney noted that any amendments would need to have consensus. He spoke about commercial low and office low land uses and recommended that all ratios be reviewed.

Motion: Vice Mayor Liang moved to **place** a six (6) month moratorium on new applications for land use amendments (town wide) to the Town's Comprehensive Plan with the exception for any applications received on or before today's date. Town Attorney Cirullo noted that this item would need to go to the Planning & Zoning Board first and would be deemed a "zoning in progress." Councilman Goltzené seconded the motion.

Public Comment

Dennis Lipp, 13402 North Road, expressed in favor of overlays. He spoke about what "rural" looked like and the appeal to the uniqueness of Loxahatchee Groves.

Nina Corning, 2834 E Road, spoke in favor of the town wide moratorium.

Lawrence Corning, 2834 E Road, spoke in favor of the items being discussed and the genuine desire for "rural." He expressed that he was thrilled that the Town was on this path. Mr. Corning also about an international planners conference coming soon in West Palm Beach and recommended someone attend.

Grace Joyce, 3886 147th Avenue North, thanked the Town Council for recognizing the importance of this issue and suggested limiting the acreage amount.

Vote: (Motion carried 5-0).

b. Update on OGEM for Collecting Canal Road

Town Attorney Cirullo reported that discussions took place with the LGWCD and another meeting will take place within the next couple of weeks. He noted that he would report back with regular updates. Councilman Rockett requested to find out what the steps would be to finish the last 400 feet on North Road near SunSport and include it in this project. Mayor Browning noted that it might include some coordination with Indian Trails. Councilman Jarriel expressed that he agreed. He spoke about the “letter” roads not all being the same length and requested a consensus to go from Collecting Canal to Southern Boulevard.

LGWDC Administrator Clete Saunier reported that D Road would be completed and was currently being used as “staging” for the contractor’s equipment. He also spoke about the possibility of placing additional materials on D Road for the purpose of speed control. Councilman Jarriel spoke about the speed humps being built up, requested a consensus from the Town Council what they wanted with the speed humps, and suggested hiring PBSO to maintain the speed limit. Vice Mayor Rockett noted that speed was not built into the consideration regarding the OGEM project. He requested a consensus from the Town Council to have Town Manager Kutney report back to the IGC that the speed humps were not acceptable on C Road. He noted that he had expressed that the LGWCD design was flawed in terms of the practicality of driving trucks on the road.

Motion: Councilman Goltzené moved to **not** adjust the speed humps and to adjust the ones on C Road to comply. Vice Mayor Rockett seconded the motion.

Public Comment

Dennis Lipp, 13402 North Road, spoke about a *Channel 2 News* story regarding the number of lives lost on dirt roads and canals.

John Ryan, 3508 A Road, spoke about speed humps being physical road features. He noted that the Town would receive public support regarding the speed humps and suggested it take over the responsibility of the roads.

Vote: (Motion carried 5-0).

c. PBC Ordinance for Lobbyist Registration

Town Attorney Cirullo provided an overview of the ordinance and regulations in effect as of April 2, 2012. He noted that if the Town opted out, it would need to maintain a log and registration system and if the Town did not opt out, the County had its own registration system. Town Attorney Cirullo spoke about the “cone of silence” for competitive selection and added

that the town manager was responsible in reporting any violations to the Florida Commission on Ethics. By **consensus**, the Town Council agreed to use the County's registration system.

10. New Business

a. Reward Offering Regarding Destruction Occurring During OGEM Project

Councilman Jarriel requested the Town Council consider a contract with CrimeStoppers to address his concern with the vandalizing of homes and roads with a reward of \$2,000.00.

Motion: Councilman Jarriel moved to **direct** the Town Manager Kutney to enter into a contract with CrimeStoppers with a \$2,000 reward for vandalism or damage to public property within the Town of Loxahatchee Groves. Councilman Liang seconded the motion. (**Motion carried 5-0**).

c. OGEM Repair & Maintenance of South F Road/North F Road, Compton Road and Bryan Road

Councilman Jarriel spoke about the complaints received from residents. He reported the price quotes for Bryan Road (\$26,676), Compton Road (\$25,176) and F Road \$19,925 and provided an overview of the work. Town Attorney Cirullo requested clarification on the expenses. Councilman Jarriel reported that Compton and Bryan were Town roads and that the funds for F Road would be taken out of the \$150,000 from gas tax funds. Town Manager Kutney recommended that the funds be taken out of the Capital Improvement Projects (CIP). Councilman Goltzené expressed that the Town Council would need to look at its priorities.

