



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, October 1, 2013 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 Susan A. Eichhorn
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 pm. Present were Mayor David Browning, Vice Mayor Ronald D. Jarriel, and Councilmen Tom Goltzené, Ryan Liang, and Jim Rockett. Also present were Town Manager Mark Kutney, Town Attorney Michael D. Cirullo, Jr., Town Planning Consultant Jim Fleischmann, Town Planning Technician Braeden Garrett, and Town Clerk Susan Eichhorn.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Vice Mayor Jarriel requested the addition of two items for discussion only, to be added to the Agenda under Old Business:

- 10.b. Discussion of vacant property registry.
- 10.c. Discussion of vacant property at 2380 C Road

Motion: Motion made by Councilman Liang to approve the Agenda, as amended. The motion was seconded by Vice Mayor Jarriel. The motion passed 5/0.

2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Minutes for Approval: Minutes of August 20, 2013; Minutes of September 3, 2013; Minutes of September 17, 2013 Minutes of September 20, 2013

Motion: Motion made by Vice Mayor Jarriel, seconded by Councilman Liang, to approve the minutes listed on the Consent Agenda. The motion passed 5/0.

3. PUBLIC COMMENT

Keith Harris, 2580 C Rd: Commented regarding consideration of a safe controlled equestrian crossing at Okeechobee Blvd., and B and F Roads. He respectfully requested that the Town Council consider the project, and distributed a conceptual study packet to the Town Council.

Motion: Councilman Liang made a motion to receive and file the Conceptual Study of Controlled Equestrian Crossings for B and F Roads at Okeechobee Blvd. The motion was seconded by Vice Mayor Jarriel. The motion passed 5/0.

Dennis Lipp, 13402 North Rd.: Commented regarding the Inspector General and encouraged support of the Inspector General.

Sharyn Browning, 3056 D Rd.: Commented regarding the Literacy Coalition "Read for the Record."

Virginia Standish, 15410 North Rd.: Commented regarding notices regarding paving of B Rd. being sent out to residents on B Rd.

Ken Johnson, Collecting Canal Rd.: Commented regarding B Road and said that he falls within that area, and had not received any notification of anything going on B Road. Questioned why this was being done, when the College and developers are going to pay for it. Referred to the bridge that crosses Collecting Canal on B Rd. and the heavy trucks going on the road, and asked when the bridge was last inspected. Commented regarding notification of Loxahatchee Groves property owners when development projects were planned in surrounding communities. Commented regarding the Community Emergency Response Team (CERT).

4. PRESENTATIONS - *None*

5. COMMITTEE REPORTS - *None*

6. PUBLIC HEARINGS -

7. PUBLIC HEARINGS (Ordinances 2nd Reading)

a. **Ordinance No. 2013-05**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING PART III, ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 80, ENTITLED "CONDITIONAL USES," SECTION 80-020, ENTITLED "RESIDENTIAL ENTERPRISE," OF THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE TO PERMIT A LIMITED NUMBER OF CUSTOMERS TO TRANSACT BUSINESS AT THE LOCATION OF A RESIDENTIAL ENTERPRISE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Town Attorney Cirullo stated that this is the second hearing of Ordinance No. 2013-05 and read Ordinance 2013-05 by title as printed above. He noted that it will require a vote of four out of five council members to pass this ordinance.

Town Planning Consultant Jim Fleischmann provided the staff report. Staff recommendation was for approval of the proposed ULDC text amendments.

Mayor Browning opened the public hearing.

Discussion by the Town Council took place regarding allowing three customers per day, changing residential enterprise to home occupation, and approving the ordinance tonight and then at a later time have the Planning & Zoning Board and the Unified Land Development Code Review Committee review the code in order to change the home occupation section.

Town Manager Kutney stated that he had provided the Town Council a memorandum in April with his concerns about taking action on this ordinance. He noted that Mr. Kline had options and in that memo Town Manager Kutney had recommended that we recognize that there are problems with the code in residential enterprise and home office too. The other continuing effort is the historical legacy that was associated with the issues that came up under the hay sales. Perhaps the Town Council would like staff to look at the options.

