



# Town of Loxahatchee Groves

## Regular Town Council Meeting

Tuesday, April 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 7:04 p.m. Present were Mayor David Browning, and Council Members Ronald D. Jarriel and Jim Rockett. Also present were Town Manager Mark Kutney, Town Clerk Janice M. Moore, and Town Attorney D.J. Doody. Councilman Tom Goltzené was absent. Councilman Ryan Liang arrived at 7:10 p.m.

##### b. Pledge of Allegiance & Invocation - Mayor Browning

##### c. Appointments:

###### 1. Mayor

**Motion:** Councilman Jarriel moved to **appoint** David Browning as Mayor. Councilman Rockett seconded the motion, which passed unanimously. **(Motion carried 3-0).**

###### 2. Vice Mayor

**Motion:** Councilman Jarriel moved to **appoint** Jim Rockett as Vice Mayor. Mayor Browning seconded the motion, which passed unanimously. **(Motion carried 3-0).**

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

By consensus, the Town Council agreed to **postpone** this item until the next meeting.

##### d. Approval of Agenda

**Motion:** Vice Mayor Rockett moved to **approve** the agenda. Councilman Jarriel seconded the motion, which passed unanimously. **(Motion carried 3-0).**

#### 2. Consent Agenda

##### a. Minutes for Approval: March 20, 2012 (Regular) and March 20, 2012 (Workshop)

b. Invoices from Goren, Cherof, Doody & Ezrol, P.A.

**Motion:** Councilman Rockett moved to **approve** the Consent Agenda. Councilman Jarriel seconded the motion, which passed unanimously. **(Motion carried 3-0).**

### 3. Presentations

Town Manager Kutney introduced Palm Beach County Fire Rescue Battalion Chief Michael R. Arena.

Councilman Liang arrived at this time.

### 4. Committee Reports

Vice Chair Elise Ryan reported the following:

- Approval of the February 2012 Financials
- Update on the Funds Balances
- Audit Progressing Well
- Reviewed CAFR
- RFP for Banking Services (Received 3 Responses, 1 Disqualified)
- Members were well-prepared for the meeting. A number of residents attended.
- Next Meeting - Monday, April 23, 2012

a. FAAC Report & Approval of the February 2012 Financial Report

**Motion:** Vice Mayor Rockett moved to **approve** the February 2012 Financial Activity Report. Councilman Jarriel seconded the motion, which passed unanimously. **(Motion carried 4-0).**

Dennis Lipp, 13402 North Road, inquired as to results of the special magistrate process and information on a budget item. Town Manager Kutney responded to his inquiries.

### 5. Public Hearings - Ordinances 2<sup>nd</sup> 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 Doody read the title of the ordinance. Town Manager Kutney provided an overview of the changes as discussed at the previous meeting.

**Motion:** Vice Mayor Rockett moved to **approve** Ordinance 2012-03 on 2<sup>nd</sup> and Final Reading. Councilman Jarriel seconded the motion.

#### Public Comment

Dennis Lipp, 13402 North Road, expressed concern for enforcement of the ordinance. Councilman Jarriel and Vice Mayor Rockett spoke to his concerns.

Bill Louda, 1300 E Road, spoke about the dumping of high phosphate water. Vice Mayor Rockett spoke to his concern.

Marsha Newell, 3508 C Road, posed several questions regarding manure dumping. Councilman Jarriel, Town Attorney Doody and Mayor Browning spoke to her concerns.

**Motion:** The motion passed unanimously. **(Motion carried 4-0).**

## **6. Ordinances - 1<sup>st</sup> Reading**

### a. Ordinance 2012-01 (Day Property)

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 Doody read the title and noted that this ordinance would require a vote of 3-1 to pass on 1<sup>st</sup> Reading and a supermajority of 4 to pass on 2<sup>nd</sup> and Final Reading.

Town Planner Jim Fleischman provided a detailed overview of his staff report. He read into the record his final staff recommendation including conditions and answered questions posed by the Town Council.

Kieran Kilday, Urban Design Kilday Studios, provided a brief overview of the 1<sup>st</sup> presentation and postponement to this meeting. He spoke about the removal of the mixed use component with retail remaining the same and restaurant/office decreasing. Mr. Kilday then presented a detailed overview of the application. Councilman Jarriel expressed a request for a round-about. Mayor Browning expressed concern for low impact non-residential.

### Public Comment

Ilene Rindom, 14285 Collecting Canal, expressed great concerns for the commercial development on Okeechobee Blvd. and spoke about the past planning and asked the Town Council to consider what the residents want.

