



Town of Loxahatchee Groves
Regular Town Council Meeting
Tuesday, January 3, 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 7:00 p.m. Present were Mayor David Browning, Vice Mayor Liang, and Council Members Tom Goltzené, Ronald D. Jarriel and Jim Rockett. Also present were Town Manager Mark Kutney, Town Clerk Janice M. Moore, and Town Attorney Michael D. Cirullo, Jr.

- b. Pledge of Allegiance & Invocation - Mayor Browning

- c. Approval of Agenda

Councilman Goltzené requested the following item to be added: Funding for the Trails & Greenways (Item 9i.)

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

2. Consent Agenda

Councilman Rockett noted a correction on the December 6th minutes, page 3.

- a. Minutes for Approval: November 15, 2011 (Workshop), November 15, 2011 (Special), and December 6, 2011 (Regular)
- b. Invoices from Goren, Cherof, Doody & Ezrol, P.A. for December 2011

Motion: Councilman Rockett moved to **approve** the Consent Agenda with the December 6th minutes as amended. Vice Mayor Liang seconded the motion, which passed unanimously. **(Motion carried 5-0).**

3. **Presentations** - *None*
4. **Committee Reports** - *None*
5. **Public Hearings** - Ordinances 2nd Reading - *None*
6. **Ordinances** - 1st Reading

a. **Ordinance 2012-01**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AMENDMENT 11-2(SS) TO THE TOWN OF LOXAHATCHEE GROVES COMPREHENSIVE PLAN, CONCERNING A SMALL-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, WILLIE H. AND FRANKIE J. DAY TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 5 ACRES) TO COMMERCIAL LOW AND COMMERCIAL LOW-OFFICE, TO ACCOMMODATE THE FUTURE DEVELOPMENT OF A MAXIMUM OF 4.96 ACRES OF COMMERCIAL RETAIL AND A MAXIMUM OF 4.34 ACRES OF COMMERCIAL OFFICE AND ACCESSORY USES ON 9.30 ACRES LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD, LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo provided a brief overview of the approval process. Dennis Lipp, 13402 North Road, questioned whether or not the 1st reading required a 4-1 vote. Mayor Browning responded that the determination would be made during the ordinance presentation.

Town Planner Jim Fleischmann provided a detailed overview of the application. He answered several questions posed by Town Council. Kieran Kilday, Urban Design Kilday Studios, provided a detailed presentation on the site plan and land use of the property. He answered several questions and responded to several concerns posed by Town Council.

Public Comment

Lawrence Corning, 2834 E Road, expressed concern for the lack of vision for Loxahatchee Groves and suggested to revisit the “big picture.”

Dennis Lipp, 13402 North Road, spoke about land use changes being done by referendum. He also spoke about the supermajority vote and government light.

Virginia Standish, 15410 North Road, expressed objection to commercial properties and urged the Town Council to evaluate how property taxes could be imposed on properties. She objected that the property would help transportation.

John Ryan, 3508 A Road, spoke about Okeechobee Blvd. no longer being a residential road for the town. He suggested two (2) additional conditions: a) Calvin, Giordano & Associates' comments about its suggestion for another traffic study - have developer pay for it; and b) Implement a traffic light at Okeechobee Blvd. and Folsom Road.

Ruth Menor, 13095 Bryan Road, spoke about controlling how Okeechobee Blvd. divided the community and wanting to keep minimal traffic. She spoke against the development.

Marge Herzog, 966 A Road, spoke about the residents not being in favor about having much commercial property on Okeechobee Road. She suggested a statue in the roundabout instead of a clock.

Bernadette Fitzpatrick, 13024 Raymond Drive, spoke about the town being a "gem" and commercial development would happen all over if the application was approved.

Nina Corning, 2834 E Road, requested clarification regarding the supermajority vote. She expressed concern for the traffic and suggested the Town decide how much commercial development it wanted.

Grace Joyce, 3886 147th Avenue North, spoke in favor of the Planning & Zoning formulating and developing a comprehensive community plan for Okeechobee Boulevard. She suggested that if the application did not reflect the comprehensive plan, then the Town should change it.

