



## Town of Loxahatchee Groves

### Town Council Meeting

Tuesday, November 19, 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 p.m. Present were Mayor David Browning, Vice Mayor Ronald D. Jarriel, and Councilmen Tom Goltzené and Jim Rockett. Councilman Liang was not present. Also present were Town Manager Mark Kutney, Town Clerk Susan Eichhorn, Town Attorney Michael D. Cirullo, Jr., and Town Planning Consultant Jim Fleischmann.

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

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

## 2. CONSENT AGENDA

- a. Minutes for Approval: Special Town Council Meeting/Workshop October 22, 2013

**Motion:** Councilman Rockett made a motion to approve the minutes of the Special Town Council Meeting/Workshop held on October 22, 2013. The motion was seconded by Vice Mayor Jarriel. The motion passed 4/0.

## 3. PUBLIC COMMENT

Dennis Lipp, North Rd.: Announced that he is now a member of the Palm Beach County Planning Commission. He suggested that the Town organize how it plans to address the Minto application. He read some responses that Minto had made to the Palm Beach County staff comments. He also suggested that the Town consider requesting an Attorney General Opinion (AGO) regarding the definition of “surrounding properties.” He noted that Minto will probably not be coming before the Palm Beach County Planning Commission until December, and that the Town needs an AGO as soon as possible.

Mayor Browning commented that if they are allowed to go with higher density every future project will also do that, and Okeechobee will not be designed in a manner that would be reflective of our community. He encouraged everyone to get involved.

Mary Jahnke, 13725 Fox Trail: Commented regarding the condition of Bryan Road and on what is going to happen with Bryan Road. Said that no one is maintaining the road and there are many potholes.

Darrel Fisher, 13725 Fox Trail: Commented regarding fill that he had put on the road himself years ago and since that time no fill has been put on the road. Said that the road is very busy and he needs the road to be accessible by Fire-Rescue – when it rains, it floods; drainage is a problem, and the road needs to be filled in. He would like to have something done about it and he would like it in writing as to what decision will be made.

Mayor Browning replied that would be given to our management and directed the Town Manager to look into it.

Town Manager Kutney advised that he would give a report on the matter later in the evening, under his Administrative Report.

Darrel Fisher, 13725 Fox Trail: Commented regarding garbage/trash pick-up and his interaction with Mr. Schiola regarding measurements of the amount of trash.

#### **4. PRESENTATIONS**

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

#### **6. PUBLIC HEARINGS**

##### **a. RESOLUTION NO. 2013-16**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Town Attorney Cirullo read Resolution 2013-16 into the record as printed above.

Town Manager Kutney expressed that Mr. Underwood had intended to be here, however, because of a family matter, he needed to be with his family at this time. Town Manager Kutney read into the record the memorandum provided by Mr. Underwood, dated November 9, 2013, and included in the back up material.

Councilman Rockett commented that he had come into the Town offices and received answers to a lot of his questions regarding the budget amendment, however there was one item with which he disagreed with the approach. In addition, he suggested that, as a Council, we want to make our unassigned fund balance as big as it can be and our assigned fund balances to be true to what we have planned. He explained that he would like to move \$400,000 back into the unassigned fund, because if we do not need the money in an assigned use category we need flexibility to use funds in an unassigned category.

Town Manager Kutney provided an explanation and said that he would discuss with Mr. Underwood and get further details. He explained that during the year, there was the ability to do budget amendments. Mr. Rockett said that if the money could be moved back into the unassigned general fund, his concern was that we missed the opportunity for this budget year.

Discussion ensued.

**Motion: Councilman Rockett made a motion as follows:**

**Motion to approve Resolution No. 2013-16 with the following adjustments:**

**Reduce revenues from fund balance by \$400,000**

**On expenditures in General Fund, reduce budget transferred to CIP \$400,000**

**On Capital Budget, under revenue contributions from General Fund, reduce by \$400,000 and make it zero.**

**Under the annual budget you take \$500,000 out of the Town Hall alternatives and make it \$100,000.**

**Line item to be changed – under expenditures: grant of \$28,893, that gets moved to the Transportation Fund.**

**The motion was seconded by Vice Mayor Jarriel.**

**The motion failed 3/1:**

**Councilman Rockett: Yes**

**Vice Mayor Jarriel: No**

**Councilman Goltzené: No**

**Mayor Browning: No.**

**Motion: Councilman Goltzené made a motion to adopt the budget amendment, Resolution No. 2013-16, as recommended. The motion was seconded by Vice Mayor Jarriel. The motion passed 3/1:**