Mayor Browning commented that we have two committees that said that we should not go forward with this. As much as we want to help, we have to be careful.

Public Comments:

Dennis Lipp 13402 North Rd.: Commented that he serves as chairman of the Planning & Zoning Board, and that he did not recommend that the residential enterprise should be changed to allow customers.

John Ryan, 3508 A Rd.: Commented that he endorsed the comments of Mr. Lipp. He noted that the ULDC Review Committee had discussed the issue, as well as alternatives for Mr. Kline. He suggested that Section 80-020 of the ULDC is dropped.

Todd McLendon, 3481 D Rd.: Commented that he agreed that it should be cancelled tonight.

Virginia Standish, 15410 North Rd: Commented that she was speaking as the Chair of the ULDC Review Committee. She emphasized that the most important thing they considered was the three customers with no limit. Also, the Committee understood the difficulties of making a living, however alternatives were available. Southern and Okeechobee both have retail businesses, and the internet could also be used. The residential enterprise seemed to be overkill, and it was troubling that so much time and money has been spent for one individual when he did have other options.

Motion: Councilman Rockett made a motion to approve Ordinance No. 2013-05, with the provision of 3 customers per day.

Discussion occurred.

Councilman Liang seconded the motion.

Upon roll call, the motion failed 5/0.

8. ORDINANCES (1st Reading) -

a. Public Hearing:

Ordinance No. 2013-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE OPERATION OF GOLF CARTS ON PUBLIC ROADS WITHIN THE TOWN; PROVIDING FOR LEGISLATIVE FINDINGS; AUTHORIZING

THE OPERATION OF GOLF CARTS ON PUBLIC ROADS OVER WHICH THE TOWN HAS TRAFFIC CONTROL JURISDICTION PURSUANT TO SECTION 316.212, FLORIDA STATUTES; CONFIRMING THAT GOLF CARTS MAY NOT BE OPERATED ON OR ACROSS THE PORTIONS OF FOLSOM ROAD, OKEECHOBEE BOULEVARD AND SOUTHERN BOULEVARDS THAT LIE WITHIN THE TOWN; PROHIBITING THE OPERATION OF GOLF CARTS BY UNLICENSED DRIVERS; PROVIDING FOR IMPLEMENTATION OF THIS ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read Ordinance No. 2013-07 by title, as printed above.

Town Attorney Cirullo reviewed the changes made to the Ordinance: golf carts can be safely operated on Town roads, using the same list used for gas tax; permits operation of golf carts only by licensed drivers. He also noted that crossing Okeechobee Blvd., Southern Blvd., and Folsom Rd. would need to be discussed, and signs would need to be provided and put up.

Mayor Browning opened the public hearing and discussion.

Councilman Goltzené thanked Attorney Cirullo for the good job, and the only change he would make would be the ability to cross Okeechobee Blvd.

Vice Mayor Jarriel commented that he thought we are opening a can of worms, and asked if we are trying to get a cost estimate on signs, etc.

Councilman Rockett commented that this ordinance is attempting to solve a problem that he does not think we have. Have we considered that the vast majority of residents who use our roads for their cars will now have a new hazard to contend with, as well as the added liability concern of sharing the narrow roads with golf carts. Our roads are not up to FDOT standards. Golf carts will add a new risk to driving in Loxahatchee Groves. He brought up the Florida Statutes that would apply. Loxahatchee Groves was not set up for a senior citizen community or golf cart development. He asked who has made the determination that golf carts can safely travel across the roads in Loxahatchee Groves. He noted that he had concerns regarding liability. If the ordinance is passed, then he thought that the road signs that have to be erected have to include the things he pointed out all regulations as well as those in the Florida State Statutes, and he was not comfortable on relying on those that are operating golf carts to have read Florida Statutes.

Motion: Councilman Goltzené made a motion to adopt Ordinance No. 2013-07, with the change that we allow crossing on Okeechobee Road.

