



Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, March 6, 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

Mayor Browning requested Item 9b. (North Road OGEM Project) to be moved to Item 7a. Councilman Rockett requested to add Item 10d. a resolution supporting the IOG.

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

2. Consent Agenda

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

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

3. Presentations - *None*

4. Committee Reports

- a. FAAC Report & Approval of the January 2012 Financial Report

Vice Chair Elise Ryan reported the following:

- Overview of January 2012 Financial Report
- Two (2) Outstanding Invoices from Palm Beach State College

- Solid Waste Commercial Franchise Implementation - possibly changing the term to permitting instead of franchising.
- Next Meeting: March 26, 2012.

Motion: Councilman Rockett moved to **approve** the January 2012 Financial Report. Councilman Jarriel seconded the motion, which passed unanimously. (**Motion carried 5-0**).

5. Public Hearings - Ordinances 2nd Reading - None

6. Ordinances - 1st Reading

a. Ordinance 2012-03 – Manure Dumping

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING AND RESTATING ORDINANCE 2010-003, RELATING TO DUMPING OF MANURE AND HORSE BEDDING WITHIN THE TOWN; PROVIDING THAT ONLY THOSE PROPERTIES DESIGNATED AGRICULTURE OR RESIDENTIAL ON PROPERTY TAX RECORDS MAY RECEIVE MANURE AND HORSE BEDDING FOR AGRICULTURAL USE ON THE PROPERTY; AMENDING THE PERMITTED DAYS FOR DEPOSITING MANURE AND HORSE BEDDING; PERMIT APPLICATION REQUIREMENTS FOR PROPERTY OWNERS AND HAULERS; ADDING PROVISIONS ON THE LOCATION OF DUMPING ON PROPERTY; AMENDING PROVISIONS RELATING TO HAULER PERMIT FEES; PROVIDING THAT EXCEPT AS AMENDED HEREIN, ORDINANCE 2010-003 IS RESTATED AND IN FORCE AND EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Town Attorney Cirullo provided a detailed overview of the changes as directed from the Town Council on February 7, 2012.

Councilman Goltzené spoke about those residents who do not meet the agriculture exemption initially. He suggested if they made application or had good faith towards farming, it should be allowed for at least the first year. He suggested changing the definition of a load to 20 yards. Councilman Rockett suggested a range of 20–25 yards. Councilman Rockett inquired about well heads located from adjacent properties. Town Manager Kutney noted that the well heads must be 75 feet away to be consistent with Palm Beach County Health Department.

Town Manager Kutney provided an overview of provisions. He suggested a prohibition after 4:00 p.m. Following discussion and input, **consensus** was to leave it at 7:00 a.m. to 7:00 p.m.

Public Comment

Marge Herzog, 966 A Road, expressed concern for smaller properties regarding the restrictions for the well head. Mayor Browning clarified the language pertaining to her concern.

Dennis Lipp, 13402 North Road, agreed with the hours being adjusted noted that manure trucking starts 6:30 a.m., but that the nighttime haulers were abusing the system.

Nina Corning, 2834 E Road, noted that Section 2 Bona fide Agricultural, Section 3 Palm Beach County's designation needed to read the same way. She cautioned the Town Council regarding the exemption process and noted that the problem was more so related to the size of the property, amount of dumping, and the ratio.

Ann Parker, 15565 Collecting Canal Road, suggested daylight times only.

Town Attorney Cirullo and the Town Council spoke about the following language changes:

Section 3 - language changes regarding agricultural use tax designation.

Section 4 - prohibition between sunset and sunrise and on Sundays.

Section 8a. 75 feet for wells.

Section 8b. - change definition of loads to 20 loads for \$500.00 annual permit, additional per load \$40.00, exceeding \$100 per load.

Public Comment

John Ryan, 3508 A Road, suggested the hauler be required to carry the necessary paperwork from both the Village of Wellington and the Town.

