



**Town of Loxahatchee Groves
Town Council Workshop
Immediately followed by
Special Town Council Meeting
Tuesday, October 22, 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. Councilman Jim Rockett arrived at 7:05. Council Ryan Liang was not present. Also present were Town Manager Mark Kutney, Town Attorney D.J. Doody, and Perla D Underwood, UMSG.

- b. Pledge of Allegiance & Invocation – Mayor Browning
- c. Approval of Agenda

Motion: Councilman Jarriel made a motion to approve the Agenda. The motion was seconded by Councilman Goltzene. The motion passed 4/0.

TOWN COUNCIL WORKSHOP

(Other Public Officials from the Loxahatchee Groves Water Control District (LGWCD) will be in attendance and participating)

1. LGWCD PROPOSED LEGISLATION REGARDING ROADWAYS

Town Manager Kutney introduced the topic based on the recent Intergovernmental Coordination (IGC) meeting. He advised that there was no legislation available for review this evening, and LGWCD members were not available this evening, with the exception of Mr. Ryan and Mr. Schiola, and Administrator Yohe. The issue at hand was the question of hiring a lobbyist for a special act of the legislature and if the Town should participate.

Councilman Goltzené advised that since there was no work product available at this time, the matter should not be considered at this time. Vice Mayor Jarriel advised that he felt the Town should discuss the hiring of a lobbyist, and that he was of the understanding that the legislation would be the same as what had been done previously. Councilman Rockett advised that both entities' legal staff would be working on this matter, and then bring it to each respective board. He suggested that the Town Council should provide some direction to them tonight.

John Ryan, 3508 A Rd.: Commented that the local delegation would not be meeting until December, and the bill would be similar to the last bill that was enacted on behalf of the LGWCD. Essentially, the bill would be seeking the District public road impact consistent with Florida Statute 95.361. It would also consider the policy of the LGWCD to turn over resurfaced road segments to the Town of Loxahatchee Groves via quiet claim deeds as soon as the resurfacing was completed.

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He said that he did not see that the wording of the bill would be that complicated, however, official action should be based on having a draft of the bill, and the attorneys had not had time to circulate a draft of the bill for the workshop tonight. He explained that the bill would dedicate the width of the remaining district roads, within the Town, to the extent that they had been constructed, maintained and repaired continuously and uninterrupted by the District for 7 years, and shall be dedicated to the public, pursuant to this act. The one bill would confirm the public road status of all of the remaining roads in the District that will go to the Town once the resurfacing improvements were made.

Councilman Goltzené asked if regarding the resurfacing improvements were basically OGEM. Mr. Ryan replied that the developers are going to be using paving standards from Southern Blvd. to the access to the College and then OGEM from there to Collecting Canal; the remaining parts of south B Road will be basically OGEMED. Work was done by the County on North and South F. OGEM improvements would be done on portions of F Road by the Medical Plaza. One of the main differences is that on any of the new road segments the Town has design and spacing responsibility for any speed humps. The original local bill, done in 2011, made it clear that the Town had exclusive responsibility for traffic control and safety enforcement. If roads are not improved/OGEMed, they will remain in the District's control until some additional action is taken to turn the road segments over to the Town. In response to Councilman Goltzene, Mr. Ryan advised that the bill would not hamper the Town's ability to allow a road to remain a dirt road. Councilman Goltzené noted that these actions taken would result in the Town having no question on the ability to receive gas tax funds. Mr. Ryan advised that these public roads should be considered, just as other rural public roads have been considered by the Florida Statute 95.361.

Councilman Goltzené advised that it was his understanding that canals which were used as drainage for roads were also considered roads; the entire right of way was considered road. Mr. Ryan suggested leaving that to the attorneys to resolve. Mr. Ryan replied that the current objective should be to the road surface rather than concentrate on the expanded scope to take the right of ways as well. Mr. Ryan advised that the goal was to get what is realistic.

Councilman Goltzené stated that he thought it very inappropriate that this bill should be done, without any back-up material, without any discussion, and just because Mr. Ryan said so. The Town Council instructed its attorney to work on the bill, and that did not happen.

Mayor Browning advised that the original legislation did not include the trails, and advised that his thought was to keep it as close to the original legislation, so that it passes. However, that the Town needs to be working on getting all of the right-of-ways.

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Councilman Rockett advised that Mr. Ryan and Councilman Goltzené were at the IGC meeting, and each thought something different happened at that meeting. If structuring the bill just like the other one would be looked upon as something that makes it easier to get the bill through, it should be considered. The Town Council directed its Town Attorney to work with the LGWCD staff and attorney.

Vice Mayor Jarriel commented that it bothered him that roads cannot be turned over to the Town directly without improvements. He advised that if the residents didn't have to pay for the OGEM they would be in favor of OGEM, and that he did not feel that the system that is in place on assessing is fair.

Mayor Browning clarified that this bill would contain all of the remainder of the District roads in Loxahatchee Groves. Mr. Ryan agreed with that.