Mr. Bill Underwood, USMG, provided an overview of the Florida legislative acts for the allowable use of gas tax funds. He recommended that until the issue was resolved, it should be taken from another source like CIP. Town Attorney Cirullo requested that Town Management provide more information to the Town Council. Councilman Jarriel suggested taking \$75,000 plus the cost of speed humps out of the CIP. Mr. Underwood noted that the Town Council could use the Contingency Fund. Mayor Browning requested that the project be prioritized. Councilman Liang expressed concern for "chipping away" at the million dollars and recommended prioritizing.

Motion: Councilman Jarriel moved to **approve** the repair and maintenance of South F Road/North F Road, Compton Road and Bryan Road and to use funds from the Contingency Fund for this project. Vice Mayor Rockett seconded the motion.

Councilmen Goltzené and Liang both expressed in favor of prioritizing projects. Town Attorney Cirullo explained that he would like to review the procurement policy regarding this project. The motion was **withdrawn** by Councilman Jarriel and Vice Mayor Rockett. By **consensus**, the Town Council agreed to bring back Compton Road and Bryan Road for discussion at the next meeting.

Motion: Councilman Jarriel moved to **approve** the LGWCD to repair South F Road/North F Road and to have the reimbursement expensed under the interlocal agreement. Vice Mayor Rockett seconded the motion.

Public Comment

Dennis Lipp, 13402 North Road, spoke about the trucking operations behind his property being responsible for the roads and if the Town Council could compel the LGWDC to enforce their own rules.

Marge Herzog, 966 A Road, noted that she believed the action that was being taken was not legal. She requested the item to be tabled and let the residents voice their opinions. She questioned about funds being set aside for the roads and said that the LGWDC should pay for it.

Nina Corning, 2834 E Road, commented about the holdup regarding OGEM on F Road and inquired about future funds for all other "letter" roads.

John Ryan, 3508 A Road, explained that F Road was funded for by the County, noted that Ms. Herzog was misconstruing the situation and noted that there no reserves for future maintenance of F Road.

Town Attorney Cirullo noted that this was not a part of the procurement process and did not require a notice.

Vote: The motion passed with all voting in favor with the exception of Councilman Goltzené voted against the motion. **(Motion carried 4-1).**

11. Closing Comments

a. Public

Dennis Lipp, 13402 North Road, questioned if the website was still under attack and expressed that he was displeased that the agenda did not include backup.

Lawrence Corning, 2834 E Road, explained that the Town Council tasked the RETGAC with a vision and that the grant writer, as a committee of 1, submitted the recreational grant and noted that there was an adherent conflict. In addition, he suggested that for the future P & Z Meetings that Town Staff be seated separately from the applicant.

Town Manager Kutney spoke about his commitment to the Town's contract, his attendance at recent various meetings, and the applicant sitting next to him because it was the last seat available.

Marge Herzog, 966 A Road, spoke positively that the speed humps were being addressed. She announced two (2) upcoming events: 1) Saturday, April 21st - Adopt-A Road for Okeechobee Boulevard - 77 National Honor Society students and a group of environmentalists from HL Johnson School will be participating. 2) Saturday, April 26th LGLA Meeting - speaker on the wind farms going in the western communities.

Sharyn Browning, 3056 D Road, announced a National Day of Prayer event on Thursday, May 3, 2012 at noon at the flagpole. Everyone was welcome to attend.

b. Town Attorney - *None*

c. Town Council Members

Councilman Goltzené requested to get back to the first meeting as being a regular meeting and the second as being a workshop or for development issues. He requested a consensus and thanked everyone for coming to the meeting.

Councilman Jarriel agreed and noted that he would prefer one (1) meeting a month and thanked everyone for coming to the meeting.

Councilman Liang thanked everyone for coming to the meeting.

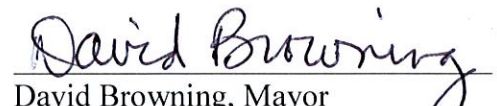
Vice Mayor Rockett noted that the School District's proposed boundary changes meeting was just received via email on Monday and was not part of the agenda. He requested that the Town Council know about everything up to the 5:00 p.m. meeting. Vice Mayor Rockett explained that some discussions were natural spinoffs from the agenda items and that the agenda was to be used as a guide, not a script. He noted that he appreciated everyone coming to the meeting.

12. Adjournment

Motion: Councilman Goltzené moved to **adjourn** the meeting at 10:26 p.m. Councilman Rockett seconded the motion, which passed unanimously. (**Motion carried 5-0.**)

**These minutes were approved by the
Town Council on Tuesday, May 1, 2012.**


Janice M. Moore, Town Clerk


David Browning, Mayor

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