Councilman Goltzené requested that the second reading be in December, as he was unable to attend the November Town Council meeting.

The motion is seconded by Ryan Liang.

Town Attorney Cirullo advised that he would appreciate the opportunity to read the title as it was now changed, before the Town Council voted on the ordinance.

Mayor Browning commented that he did not see this as a big thing. Right now you can ride a horse or drive a farm tractor down the roads. Maybe we need to begin to change things to where people driving through begin to realize that our community is a community. I do not see a problem. If we have a sign, we need to include everything. If you drive on our roads, respect our community. The other thing I would like to do is to limit it to the number of seats or riders.

Public Comment:

John Ryan, 3508 A Rd: Commented that he agreed with Vice Mayor Jarriel and Councilman Rockett that we are opening a can of worms. He read sections from Town Attorney Cirullo's memo where all of the particulars of the golf carts were pointed out. He commented that he did not think that riding on Town roads would be safe with kids doing the driving, and did not think the Town has the ability to enforce the restrictions that are in the Florida Statutes, and it was not going to be realistic in terms of enforcement.

Frank Schiola, Marcella Blvd.: Commented that he mows grass over in Wellington and all he sees on those roads is golf carts -- that is how equestrians move from one barn to another. The Town of Loxahatchee Groves was turning from an agriculture community to agriculture/equestrian community and people move from one barn to another. He does not see kids on golf carts, but does see kids on ATVs. He suggested including Compton Road as a change to the ordinance.

Dennis Lipp, 13402 North Rd.: Commented that Mr. Schiola brought up some good points. He noted that his car headlights could not pick up two kids on a golf cart and he almost went into a canal trying to avoid them. This is not a golf course community. These are washboard roads. How many times have we had automobiles going into the canal?

Ken Johnson, Collecting Canal Rd.: Commented regarding opening ourselves up to a can of worms, and concurred with what Vice Mayor Jarriel and Councilman Rockett said. One thing to consider was the cost of signs, and they would need to be in multiple languages. I think we have a tremendous liability issue. Who is going to check out these golf carts for safety. If I understand the Palm Beach Sheriff's Office (PBSO), if the people in that golf cart try to run when the officers try to stop them, they will not chase them. We are opening an issue that does not need to be opened. It will cost taxpayers for a lawsuit if someone gets maimed, injured or killed on our roads.

Ann Parker, 15565 Collecting Canal Rd: Commented that she understood all of the reasoning. If you say golf carts, will it include all of the other ATVs, etc? She thinks it will cause a lot of problems.

Town Attorney Cirullo advised that right now, the motion was to approve the ordinance and strike the prohibition on Okeechobee. If it was desired to also limit the number of riders, the motion would need to be amended. Anything that was not in the State Statutes would need to be posted on the signage.

Councilman Liang clarified that golf carts only CROSS Okeechobee, not ride ON Okeechobee.

Councilman Goltzené amended the motion to say that the amount of riders is limited to the number of seats available and to allow crossings at Okeechobee at the letter roads. Councilman Liang, the seconder of the motion, agreed with the amendment.

Town Attorney Cirullo advised that, before you vote, because you clarify that it is only permitted to cross Okeechobee, he would re-read the title with the new limitations and if it passes the text will be changed to reflect the change on Okeechobee. certain portions of Folsom Road, Okeechobee Blvd. and Southern Blvd. -- limiting the number of riders on golf carts.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE OPERATION OF GOLF CARTS ON PUBLIC ROADS WITHIN THE TOWN; PROVIDING FOR LEGISLATIVE FINDINGS; AUTHORIZING THE OPERATION OF GOLF CARTS ON PUBLIC ROADS OVER WHICH THE TOWN HAS TRAFFIC CONTROL JURISDICTION PURSUANT TO SECTION 316.212, FLORIDA STATUTES; CONFIRMING THAT GOLF CARTS MAY NOT BE OPERATED ON OR ACROSS THE—CERTAIN PORTIONS OF FOLSOM ROAD, OKEECHOBEE BOULEVARD AND SOUTHERN BOULEVARDS THAT LIE WITHIN THE TOWN; PROHIBITING THE OPERATION OF GOLF CARTS BY UNLICENSED DRIVERS; LIMITING THE NUMBER OF RIDERS ON GOLF CARTS; PROVIDING FOR IMPLEMENTATION OF THIS ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo clarified that Section 5 of the ordinance will be amended as to Okeechobee. Section 6 will be added to limit the number of riders to the number of seats on the golf cart.

