



## Town of Loxahatchee Groves

### Town Council Meeting

Tuesday, July 2, 2013 at **8:00** 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 8:00 p.m. 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 Clerk Susan Eichhorn, Town Attorney Michael D. Cirullo, Jr., Town Planning Consultant Jim Fleischmann, and Town Planning Technician Braeden Garrett.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Councilman Rockett requested an addition to the Agenda, under New Business, as discussed in the Budget Workshop held earlier this evening, where it was determined that a motion would need to be made regarding the contribution of \$28,893 to the Loxahatchee Groves Water Control District (LGWCD) toward OGEM road improvement project debt assessments.

Mayor Browning requested an addition to the Agenda, under Presentations, that a representative from the Solid Gold Twirlers address the Town Council.

**Motion: Councilman Rockett made a motion to approve the Agenda, as amended, and confirming receipt of all Addenda items. The motion was seconded by Councilman Liang. The motion passed 5/0**

## 2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Minutes for Approval: June 18, 2013

Councilman Rockett stated that he would like to address the minutes and noted the addition to the Consent Agenda of an additional invoice in the amount of \$526.65 from Goren, Cherof, Doody & Ezrol, P.A.

**Councilman Rockett made a Motion to approve the consent agenda as modified, seconded by Councilman Liang. The motion passed 5/0.**

## 3. PUBLIC COMMENT

Bianca Berkold: 15045 Collecting Canal Rd: Commented regarding the text amendment that was approved at the last meeting regarding the setback for her pool, and that staff had indicated

that there public projects that had priority. She added that she thought that the text amendment was not being made just for her.

Town Manager Kutney advised that he had spoken with Ms. Berktold today, and that he could come back with a list of public projects and the Town Council could direct which ones to delay in order to address this one.

Councilman Goltzené asked if there was anything that would allow her to commence her project while we work on ours.

Town Attorney Cirullo advised that the Town Council could declare zoning in progress. That means that people can come in and get those applications, but it is at their risk if the Town Council does not actually do it down the road. You would have to deal with the applications that came in during that time frame.

Town Manager Kutney stated that staff does not object, however we have an issue that anyone who pays cost recovery should come ahead of her. He noted that Ms. Berktold was going to have to pay \$60 for staff to review the permit, as long as she is willing to take the risk. The County will not look at it without the Town's stamp.

**Motion: Vice Mayor Jarriel made a motion to declare zoning in progress to amend the ULDC for pools and setbacks, and it would be limited to that issue only. It would include pools, screen enclosures and spas. The motion was seconded by Councilman Goltzené. The motion passed 4/1, with Councilman Rockett dissenting.**

Public Comment:

Virginia Standish, 15410 North Rd: Commented regarding discussion of trails in the community. Reminded the Town Council that as the roads and easements are being turned over to the Town to ask people on the non-road side of the canal to please remove their cross gates.

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At this time, Councilman Rockett referred to the Minutes from the June 18, 2013 Town Council Meeting and stated that he recalled discussion regarding North Road funding, and that Vice Mayor Jarriel had made a remark concerning town staff bringing that to the attention of the auditor. He stated that remark was not included in the minutes and that it should be added. Vice Mayor Jarriel said that he did make that comment, and it should be included.

Town Manager Kutney clarified that technically action minutes are what is required and the Town Clerk provides even more than just action minutes. Mayor Browning agreed regarding action minutes -- the minutes should just say discussion was held and the motion was made.

**Motion: Councilman Rockett made a motion to table the Minutes of June 18, 2013, to the July 2, 2013 meeting. The motion was seconded by Vice Mayor Jarriel. The motion passed 3/2, with Mayor Browning and Councilman Goltzené dissenting.**

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#### **4. PRESENTATIONS**

**a. Solid Gold Twirlers**

Maria C.de laPena Hoff addressed the Town Council on behalf of the Solid Gold Twirlers group, and requested a donation to help travel expenses to compete in the nationals and AAU Junior Olympics.

Mayor Browning expressed concern with using taxpayers' money for such donations.

**Motion: Vice Mayor Jarriel made a motion to donate \$300 to the Solid Gold Twirlers from the Special Events/Contributions account. The motion was seconded by Councilman Rockett. The motion passed 5/0.**

#### **5. COMMITTEE REPORTS**

**a. Finance Advisory & Audit Committee (FAAC) Report and Approval of the May 2013 Financial Reports – *Committee Member Virginia Standish***

Virginia Standish provided FAAC report, clarifying that the report title should say May 2013. She corrected the communication tax revenue figure that she had provided at the last meeting, and stated that it is approximately \$136,000. She referred to the page of financial activity report under General Fund Revenue Budget and noted that there graph lines may not come out to where they actually should on the chart, because of printing/sizing issues.