Patrick Painter, 12887 Raymond Drive, spoke about coming up with own ideas and charting the Town's own future.

Mary McNicholas, 12845 Raymond Drive, spoke about the strong feeling in the community and did not want to lose it. She also spoke about having a traffic study before the approval and amending the comprehensive plan.

Town Attorney Cirullo read the title of the ordinance at this time. He noted that interpretation of the charter was to be by the Town Council.

Marty Perry, representing the applicant, requested that the charter be interpreted fairly and justly.

Town Attorney Cirullo spoke about the charter and supermajority vote.

Motion: Councilman Jarriel moved to have a **3-2 vote for approval** of the ordinance. Vice Mayor Liang seconded the motion.

Councilman Jarriel requested a discussion of the Town's charter at the next Town Council meeting. He urged residents to come to the January 14th workshop to express feedback on what they want for the Town. He spoke about wasting the Planning and Zoning Board's time and supporting their decision.

Councilman Goltzené spoke in favor of the 3-2 vote for the purpose of having a public hearing. He said he was not convinced the project was a good thing considering all of the public feedback.

Vote: All voted in favor with the exception of Councilman Rockett and Mayor Browning who both voted in the negative. **(Motion carried 3-2).**

Motion: Councilman Jarriel moved to **approve** Ordinance 2012-01 on 1st Reading. Vice Mayor Liang seconded the motion.

Councilman Rockett expressed that the decision would be creating a precedent. He agreed with need for a traffic study before approval. Councilman Rockett said it was too soon to take up anything regarding Okeechobee Blvd and spoke in favor of two (2) lanes. He noted that approving the development would send the wrong message and spoke of the lack of traffic control on Folsom Road.

Vice Mayor Liang spoke about supporting the LPA's recommendation and was interested in discussing Item 9g.

Marty Perry, attorney representing the applicant, requested a deferral of the 2nd reading until April, so that he could meet with the county and school district relative to the existing at the school and a potential traffic signal on Okeechobee Blvd. and Folsom Road.

Vote: In roll call vote, all voted in **favor** of the motion with the exception of Councilman Rockett and Mayor Browning who both voted in the negative. **(Motion carried 3-2).**

Town Attorney Cirullo noted that he would work with the developer to establish 2nd Reading date.

b. Ordinance 2012-02

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, TO AMEND SECTION 2, SUBSECTION

ENTITLED "COMPOSITION AND TERM OF OFFICE" TO PROVIDE THAT ALTERNATE MEMBERS OF THE BOARD MAY PARTICIPATE IN ALL MATTERS COMING BEFORE THE BOARD AT MEETINGS IN WHICH THEY ARE IN ATTENDANCE, BUT MAY VOTE ONLY IN THE ABSENCE OF A REGULAR MEMBER; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Town Attorney Cirullo provided an overview of the ordinance and read the title at this time.

Motion: Vice Mayor Liang moved to **approve** Ordinance 2012-02 on 1st Reading. Councilman Rockett seconded the motion. In a roll call vote, all voted in favor of the motion. (**Motion carried 5-0**).

7. Resolutions

a. Resolution 2012-01

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, 2011 AND ENDING SEPTEMBER 30, 2012; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Town Manager Kutney provided a brief overview. Town Attorney Cirullo read the title at this time.

Motion: Councilman Rockett moved to **approve** Resolution 2012-01. Vice Mayor Liang seconded the motion. In a roll call vote, all voted in favor of the motion. (**Motion carried 5-0**).

8. Old Business - None

9. New Business

a. Adoption of Revisions to the Town's Finance & Accounting Procedures Manual

Town Manager Kutney provided a brief overview.

Motion: Councilman Goltzené moved to **approve** the Adoption of Revisions to the Town's Finance & Accounting Procedures Manual. Vice Mayor Liang seconded the motion.