The motion passed on roll call vote, 3/2, with Vice Mayor Jarriel and Councilman Rockett casting dissenting votes.

9. ADMINISTRATIVE UPDATE – *Town Manager Kutney*

- IGC Update: At the last meeting we discussed Quit Claim deeds for the OGEM roads. We discussed a local bill for the remaining District Roads. We also heard a presentation from Nina Corning of REGAC, and she wanted to talk to especially the District as to the trails and the future, and District right of ways and how we can make the trails work. We discussed drainage on North A road relative to two properties and it is a matter that Mr. Yohe and I will continue to work out. We set the date of our next meeting for October 25, 2013. One discussion we had was relative to B Road and improvements to B Road by the developers. Basically the developers have been working internally to determine their proportions of share of the road improvements. There were a number of issues related to the B Road improvements and the IGC felt that we should be looking at trying to have a workshop or a special meeting in mid to late October -- a joint meeting with the District, Town Council, and inviting the developers to that discussion.

Town Attorney Cirullo pointed out that B Road did relate to the proposed development. In discussions with the developer, the portion of the road that connects to Southern to the entrance to the college would need to be constructed and designed to FDOT standards. The developers were going to fund that. For the improvements north of that, the concept would be that the developer, the District and the Town would work on the costs for that and property owners to OGEM that road. That is going to be part of the proposal that you will see with the PUD zoning applications. We will have two public hearings, the first of which is coming on November 5, 2013, Town Council meeting.

Town Manager Kutney clarified that the only reason why the proposal was not to have asphalt all the way to Collecting Canal, was because apparently the former administrator of the District asked to have OGEM from the entrance of the two developments up to Okeechobee.

Vice Mayor Jarriel commented that needs to be changed. The only reason we use OGEM is to cut the costs and because we have canals. They need to go all the way from Southern to Collecting Canal with pavement and a sidewalk and then we will pick it up from there and do OGEM to Okeechobee Blvd.

Mayor Browning commented that he was concerned with where we make the transition, and was concerned with safety points.

Town Manager Kutney pointed out that both the Planning & Zoning Board and the Roadway, Equestrian Trails & Greenway Advisory Committee (REGAC) also asked the developers to have that transition of OGEM. He suggested a joint meeting in late October where both the District and the Town could take some action.

Mayor Browning said that he had a call from Dr. Gallon of Palm Beach State College requesting a meeting regarding the letter sent regarding the District assessment. Mayor Browning would like to set up a meeting with himself, Town Attorney and Dr. Gallon to talk about with both issues -- the road paving and the assessment issue.

It was the consensus of the Town Council to allow Mayor Browning to do that.

Discussion took place regarding the issue of timing for the legislature and the Special Act regarding the District roads. It was the **Consensus of the Town Council to allow Town Attorney Cirullo to work with District Attorney Viator on a draft local bill, and to schedule a public workshop meeting with the District and the Town Council for discussion of the roadway matters on October 22, 2013.**

Public Comment:

Nina Corning, E Rd.: Commented regarding the transition from pavement to OGEM -- RETGAC suggested some sort of a turn-around or something like that, so that people turn around and go back out to Southern and not cut through the Town. RETGAC is looking for some control over the easements as well.