**Councilman Goltzené – Yes**

**Vice Mayor Jarriel – Yes**

**Councilman Rockett – No**

**Mayor Browning - Yes**

b. **ORDINANCES- 2<sup>nd</sup> Reading – None**

c. **ORDINANCES 1<sup>st</sup> Reading - None**

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

- Town Manager Kutney advised that Councilman Liang will miss meetings probably through January 7. It is likely he will be available on the 14<sup>th</sup> or the 21<sup>st</sup> and Mr. Kutney suggested moving the meetings.

**It was the consensus of the Town Council to hold the Town Council meeting on January 14, 2014.**

Town Manager Kutney verified that the next Town Council meeting would be held on December 3, 2013, followed by the January 14, 2014 Town Council meeting.

Mayor Browning advised that he liked the idea of having the second meetings of the month as workshop meetings. Also, he advised that he appreciated having one meeting in the months of November and December.

Town Manager Kutney stated that the Town Council could also think about reserving the second meeting in the month only for Planning and Zoning items.

- Town Manager Kutney advised that just a few hours ago, he had received the Town traffic engineer's estimate on the Okeechobee and D traffic signal. It appears to show that for a strain pole signal, including construction and design - \$290,094. Mast arm: \$423,010. He would provide the Town Council copies of the estimate, and would like to have a chance to look at it in more detail and then get information from Palm Beach County about which design is best.

## 8. OLD BUSINESS

- a. Update Regarding Special Acts – Legislation Regarding Roadways  
(*verbal updates*)

Town Attorney Cirullo stated that at the last meeting discussion had taken place regarding the roadway legislation. The language has been prepared and it provides the mechanism for filing of a map, etc. It also authorizes the District to allow it to be used for an equestrian trail. The legislation was on the LGWCD agenda last night, and it could now be filed, unless the Town Council had any objections.

Nina Corning, E Rd.: Commented regarding the legislation. In Item #3, she was a bit worried about the language regarding the permits to be issued. She is worried that when we ask for grants from the EPA – the last time there was the issue of whether the Town had control – and she wants to make really sure that the language regarding the permit is going to pass muster when it comes to asking for these grants. She is very grateful that this is going forward.

Town Attorney Cirullo explained that any grant requires some documentation that there is property control; we would have the permit and the special act to satisfy that requirement.

Town Attorney Cirullo advised that unless the Town Council directs him not to do it, he will move forward.

- b. Update Regarding Minto West Land Use Amendment and Rezoning  
(*verbal updates*)

Town Attorney Cirullo advised he had not yet seen the actual application, and that he had Town Planning Consultant Jim Fleischman contact the County.

Discussion took place.

### Public Comment:

Dennis Lipp, North Rd.: Referred to the former AGO opinion regarding the setback for Agricultural properties. This issue would be a very simple AGO as well, and whatever the Town Attorney billed for the former one should be about the same as this one. He discussed information that had been provided to Commissioner Santamaria regarding the number of home

sites that had already been approved in Palm Beach County, and that sufficient property had already been approved for development through 2024. He urged a united front as a western community and showing up at County meetings, and getting an AGO regarding the definition of “surrounding properties.”

Discussion continued regarding what may be an achievable goal – for example saying do not use anything through our Town – leave us alone and go around.

Public Comment:

Nina Corning, E Rd.: Commented regarding the upcoming development projects and that getting word out to have people attend the County meetings was very important. Commented on what developers ask for and that we need to figure out ways that we can convince the Commissioners that this does not belong in the neighborhood proposed. What is different with this is that they are looking at several things at the same time. We need to let people know when to show up at the meetings. Getting the word out in some manner will be important.

Town Attorney Cirullo stated that he thought the cost of an AGO would be comparable to the AGO that was prepared earlier this year. He advised that he could have a draft ready for the Town Council at the December 3, 2013, meeting if he was so authorized.