Councilman Rockett requested the following amendments:

- a) Town Staff to review the document on an annual basis, make changes and forward to the Finance Advisory & Audit Committee
- b) Delete "finance director."

All voted in favor of the motion as amended. **(Motion carried 5-0).**

b. Purchase of Equipment for C.E.R.T.

Nancy Handweg, C.E.R.T. co-team leader, distributed a spreadsheet of equipment for back –up communications. She noted that she spoken previously with the former town manager and LGWCD Administrator Clete Saunier regarding the request. Mayor Browning suggested that the funds come out of the “Contributions Fund.” Marge Herzog, Loxahatchee Groves Homeowners Association, suggested coming on the 26th and request a donation.

By consensus, the Town Council **agreed** to use funds from the C.E.R.T. budget line item.

c. Exotics & Evasive Vegetation

Councilman Goltzené requested the creation of an ordinance to prohibit exotic plants on commercial properties and within preserves and to prohibit *australian pines* and *brazilian peppers*, within a certain proximity, to road and trails. Councilman Goltzené clarified that he was looking at the Federal Class 1 Exotics and Prohibited Species List. He requested the Town’s funds to perform the removal.

Councilman Rockett suggested the Town Staff review the “environmental code” of the land use plan, and determine anything that was left out, conflicts, etc.

Town Attorney Cirullo noted that there would need to be a public benefit for the use of funds.

Councilman Jarriel noted that Ian Trail should be a priority for clearing.

Mayor Browning expressed concern for the cost of removal. Councilman Goltzené noted that a plan would be created for which roads and the period of time, addressing it with capital improvement funds and/or gas tax revenue funds.

Town Manager Kutney summarized the discussion as follows: 1) Research county and Unified Land Development Code regulations; 2) Develop an ordinance for the removal of the exotics and evasives; and then 3) Discuss cost factor.

Nina Corning, 2834 E Road, suggested looking at easements, 10 feet back from private property. She noted that she had removed the Australian Pines from all boundaries of her property.

Town Attorney Cirullo noted that he would be involved regarding the various regulations.

Motion: Councilman Goltzené moved to **direct** Town Staff to proceed to draft an ordinance using the perimeters discussed this evening. Councilman Jarriel seconded the motion. **(Motion carried 5-0).**

d. 6th Street Culvert Connection

Councilman Goltzené proposed to connect the areas along the south side Collecting Canal from D Road to C Road for a horse and walking trail by creating a culvert in the ditch, filling in the ditch using the dirt from the berm, removing the exotics, and putting in gates at each end for accessing the property. He said he spoke to LGWCD Administrator Celeste Saunier who was in favor of the proposal, take it to the next IGC meeting and research the costs.

Councilman Jarriel expressed in favor of the proposal and requested that it be passed through Roadway, Equestrian Trails and Greenway Advisory Committee

Mayor Browning noted the following direction for Town Manager Kutney:

1. Pursue funds for grants for overall horse trails
2. Move forward with the LGWDC on this proposal.

There were no objections from the Town Council.

John Ryan, 3508 A Road, spoke in favor of the connection.

Nina Corning, 2834 E Road, spoke in favor of the connection.

Bridgette Supramanya, C Road, suggested taking a look at the research already available.

e. Appointment of FAAC Vacancy – Councilman Goltzené

Councilman Goltzené announced the **appointment** of Virginia Standish to the FAAC.

i. Funding for the Trails & Greenways

Councilman Goltzené spoke about the goals within Section 5. of the Comprehensive Plan regarding parks and recreation space. He said he wanted the Town Council to do more positive things and not be so reactive to developers. Councilman Goltzené suggested that each Town Council member read the objectives to be presented at a future meeting and schedule workshop to bring them into fruition. He said he wanted developers to give back to the community.

Councilman Rockett suggested taking one item at a time and getting some Town Council discussion.

Councilman Goltzené suggested “Linear Park” to be referred to as “The Southern Greenway.” He received no objections from the Town Council.