By **consensus**, the Town Council noted that there was no need to schedule a workshop with the City of Wellington. Town Manager Kutney noted that he would be communicating with the City Manager.

Town Manager Kutney spoke about creating a citation process and received **consensus** from the Town Council to move ahead.

The meeting was recessed at 7:55 p.m. and reconvened at 7:59 p.m.

Town Attorney Cirullo read the revised title of the Ordinance.

Motion: Councilman Rockett moved to **approve** Ordinance 2012-01 on 1st Reading as amended. Councilman Jarriel seconded the motion. In a roll call vote, all voted in favor of the motion. **(Motion carried 5-0).**

7. Resolutions

a. Resolution 2012-03 (North Road OGEM Project – Moved from Item 9b.)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE TOWN TO COMPLETE OPEN-GRADED EMULSIFIED MIX (OGEM) ROAD SURFACE TREATMENT WORK ON SECTIONS OF NORTH ROAD; AUTHORIZING THE USE OF THE CONTRACT BETWEEN THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT AND NORTH FLORIDA EMULSIONS, INC., FOR THE ROAD SURFACING WORK IN AN AMOUNT NOT TO EXCEED \$141,000; AUTHORIZING THE USE OF THE AGREEMENT BETWEEN THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT AND ERDMAN ANTHONY OF FLORIDA, INC., IN AN AMOUNT NOT TO EXCEED \$15,000 FOR ENGINEERING WORK FOR THE

PROJECT; AUTHORIZING AND APPROVING THE NECESSARY DOCUMENTATION WITH THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Town Attorney Cirullo provided an overview of the documents relating to the project. He noted that the Erdman Anthony quote received was \$14,500, falling below the state threshold for having to bid out the services.

Councilman Goltzené received feedback from residents regarding a similar situation on Collecting Canal and asked the Town Council to consider the issue of the interface between Southern Boulevard and Okeechobee Boulevard on the roads that were not having OGEM, 50 feet apron.

Councilman Rockett spoke about three (3) of road segments not having OGEM, collecting canal east and west. He disagreed about the aprons; however, noted that the work had to be done to get this project going. Vice Mayor Liang noted that residents would want it taken it all the way to F Road. Councilman Goltzené suggested taking it from B Road to D Road would solve the issue. Mayor Browning suggested completing the missing section between A and B and C and B, which would take care of the safety issue. Councilman Jarriel requested the sections from A Road to E Road, Collecting Canal Road, A Road to D Road, so the south was the same as the north. Councilman Rockett suggesting moving forward with the current project and bringing the rest back for consideration.

Public Comment

Todd McLendon, 3481 D Road, expressed concern about those residents who agreed to pay for the roads versus the Town paying for the roads. He also requested the engineer put in speed tables.

John Ryan, 3508 A Road, spoke about the rate per drawing, the absolute requirement for the alignment, the depth of the material and specifications of the materials, which included engineer documentation and approval, and the template on the speed humps and/or tables. He noted that this was an insurance policy that all work was done per the plans and specifications. Mr. Ryan noted that LGWCD Administrator Clete Saunier told him that it was a very good price for engineer, inspection and approval.

George Perez, 1544 B Road, expressed against paying \$11,000 for the drawings and suggested only paying if it was absolutely needed. He noted that drainage improvements may be needed.

Cassy Suchy, 3685 B Road, spoke in favor of proper speed tables compatible with fire trucks and emergency vehicles.

Marge Herzog, 966 A Road, spoke about the missing link and the eventually charge when OGEM was placed on B Road. Councilman Goltzené noted that B Road may never be done.

Town Manager Kutney noted that North Florida Emulsion's work was for an amount not-to-exceed \$141,000, which included contingency, and Erdman Anthony engineering services was for an amount not-to-exceed \$15,000.

Town Attorney Cirullo read the caption of the resolution.