Discussion took place regarding the to the west side of all of the canals and the maintenance issues involved, and including that in the legislative bill, as a second part. Mayor Browning commented that he would like to see support for the bill on the roads, and then immediately put together another bill immediately that would include all of the right-of-ways along every road that was a District road, that would transfer the uses over to the town to use as horse trails.

Acting Town Attorney Doody advised that action can only be taken at a regular meeting, however, he understood what the Town Council would like to do with respect to this matter and he would confer with Town Attorney Cirullo and LGWCD Attorney Mary Viator.

Discussion took place regarding whether a different lobbyist would need to be used for the right-of-way areas. Councilman Rockett commented regarding the concept of a lobbyist. He noted that he presumed that the cost of the lobbyist would be shared by the District and the Town half and half. He stated that the two boards were working together to get something done.

Acting Town Attorney Doody gave assurance that the bill will come before the Town Council for approval before it is submitted.

Frank Schiola, Marcella Blvd, LGWCD Board of Supervisors: Commented that having the same lobbyist would be beneficial for both the roads and the right-of-ways, in two separate bills.

Todd McClendon, 3481 Rd.: Commented that the Town is legally collecting Gas Tax Fund for the roads so why does the Town have to go through this process now.

Virginia Standish, 15410 North Rd.: Commented regarding Florida Statute 95.361, the money being spent, the roads needing to be OGEMed, and the lack of support for horse trails.

2. “B” ROAD IMPROVEMENTS (Please Note: Representatives from Loxahatchee Groves Commons PUD and Loxahatchee Groves Town Center PUD, and Palm Beach State College will be invited to attend).

Town Manager Kutney stated that Joe Lelonek from Atlantic Land Realty, Inc., representing Loxahatchee Groves Commons, and Marty Perry representing Solar Sports and a number of Palm Beach State College representatives were present regarding the improvements to “B” Road. One issue that had arisen was that there was an issue with B Road in that part of the roadway is located on private right-of-ways.

Joe Lelonek addressed the Town Council, and reviewed the proposed B Road improvements, noting that it would be between the three parties. A framework of the agreement would be available within the next month. Construction would begin thereafter with the College looking for some work to begin at the beginning of 2014, and Loxahatchee Groves Commons looking to begin development at the end of next year. Solar Sports did not yet have a timeline established.

Marty Perry discussed the complexity of the upcoming project noting that the Town would be given the money to build their road and the liability would be the Town, as it is the Town Road.

Vice Mayor Jarriel advised that drainage must be taken into consideration on this project, and that he would like the OGEM project done before the College is built.

3. OTHER ROAD MATTERS AFFECTING LGWCD

SPECIAL TOWN COUNCIL MEETING

1. DISCUSSION OF TOWN INVOLVEMENT AND APPROACH TO MINTO WEST AND HIGHLAND DUNES DEVELOPMENTS
 - a. Budgetary Considerations

Mayor Browning opened the discussion, noting that the Palm Beach County Commission would be meeting regarding this matter of the upcoming Thursday.

Town Manager Kutney advised that discussion would entail the approach of the Town to this matter, and it needed to be decided whether the Town Attorney, Town Planner, or Town consultants would be required to provide assistance.

Mayor Browning stated that there was support from surrounding communities, and that he had met with each Palm Beach County Commissioner to share the concerns of the Town, regarding the density of the project, as well as the other development projects proposed. He noted that these developments would greatly affect Okeechobee Blvd.

Discussion ensued.

Motion: Councilman Rockett made a motion to authorize the use of the Town Attorney for the meeting to be held on Thursday by the Palm Beach County Commission, and the Mayor could authorize any additional expenses he needed to make the presentation. Vice Mayor Jarriel seconded the motion. The motion passed 4/0.

Public Comment:

Bill Louda – E Rd.: Commented regarding the Highland Dunes project and the Minto development project.

After discussion, Mayor Browning advised that he would be attending the Palm Beach County Commission meeting regarding the Minto development, and he did not think the Town Attorney services would be needed for that meeting.

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Motion: Councilman Rockett made a motion to authorize the Mayor to make a decision regarding the use of the Town Attorney for the Minto development meeting. The motion was seconded by Vice Mayor Jarriel. The motion passed 4/0.

2. CLOSING COMMENTS
 - a. Public
 - b. Town Attorney
 - c. Town Council Members

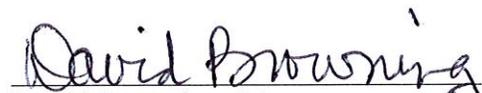
Councilman Rockett commented regarding the Western Communities Council meeting, and the proposed extension of 441 (SR 7). Representatives present suggested supporting a Lobbyist for assistance in this matter. Mr. Rockett advised that he believed that this was important to the Town, and would like to discuss it at the November 5, 2013 meeting.

3. ADJOURNMENT

There being no further business, the Special Town Council meeting of October 22, 2013, was adjourned at 9:04 p.m.



Susan Eichhorn, Town Clerk
(SEAL)



David Browning, Mayor