- f. Planning & Zoning Board Request for Town Attorney to Attend All Meetings – Town Manager Kutney

Town Manager Kutney presented the staff report and provided a brief overview. By consensus, it was **agreed to not to** have the town attorney attend all meetings.

- g. Planning & Zoning Request for Authorization to Formulate & Develop a Comprehensive Community Plan for Okeechobee Boulevard

Town Manager Kutney presented the staff report and provided a brief overview.

Grace Joyce, LPA Member, spoke in favor of doing the plan with simple standards.

Nina Corning, 2834 E Road, spoke about a plan involving entire town, how much commercial property was wanted in the town, bringing planners in and finding professionals that are willing to help.

Mayor Browning requested ideas from Town Manager Kutney regarding getting the whole community involved. Councilman Goltzené expressed concern for setting a percentage of commercial property.

Grace Joyce, LPA Member, noted that the board can only go by the evidence that was presented in the comprehensive plan and if the “Day” property follows the criteria, it cannot vote against it.

Town Manager Kutney noted that he would take the issue to all three (3) boards and would come back with some recommendations in the future.

- h. Manure Dumping

Mayor Browning explained a concern of manure dumping from the upcoming City of Wellington equestrian event. He requested that a policy be set not to allow it during the months of January and February.

Town Manager Kutney noted 10 permit holders in 2011 and only two (2) in 2012 and that code enforcement would be monitoring the issue. Councilman Rockett suggested sending out a notification letter to 2011 permit holders and bringing this issue to the attention of someone in charge of the equestrian event. He said he would be attending the next Western Communities Council meeting and would bring it to the attention of the other surrounding cities.

Councilman Goltzené noted that the Sheriff’s Office should handle violators of the ordinance.

Virginia Standish, 15410 North Road, spoke about a current issue with her neighbor and requested clarification on the ordinance. Town Attorney Cirullo answered several of her questions but noted that the issue was for code enforcement. Councilman Goltzené and Councilman Jarriel shared their knowledge on the subject.

10. Administrative Update

Town Manager Kutney reported the following:

1. Information regarding the facilitator for the January 14th joint workshop was emailed to all council members.
2. Research on Noise Meter Training was in process.
3. A call into Commissioner Jess Santamaria for the status of the Red Light issue.
4. Vegetation Trimming - reported that the waste hauler made an assessment, would refer to a list of contractors and was in the process of putting a schedule together along with the costs.

Councilman Jarriel noted that the District could not do the vegetative trimming, but could maintain them.

Motion: Councilman Rockett moved to **approve** vegetation trimming, grading and debris removal for Ian Trail, as indicated as an emergency. Vice Mayor Liang seconded the motion, which passed unanimously. **(Motion carried 5-0).**

Motion: Councilman Rockett moved to **approve** vegetation trimming, grading and debris removal for 152nd Way N, 145th Avenue N, and Stephen Lane, as indicated as an emergency. Vice Mayor Liang seconded the motion, which passed unanimously. **(Motion carried 5-0).**

11. Closing Comments

- a. Public - none
- b. Town Attorney Cirullo wished everyone a Happy New Year.
- c. Town Council Members

Councilman Goltzené - none

Councilman Jarriel wished everyone Happy New Year.

Vice Mayor Liang wished everyone Happy New Year.

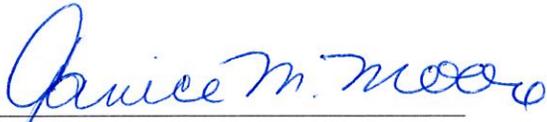
Councilman Rockett said thank you to those residents who attended the meeting and wished everyone Happy New Year.

Mayor Browning said thank you to those residents who attended the meeting and wished everyone Happy New Year.

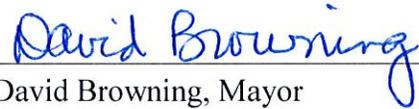
12. Adjournment

The meeting was adjourned at 11:10 p.m.

**These minutes were approved by the
Town Council on Tuesday, February 7, 2012.**



Janice M. Moore, Town Clerk



David Browning, Mayor

SEAL