Motion: Councilman Rockett moved to **approve** Resolution 2012-03. Councilman Jarriel seconded the motion. All voted in favor of the motion. **(Motion carried 5-0).**

Motion: Vice Mayor Liang moved to **direct** Town Staff to work with the District and the contractor (North Florida Emulsion) to OGEM Collecting Canal within the time frame and bring it back to the Town Council with a different design on speed tables and the cost. Councilman Goltzené seconded the motion.

Dennis Lipp, 13402 North Road, spoke about needing to get a local bill passed to get A, C & D Roads. He questioned jurisdiction rights.

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

Mayor Browning announced a five (5) minutes recess. The meeting was reconvened at 8:56 p.m.

8. Administrative Update

a. Intergovernmental Coordination (IGC) Report – February 29, 2012

- Approved minutes of January 4 & 25, 2012
- Residents provided input about speed humps
- Citizen Web-Based Program – marrying with the District
- LGWCD Board modified IGC member term to a 4 month rotation
- Roadway Committee – upcoming grant application
- Future District Town Joint Workshops – coordination and pre-work back on track to get the meetings going
- Modifications to the Interlocal Agreement re: District and Town roads – response requests, documentation format, invoice format, work schedule, fiscal year budget 2012-2013
- Discussion on road intersecting

By **consensus**, the Town Council agreed to have the Town Manager present the report each month.

Town Manager Kutney reported the following:

- Consultant Ralph Parilla will be providing a summary report, at no cost, on the January 14, 2012 Town/District Joint Workshop.
- Traffic Signal on Okeechobee Boulevard - signal with mast arm, county intersection improvements, cost may be higher than speculated at this time. Simmons & White had a current contract with PBC. In the process of contacting them and a possible piggyback.

- Noise Meter Training - Thursday, March 29th 1:00 p.m. – 4:00 p.m. splitting cost with the Village of Royal Palm Beach. Participants include: Frank Schiola, Beverly Tew (Tew & Taylor), Town Manager Kutney and Office Coordinator Stephen Hainline. Councilman Rockett expressed interest to attend. There were no objections.
- Video Camera - Tripod purchased and video will be instituted at next meeting.

9. Old Business

- a. Clarification/Direction Regarding an Easement from C Road to B Road Using 6th Court North

Town Manager Kutney provided overview of the agenda report and requested clarification on this item.

Motion: Councilman Goltzené moved to **acquire** the portion of the canal easement 6th Court North to C Road, open it up for a horse trail: remove exotics, mow the area, install a field fence along the existing poles, install gates, install the appropriate bollards and signage to open this section up, not to exceed \$30,000. Councilman Rockett seconded the motion. **(Motion carried 5-0).**

Motion: Councilman Goltzené moved to **direct** staff to work with the SolarSportsystem and the nursery property to look into opening up the canal easement in between C Road to B Road, by having the property owners move their fence south, for the Town to install a new fence and to acquire the easement. Councilman Rockett seconded the motion.

Public Comment

Nina Corning, Greenway Committee Chair, noted that this item was being requested because the development of the property may take some time. She recommended that the Town not limit the future of the Linear Park and that the passage was needed.

Marge Herzog, 966 A Road, requested to include the gate at B Road and Collecting Canal, allowing for the northern part of the property that the Palm Beach State College would have.

Motion: Councilman Goltzené **proposed a friendly amendment** to include: the section between B Road and Southern Boulevard along the south side of Collecting Canal and the east side of A Road. Councilman Rockett accepted. **(Motion carried 5-0).**

10. New Business

- a. Tew & Taylor Code Enforcement Services Contract Addendum

Town Manager Kutney provided an overview of the agenda report.