Discussion took place regarding the possibility of losing the communication tax revenue over a period of time. Town Manager Kutney estimated that it would be a 3-5 year period, or perhaps even sooner.

**Motion: Councilman Rockett made a motion to accept the May 2013 FAAC report. The motion was seconded by Councilman Liang. The motion passed 5/0.**

**6. PUBLIC HEARINGS (Ordinances 2<sup>nd</sup> Reading) –**

**7. ORDINANCES (1<sup>st</sup> Reading) - *None***

a. Public Hearing:

**8. RESOLUTIONS**

**a. RESOLUTION NO 2013-05**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE VALLEY CREST SITE PLAN AMENDMENT, FOR LAND OWNED BY MAGIC PROPERTIES V, LLC, CONSISTING OF 5.0 ACRES MORE OR LESS, LOCATED AT 13710 OKEECHOBEE BOULEVARD; SOUTH SIDE OF OKEECHOBEE BOULEVARD APPROXIMATELY 0.25 MILES WEST OF “F” ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Attorney Cirullo advised that this was a quasi-judicial matter, and explained the process that would take place. He read Resolution No. 2013-05 by title, as printed above.

Town Attorney Cirullo then swore in all those who would be providing testimony.

The public hearing was opened.

Town Planning Consultant Jim Fleischmann presented a brief explanation of the application. He reviewed the progress that had been made by Valley crest since the project was approved in March. Based on staff review and recommendation of the Planning and Zoning Board, staff recommended approval of Res. 2013-05, subject to conditions as set forth.

Attorney David Coviello, on behalf of Valley Crest Properties stated that the applicant was in agreement with the conditions imposed.

Discussion took place regarding the regulations regarding vegetative waste and mulching, and additional safety features that would contain a fuel spill, such as a lip around the existing concrete pad. Harold Worthington, Valley Crest, stated that the tanks are double walled tanks. **It was the consensus of the Town Council that the applicant work with staff to get the fuel containment, also with herbicide and pesticide containment issues resolved.**

Public Comment:

Marge Herzog, A Road: Was sworn in and suggested that we give Mayor Browning a reprieve from the maintenance of the entrance sign that we have, and make it a condition to Valley Crest to maintain it.

Mayor Browning referred to the entrance sign at Folsom Rd. and Okeechobee Blvd., and Attorney Coviello stated that the applicant would consider maintaining that entrance sign.

Vice Mayor Jarriel asked about the tax revenue. Town Planning Consultant Fleischmann replied that he would say that there would likely be more tax revenue. Vice Mayor Jarriel also suggested periodical inspection of containment areas to show that there was no contamination of the ground.

The public hearing was closed.

**Motion: Councilman Goltzené made a motion to approve Resolution No. 2013-05, subject to the conditions presented in Attachment D, and with condition that we have a spill containment area and that they have and provide to the Town an annual ground water analysis of their well. The motion was seconded by Councilman Rockett. On roll call vote the motion passed 5/0.**

**9. ADMINISTRATIVE UPDATE – *Town Manager Kutney***

Town Manager Kutney provided an administrative update on the following issues:

- The Intergovernmental Coordination Committee meeting on June 28, 2013
- Southern Blvd. D Road signal – received an email from the Florida Department of Transportation (FDOT) they have decided that they would prefer to gather traffic data in November, rather than in September.
- Staff has been doing research regarding the residential enterprise issue. It appears from research that the last motion failed and Town Attorney Cirullo and I will get together on that before the July 16<sup>th</sup> meeting for possible inclusion on that Agenda, or on the August 2, 2013, Agenda. It may be best to get the ordinance to the Planning and Zoning Board. Town Attorney Cirullo and Town Manager Kutney agreed that they would discuss the issue, and confirm what the Planning and Zoning Board had done in order to determine what would need to happen next.

**10. OLD BUSINESS**

a. Addendum #1 – Re: Sirdar Trucking

Vice Mayor Jarriel recommended that Sirdar Trucking get started with the mowing and hedging on July 5, 2013, and suggested that the professional way to monitor the company was for the LGWCD board to direct Mike Walker, who rides the streets every day anyway, to do the monitoring, rather than having to pay Mr. Schiola for his time.