Dennis Lipp, 13402 North Road, spoke about the request for the round-about "sweetening the pot." He requested a .05 floor-area-ratio (FAR) for Okeechobee Blvd. and to have the development amend the application to that ratio.

Bill Louda, 1300 E Road, questioned the reduction. He spoke about low impact non-residential, the buffering with 250 parking spaces, and made some suggestions on viable uses and the .05 FAR.

Nancy Handweg, 14878 19<sup>th</sup> Street North, encouraged voting "no" on the ordinance.

Marge Herzog, 966 A Road, speaking for the residents who attended the recent Landowners Association Meeting, noted that the residents have repeatedly asked for no commercial development on Okeechobee Blvd. and was requesting moratorium.

Roy Parks, 14900 North Road, expressed concern for empty office space and restaurants on Royal Palm Beach Blvd. and Okeechobee Blvd. He noted that there were no elements of horse trails behind the commercial properties and suggested the donation of a school for special needs kids.

Bernadette Fitzpatrick, 13024 Raymond Drive, spoke about the vision of protecting the rural environment and unique lifestyles of Loxahatchee Groves.

Ruth Menor, 13095 Bryan Road, spoke against the issue of commercializing Okeechobee Blvd.

Gaye Hankla, 14523 Okeechobee Blvd & D Road, expressed that she supported Bill Day because it was a unique property and that those property owners on Okeechobee Blvd. do not want to live on that road. She spoke about her past negative experiences in attending town and planning meetings and the issues relating to Okeechobee Blvd.

Ann Parker, 15565 Collecting Canal Road, expressed disappointed with certain members of the Town Council who did not ask questions and regarding the staff recommendation. She spoke about the traffic problems and expressed that it was not a good time to do this project.

Grace Joyce, 3886 147<sup>th</sup> Avenue N, spoke about the lack of vision for Okeechobee Blvd. and no definition of low impact non-residential. She applauded the staff for an outstanding job.

Mary McNicholas, 12845 Raymond Drive, requested the Town Council to do what the community wished and spoke of protecting “the little slice of paradise.”

Councilman Jarriel requested the audience to raise their hands if they were in favor of this application – one person came forward and noted with modifications. He spoke about amending the comprehensive land use plan and getting public input. Councilman Rockett noted that he did not have any questions about the presentation; however, he was present to listen in his role as councilmember.

Councilman Liang spoke about the application meeting all of the requirements in our comprehensive land use plan and allow public hearing. He suggested it more forward to 2<sup>nd</sup> Reading.

**Motion:** Councilman Jarriel moved to **approve** Ordinance 2012-01 on 1st Reading. Councilman Liang seconded the motion. Councilman Jarriel and Councilman Liang both voted in the favor of the motion. Mayor Browning and Vice Mayor Rockett voted against the motion. (**Motioned failed 2-2**).

The meeting was recessed at 9:14 p.m. and reconvened at 9:21 p.m.

## 7. Resolutions

### a. Resolution 2012-05 (Development Review Committee)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE ESTABLISHMENT OF A DEVELOPMENT REVIEW COMMITTEE TO REVIEW SITE PLAN APPLICATIONS PRIOR TO PLANNING AND ZONING BOARD REVIEW; PROVIDING FOR MEMBERSHIP ON THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR THE TOWN MANAGER TO COORDINATE THE MEETINGS OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR COST RECOVERY; PROVIDING FOR OTHER MATTERS RELATING TO THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Doody read the title of the resolution.

**Motion:** Vice Mayor Rockett moved to **approve** Resolution 2012-05. Councilman Jarriel seconded the motion. Town Manager provided a brief overview of the resolution.

### Public Comment

Dennis Lipp, 13402 North Road, suggested that a change in the resolution the land use be established prior to the committee meeting. Town Manager Kutney noted that the land use would be confirmed prior.

**Motion:** The motion passed unanimously. (**Motion carried 4-0**).

## 8. Administrative Update

- a. Intergovernmental Coordination (IGC) Report - The March 28<sup>th</sup> meeting was postponed to April 5<sup>th</sup>.