- ULDC Review Committee Update and Request Items for Further Review: The ULDC Review Committee will potentially hold two meetings in the next three months and he asked that the Town Council give him any items that they want the ULDC to look at.
- RETGAC and Planning and Zoning Board Joint Meeting – October 10, 2013: There will be a joint meeting of the Planning & Zoning Board, and RETGAC regarding the amendments to the Comprehensive Plan for the CIE elements.
- Update on Palms West Plaza Improvements: Staff and Mr. Yee had a meeting on September 6, 2013, and Mr. Yee has not gotten back to me. I am considering drafting a letter and giving him a time frame, so we can see what he wants to do.
- Met with Simmons and White relative to D Rd and Okeechobee traffic signal. Told them that the preference was for a wire signal and asked them for proposal to design, and install the signal and verify what the actual site improvements required by Palm Beach County would be. He asked them to give him a proposal and provide costs. Hopefully we will have their proposal soon and he will be able to issue to them a Notice to Proceed. The key factor is for them to identify what the site improvements are.

10. OLD BUSINESS

a. Management Evaluation

Town Manager Kutney distributed a packet to the Town Council, noting that the Mayor had requested that the Management Company come up with an evaluation form. The form was tailored to address all aspects of the Town Charter and the Management Contract. The form

allowed the Town Council to rate the Management Company on all aspects of the Town Charter and the Management Contract. He stated that the Town Council members could complete the form, or give him feedback on the form.

b. Vacant Property Registry

Vice Mayor Jarriel stated that he had mentioned this at the last Town Council meeting about a company coming in to do a presentation about how they function, etc. He is bringing it up tonight so that Town Attorney Cirullo can get direction, and apparently this company can do a presentation at the November 5, 2013 Town Council Meeting.

Town Attorney Cirullo advised that the issue you have is with the procurement code, and that he would have to look into that. Anyone was welcome to give a presentation, but that would not provide any advantage to them in going through a selection process because you would have to direct something through the procurement process. The Town could also piggy back on other government contracts under the procurement code. Anytime you bring a vendor in here, I think there may be the expectation of doing business with the Town. Any presenter could only provide you with knowledge of what is out there that you are not aware of it.

Councilman Goltzené commented that he would be more inclined to go ahead and do a request where various people can make presentations or make their proposal, and then we would choose two or three people to do presentations.

Vice Mayor Jarriel commented that he agreed with Councilman Goltzené. Bring as many as you want on November 5th to do a presentation. Just make it known to them that they are just here to educate us on how this works and cannot expect any special privileges. Hopefully some other people could be requested to do presentations on that same date.

Town Attorney Cirullo stated that he did not think direction from the Town Council was needed to put an item on the Agenda, it is just what is the item going to be, so that we can understand it and prepare for it too. There could not be any direction to procure given tonight, because it was not on the Agenda.

Councilman Liang asked if there was anything against the rules for us to look at what Wellington and Royal Palm have and do an RFP from there. We would wait for the presentation to find out what the services are and how it would serve the Town, and then we can determine whether we want to pursue.

Town Attorney Cirullo replied that after the presentations, you can decide if that is a service that the Town needs, and then you can pursue it.

Town Manager Kutney pointed out that the Office of the Inspector General (OIG) has their own thoughts and observations about piggy backing and they will have a meeting on November 14th to discuss this issue.

Town Attorney Cirullo indicated that any presentation would be informational, fact finding on the service to the Town, and then you can decide whether you need it, and then how to procure it. Make it clear that they are coming only for informational purposes.

c. Discussion of vacant property at 2380 C Road

Vice Mayor Jarriel explained that this property was one of the reasons why he thought there was a need for a registry company to take over our vacant property registry. He explained that in 2008, an owner of the house was making crack and the house caught on fire and no one has been in it since. Supposedly the Mayor received a letter stating that a person had been occupying the property since July of 2012. The person states that the property was abandoned. He noted that the Town has a lien of approximately \$116,000 against this property and the Magistrate ruled that for every day after the hearing it would be \$100 per day. His concern was that since 2008 this property is still like it was then. The person now occupying the property said that his intention is to rehabilitate the property and make it his home.