Town Manager Kutney replied that he would ask them to start on Friday, July 5<sup>th</sup>, and that he would give them 3 or 4 notices to proceed. He did not recommend another agency monitoring the Town vendors. There would still be a charge of the LGWCD did the monitoring. He stated that he understood Vice Mayor Jarriel's concerns, and that staff would try to do the monitoring as efficiently as possible.

Discussion took place regarding the monitoring, the priority in which the work should be done, with the suggestion that Compton Road should be a priority. Town Manager Kutney explained that there was a Notice to Proceed process, and that Compton Road would be one of the top priorities. He wanted to be sure that the Sirdar Trucking people looked at it and provided some cost estimates.

Public Comment:

Marge Herzog A Rd.: Commented that Sirdar is a professional company, and I really think they are going to try to impress us.

## **11. NEW BUSINESS**

- a. Addendum #3: Engineering Contracts *(Contracts are currently being negotiated and due to time constraints may not be included as part of this Agenda Packet, but will be included as addenda to the Agenda Packet)*

Town Manager Kutney advised that staff had prepared contracts, including fee schedules, regarding Keshavarz & Associates for general engineering and Simmons & White for traffic engineering. The contract for the surveying firm, A & B Engineering, Inc., had not yet been finalized.

**Motion: Councilman Liang made a motion to table discussion of all of the Engineering Contracts to the July 1, 2013, Town Council meeting. The motion was seconded by Councilman Goltzené. The motion passed 5/0.**

- b. Addendum #2 - Town Council Ratification of Selection of Solid Waste vendor *(If complete, may be addressed as addendum item)*

Town Manager Kutney referred to his Agenda Report, dated July 1, 2013, regarding staff recommendation for Town Council ratification of the recommended Option 1, Manual Curbside Service, and award Bid No. 2013-002 to the lowest responsible bidder, Waste Pro.

**Councilman Rockett made a motion to accept the staff recommendation to ratify Option 1, Manual Curbside Service and award Bid No. 2013-002 to Waste Pro. The motion was seconded by Councilman Goltzené.**

Discussion took place regarding days of pickup. Town Manager Kutney stated that he would negotiate with the contractor the days chosen by the Town Council. Chris Schulle, Division Manager, Waste Pro, stated that the days are up to the Town Council, and that would not affect the bid. It was the consensus of the Town Council to keep the dates on Wednesday and Saturday.

**The motion to accept the staff recommendation to ratify Option 1, Manual Curbside Service and award Bid no. 2013-002 to Waste Pro passed 5/0.**

- c. Assistance to LGWCD With Debt Servicing on OGEM Roads.

**Motion: Councilman Rockett made a motion on that we confirm that the LGWCD District will receive \$29,893 for assistance with the debt servicing on the OGEM roads. The motion was seconded by Vice Mayor Jarriel. The motion passed 5/0.**

## **12. CLOSING COMMENTS**

- a. Public

Mayor Browning read two public comment cards into the record:

Linda J. Cowart, 4156 161<sup>st</sup> Terr.N.: Regarding trimming trees and bushes on the roadway, and maintenance of trees planted in the right of way.

Patricia Jozayt, 4256 161<sup>st</sup> Terr.N.: Regarding limbs/trees trimmed off of the roadway. Having the ditch on the extension of "A" Rd. cleaned out.

b. Town Attorney

Town Attorney Cirullo reported that he had a conversation with LGWCD counsel last week and they have told us that the transition of the OGEM roads will take place this fiscal year before the end of September.

c. Town Council Members

Councilman Rockett: Thanked everyone for being here.

Councilman Liang: Thanked everyone for coming

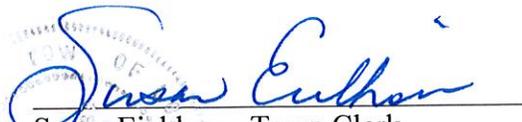
Vice Mayor Jarriel: Thanked everyone for coming. Have a good 4<sup>th</sup> of July.

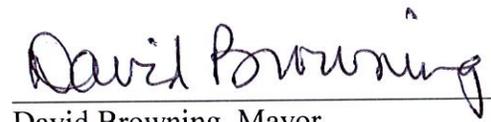
Councilman Goltzené: All the same.

Mayor Browning: Thanks to everyone.

**13. ADJOURNMENT**

There being no further business, the Town Council Meeting of July 2, 2013, was adjourned at 10:20 p.m.

  
Susan Eichhorn, Town Clerk

  
David Browning, Mayor

(SEAL)

**These minutes were approved by the Town Council  
at the July 16, 2013 Town Council meeting.**