Town Manager Kutney reported the following:

- Town Council Meeting scheduled for April 17<sup>th</sup>.
- Noise Meter Training - successfully conducted on March 29<sup>th</sup> with Frank Schiola, Tina Boynak (Tew & Taylor), Stephen Hainline, Office Coordinator and Town Manager Kutney.
- Recreational Grant has been submitted.
- Offering a reward regarding destruction of OGEM project - Town Attorney Michael Cirullo will be reporting at the next meeting.
- PBC Ordinance Lobbyist Registration– Town can opt out. Update to come at the April 17<sup>th</sup> meeting.
- OGEM on Collecting Canal Road – Quote just for OGEM was \$300,000, drainage issues and the need for rock. Update to come on the April 17<sup>th</sup>.
- Light at Okeechobee Blvd. – pursuing the issue and will report back.
- Website – basic design completed, very user friendly, may be completed within 60 days.
- County Planning and Zoning Records in possession (15 boxes).
- Definition of Rural Character request by Councilman Liang – will continue working on the definition presented.

### OGEM for Collecting Canal

Councilman Jarriel requesting the following items to be added to the IGC upcoming agenda: 1) OGEM for Collecting Canal; and 2) cutting costs for those residents who already paid to OGEM the roads. He asked the Town Council for support to fund the town signage and speed humps. Town Mark Kutney spoke of the CIP being presented at the May meeting. He also noted that Frank Schiola made an inventory of missing street signs, traffic signs, etc. and that Town Manager Kutney had acquired one (1) quote and need two (2) more in order for the project to qualify for open market method. Town Manager Kutney said this process could expedite the project. Vice Mayor Rockett spoke about the cost being even for everyone and creating a possible formula that would apply. Councilman Ryan spoke in favor of Councilman Jarriel's comments about helping the residents; however, he recommended that the Town Council look at

the Capital Improvement first and requested funds to be set aside for the non-district roads. Mayor Browning spoke in favor of Vice Mayor Rockett's comment and the sense of fairness.

## 9. Old Business

- a. Appointment of Planning & Zoning Alternate Member #2

**Motion:** Vice Mayor Rockett moved to appoint Debi Castiglione as Planning & Zoning Alternate Member #2. Councilman Jarriel seconded the motion, which passed unanimously. **(Motion carried 4-0.)**

## 10. New Business

- a. RETGAC Request for the Town Attorney to Research the Liability on Trails & Applicable State Statutes

Town Manager Kutney provided a brief overview of the request.

### Public Comment

Peggy Koyacs, 3695 B Road, spoke about her long-term involvement in the community and read a letter regarding opening the canal easements to the riders. She noted that the riders assume their own risk. Vice Mayor Rockett noted that the Town was in the process of working with the LGWCD in opening up the canals. Councilman Jarriel spoke about the grant providing for a minimum of a 12 mile trail.

**Motion:** Councilman Liang moved to **approve** the request for the Town Attorney to Research the Liability on Trails & Applicable State Statutes. Vice Mayor Rockett seconded the motion, which passed unanimously. **(Motion carried 4-0.)**

## 11. Closing Comments

- a. Public

Debi Castiglione, 3065 C Road, noted that she voted against OGEM on her road and then expressed positive feedback about it.

Marsha Newell, 3508 C Road, expressed that she was favor of the OGEM and spoke about her wheelchair's impact on the speed humps. She also expressed concern for the issue of those who voted against the OGEM and had to pay for it, "black stuff" seeping onto the side of the road.

Jeff Smith, 3410 A Road, expressed positive comments about the OGEM project and thanked those involved.

Ronny Correll, 3442 C Road, expressed concern about the speed humps wasting gas and requested them to be widened.

Cassie Suchy, 3685 B Road, noted that she spoke to a traffic calming expert and will provide the information gathered to Town Manager Kutney.

Clete Saunier, LGWWCD, thanked everyone for the beautiful bouquet arrangement for the passing of his mother.

b. Town Attorney - *None*

c. Town Council Members

Vice Mayor Rockett noted that it was great see everyone and thanked the Town Council for their participation.

Councilman Liang thanked the Town Council and spoke of pursuing the definition of rural character.

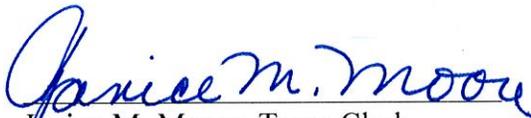
Councilman Jarriel thanked everyone for coming.

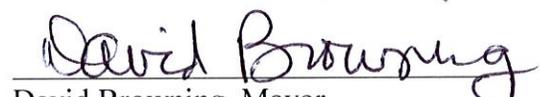
Mayor Browning thanked everyone for coming and spoke in favor of re-addressing the land use on Okeechobee Blvd., defining low impact non-residential and researching the taxes.

## 12. Adjournment

**Motion:** Vice Mayor Rockett moved to **adjourn** the meeting at 10:17 p.m. Councilman Liang seconded the motion, which passed unanimously. **(Motion carried 4-0.)**

**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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