Town Attorney Cirullo stated that the lien is recorded. The next step is to ask the Special Magistrate to authorize the Town to foreclose its lien. It must be understood that if there is a mortgage on the property, if we recorded our lien after the mortgage was recorded, we would be subject to that mortgage. If there is a mortgage foreclosure pending it would foreclose our lien. From a code enforcement aspect, you may be able to find a docket to see if there is an actual foreclosure and where it is in the process. You could foreclose it on your own and see if that pushes action, or you could get involved in the foreclosure somehow. The first thing I could do is to determine whether there is a foreclosure and if so, what stage it is in.

Town Manager Kutney explained that the Interlocal Agreement that the Town amended with the County in 2011 basically addresses only in progress inspections. The Town reviews it for planning and zoning and then it goes to the County for all other aspects. The problem we see in the agreement is that the County will not do any other building official duties. Only a building official can take certain actions. He noted that he had provided Town Attorney Cirullo with the Interlocal Agreement and asked him to take a look at it, and we have not yet had the opportunity to discuss the matter.

Vice Mayor Jarriel stated that we need to direct staff to do something about this tonight. I want to hear if the Town Council can do something about it and approach the County. This property needs to be condemned. Whoever owns this property needs to know that they owe us money.

Motion: Vice Mayor Jarriel made a motion that the Town notify the property owner and tell them how much they owe us and come to a conclusion on this matter.

Mayor Browning stated that we were not going to make motions on discussion items.

Vice Mayor Jarriel replied that he would put it on the Agenda for the next meeting.

Councilman Rockett commented that he had a lot of experience with this kind of a problem. If we can move the process along with some incentive to the mortgage company that is the best that we are going to get; he did not think there would be any particular gain in this case.

Public Comment:

Ken Johnson, Collecting Canal: it sounds as if we can get the right firm it could be some profit for the town to help the town reduce our taxes. That needs to be explored. As far as 10.c., it sounds like the condition of the property it should be demolished. It should be bulldozed, and if we can get some money out of it -- it will reduce our taxation. I think that needs to be explored too.

John Ryan, 3508 A Rd.: Commented that he rode through the roads on Sunday, and saw a motorcycle in the garage of this abandoned property and stopped and talked to the gentleman, and told him of the taxes, code liens, assessments. He asked the gentleman for documentation and he produced a file indicating that the mortgage lien is \$260,000. A foreclosure proceeding was filed, but they have dismissed that because they did not see any way to collect any meaningful amount of money. It would cost more money to take over a property that is already under liens. The thing the Town could do is work with the County and get some threat to demolish the improvements; the mortgage company would be looking at a one acre property if the structure is demolished. If the Town threatens to demolish the structure, that could force the mortgagee to try to recover some of the value of the property; the only way to get this moving is to threaten to demolish this structure and notify the mortgagee of what we are doing.

Town Manager Kutney advised that the only person that he was aware of that can declare a structure unsafe is a building official, which he was not sure we have the ability to do right now. We must make sure we are proceeding properly from a legal standpoint.

Councilman Goltzené suggested that the ULDC Review Committee look at this issue too. **It was the consensus of the Town Council to allow the ULDC Review Committee to review the issue.**

11. NEW BUSINESS

a. Office of Inspector General Grant Agreement

Town Manager Kutney reported on the material in the back up. He recommended that if the Town Council wanted to enter into this agreement, the Town Attorney had some concerns relative to some of the language in the agreement, and it could be brought back at the November 5, 2013, Town Council meeting if the Town Council was so inclined.

Town Attorney Cirullo advised that he would contact Palm Beach County with his concerns relative to Section 5 of the Agreement. Other than that, it was a policy decision as to whether the Town Council thought it was appropriate to make a voluntary payment,

It was the consensus of the Town Council that County Commissioner Santamaria would be consulted in this matter, in order to determine how the funding/payment was being handled.