Motion: Vice Mayor Liang moved to extend the contract for a period of six (6) months. Councilman Jarriel seconded the motion, which passed unanimously. **(Motion carried 5-0).**

b. Proposed ULDC Text Amendment Regarding Schedule of Zoning District Uses

Councilman Goltzené noted he was in favor of moving forward. Councilman Jarriel noted his support. Councilman Rockett suggested contacting PBC Commissioner Jess Santamaria to find out the trigger points with two (2) lanes, four (4) lanes, and six (6) lanes regarding Okeechobee Boulevard and questioned if approved businesses would accelerate the process. He requested that the issue be placed on hold to explore. Vice Mayor Liang noted that feed and hay was a permitted use under agriculture.

Public Comment

Dennis Lipp, 13402 North Road, suggested: 1) seasonal 2) fee \$2,000-\$3,000 a month to operate, since the business would incur costs that the Town cannot recover.

Marge Herzog, 966 A Road, spoke about giving the residents what they have been asking for on Okeechobee Boulevard.

Nina Corning, 2834 E Road, noted that selling additional products made a difference.

Todd McLendon, 3481 D Road, questioned selling various other items and the limitation on traffic.

Town Manager Kutney noted that this was a conditional use, which included hay, bag feed, and other agricultural related products.

Grace Joyce, 3886 147th Avenue N, inquired if there was a Town Charter requirement for the Town Council to review an application prior to the Planning and Zoning. Town Manager Kutney spoke to that inquiry. She spoke about the applicant justifying what it was and that it was their right to apply and take their chances.

George Perez, 1544 B Road, spoke about businesses going through the BTR, etc. process, licensing/zoning.

Councilman Goltzené and Councilman Jarriel both agreed in favor of limiting the business to hay and feed. Vice Mayor Liang requested more information. Mayor Browning expressed that he was in favor of an application moving forward.

Councilman Rockett again suggested setting up a meeting with Town Manager Kutney and PBC Commissioner Jess Santamaria to pursue more information. There were no objections.

c. IGC Town Council Member Terms of Service

Councilman Jarriel suggested leaving it up to each Town Council member or they could pass it to someone else. Councilman Rockett expressed that he wanted to see the IGC be more than just a committee, with more than two (2) Town Council members, to schedule the meetings in the evenings for residents to attend, and to develop it into an organization with cooperation and functioning better. Town Attorney Cirullo did not think that having more than one (1) Town Council member on the committee was a conflict, but said he would look into it.

By **consensus**, the Town Council agreed that the current Town Council member could either fill the term or pass it to another Town Council member.

- d. Consideration for adopting a resolution considered by the Inspector General

Motion: Councilman Rockett moved to be proactive in **supporting** the IOG efforts by using Councilman Jarriel's words and to come back with a resolution on March 20th. Councilman Jarriel seconded the motion. **(Motion carried 5-0).**

11. Closing Comments

- a. Public

Grace Joyce, 3886 147th Avenue North, spoke about the public notice and agenda, specifically regarding the back up to Item 19b. OGEM Project, and perception.

- b. Town Attorney - *None*
- c. Town Council Members

Councilman Rockett thanked everyone for coming to the meeting.

Vice Mayor Liang encouraged everyone to vote.

Councilman Jarriel thanked everyone for coming and agreed with Grace Joyce's comments about the application.

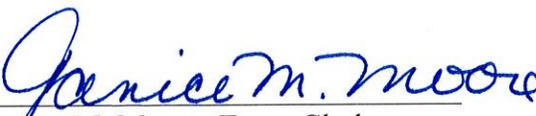
Councilman Goltzené noted that democracy was alive and well in Loxahatchee Groves and encouraged everyone to come out and vote.

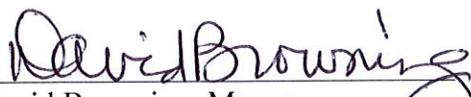
Mayor Browning thanked everyone for coming.

12. Adjournment

The meeting was adjourned at 10:16 p.m.

**These minutes were approved by the
Town Council on Tuesday, April 17, 2012.**


Janice M. Moore, Town Clerk


David Browning, Mayor

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