Rockett: my point was how the funding is being done. I will get some more info from Jess

Motion: Councilman Goltzené made a motion Town Attorney Cirullo proceed forward to look into this, and bring this back to the Town Council. The motion was seconded by Councilman Liang. The motion passed 3/2 with Vice Mayor Jarriel and Councilman Rockett dissenting.

b. Discussion of Highland Dunes PUD

Mayor Browning advised that he had met with the County Commissioner on this. The property is 2 1/2 miles west of Seminole Pratt and its northern boundary is to align with the potential Okeechobee Blvd. I would like permission from the Town Council to meet with every single County Commissioner.

It was the consensus of the Town Council to allow Mayor to speak with each County Commissioner.

Councilman Goltzené advised that he will not be at the meeting in November.

Mayor Browning stated that the density is very important to him. Density should reflect the communities closest to them. Councilman Rockett added that if you need any resources like Town Attorney Cirullo you go ahead and do that. **Consensus of the TC to agree with Councilman Rockett's comment.**

Public Comment:

Marge Herzog, A Rd.: Commented that she was at the County Commission meeting and when she got up she spoke about the impact that the development would have on Okeechobee Blvd., and she had asked if they were considering asking the development to pay for lights on Okeechobee. The Landowners Association directed her to write a letter to the Inspector General and to each County Commissioner, and they were forwarded to County departments for review. The rural area notification needs to be reviewed, because only 28 people were notified.

John Ryan, 3508 A Rd.: Commented that he hoped that the Town Council would direct Town Attorney Cirullo to use a legal argument to restart the legal process so that we have more than 30 days.

Nina Corning 234 E Rd.: Commented regarding the project and questioned if we had made contact with the other towns affected by this in order to collaborate with them. How can we prevent them from using Okeechobee Blvd?

Public Comments:

Keith Harris, 2580 C Rd.: Commented on the development plans and requested that Town Management place the controlled equestrian crossings on the Planning & Zoning Board agenda and the RETGAC agenda and also that the Town Council put this on an immediate agenda to refer to the Comprehensive Plan in order to discourage cut through traffic throughout town.

12. CLOSING COMMENTS

- a. Public

- b. Town Attorney
 - 1. "B" Road Improvements

Town Attorney Cirullo clarified that this item had been discussed earlier in the meeting.

- c. Town Council Members

Councilman Rockett questioned why there are not second monthly Town Council meetings. Town Manager Kutney advised that he brought it up in his management report and no one had a problem with it. Councilman Rockett said that he did not appreciate that mechanism to

decide when the meetings would be held. Councilman Rockett said that his point is that the mechanism to ask the Town Council to make a decision was to have the opportunity to vote on it. He thanked everyone for coming.

Councilman Goltzené indicated that Town Manager Kutney had brought the matter up, and the idea of having the second meetings of the month was to discuss special separate items.

Councilman Liang: Requested the FACC Committee review assuming the debt service for the OGEM roads that we have taken over and possibly have them make presentations to the Town Council.

Vice Mayor Jarriel: Thanked everyone for coming.

Councilman Goltzené: On the subject of the Management Company managing the Town, I think that is what we hired them to do. When they say things and everyone sits there and acknowledges what they said, and then later on act like it didn't happen – if every single decision made in this Town has to be made directly by the Town Council, then we need a lot more time and meetings; I don't think we need to have the Town Council make every single decision. We hired professionals for a purpose. We will find out in the evaluation report what the problem is, because I don't see the problem. Maybe if these people were to meet with staff a little more often and find out what is going on they might know what is going on, instead of having a list of questions at the meeting. I meet with staff, and I do not need to ask all of my questions at the meeting, because I think it is very,very ineffective. I think it is causing a problem with the Town Council and a problem with Town Management where certain people are trying to cause dissension.

Mayor Browning: Requested that a meeting is set after the first of the year, for our Town to meet the candidates for the County Commission to have them all come out here and talk to us.

13. ADJOURNMENT

There being no further business, the town Council Meeting of October 1, 2013, was adjourned at 10:35 p.m.


Susan Eichhorn, Town Clerk


David Browning, Mayor

(SEAL)

These minutes were approved at the November 5, 2013, Town Council Meeting.