**Motion: Councilman Rockett made a motion to authorize Town Attorney Cirullo to move forward and prepare a draft letter to the AGO regarding the definition of surrounding properties, for the December 3, 2013, Town Council meeting. The motion was seconded by Vice Mayor Jarriel. The motion passed 4/0.**

## 9. NEW BUSINESS

- a. Resurfacing of Bryan, Compton & Marcella (*Vice Mayor Jarriel*)

Vice Mayor Jarriel complimented staff and the Mayor for the letter that went out on Bryan Road, that was sent out on Friday. In order to accomplish the resurfacing, a group has checked out roads in Jupiter Farms that was micro resurfaced and we all agreed that would be good for the three roads noted above. Town Manager Kutney would be reviewing contracts with North

Florida Emulsions that would allow piggy backing and it would be on the December 3, 2013, Town Council agenda.

Town Attorney Cirullo reminded Vice Mayor Jarriel that a follow up letter will be sent to all those on Bryan Road that will be prepared with their specific information. Doing the work on Bryan will depend on getting the documents included with the letter returned to us.

Public Comment:

Frank Schiola, Marcella Blvd.: Commented that he did not dispute that Compton and Bryan need to be done. We need to have drainage there. Anything we do to the road will be affected by summer rains, especially on Compton where there were a couple of blockages. On Bryan there were some areas where the water flows and in other areas not at all. We need to do the drainage.

Darrel Fisher, 13725 Fox Trail: Commented on Compton, Bryan and Marcella and why those roads were being resurfaced when you cannot drive down other roads that are in bad shape. Why are we going to pay to have that done.

Councilman Goltzené responded that the people on those roads have signed over their ownership to the Town. That process is going on right now on Bryan Road. There are no standards for the dirt roads and that is why you find a great deal of variance between one and another. That is why things are the way they are. They are not up to State standards. If your road was owned by the Town, then we would proceed with that when we have the money. Imagine if every road was OGEMed – we would be resurfacing every seven years, and it would be a cycle throughout the Town. We can put dirt and rock on your road, but as we do that no one wants to pay the bill. That is what everybody has to understand.

b. Florida Emulsion (*Vice Mayor Jarriel*)  
(*Discussed in the preceding item*)

c. Scott Blasie – Vacant Registry (*Information Packet was distributed to Town Council Members at the 11-5-13 Town Council meeting*)

Vice Mayor Jarriel commented that Vacant Registry had been hired by other towns, and that the house on C Road is not safe, and over a year ago the Magistrate said that it needs to be closed out. The Vacant Registry people had proven themselves in Wellington, and it would not cost the Town of Loxahatchee Groves anything out of pocket. If we have already found things, they will not take anything out, -- only if they find it.

Town Manager Kutney advised that he would follow up with the attorney regarding the house on C Road.

## 10. CLOSING COMMENTS

### a. Public

None.

### b. Town Attorney

Town Attorney Cirullo: Wished everyone Happy Thanksgiving

### c. Town Council Members

Councilman Goltzené: Happy thanksgiving

Vice Mayor Jarriel: Happy Thanksgiving. Darrel and his wife were here for the simple fact that they need fill on their road. Our policy is that if a resident calls in and says they need fill, staff goes out and checks it out. They need a minimum of two loads of fill out there. We have people from the Town and people from the LGWCD go out and look at their road. All we are doing is moving dirt and grading. But no matter what, you are moving that dirt around and it is lost through dust and when it rains too. Somebody qualified needs to look at the roads and say when they need fill.

Town Manager Kutney: We had a very good discussion at the IGC today and Steve Yohe and I did a site visit to the road after the meeting, and after the grading, that is a nice road (Fox Trail). We did see one area near the turn around, but other than that there was no washboard effect. I told Mr. Fisher that we have been monitoring the road. We have a limited budget on the rock and we are trying to be judicious in where we use the rock.

Vice Mayor Jarriel: These people on this road are not liars. Over 8 weeks ago when it was graded, the operator of the grader said they needed fill. I spoke with Steve today and he said it was no worse than any other road in Loxahatchee Groves. I urge the Town Council members to go over tomorrow and look at the road and the hole and the mailboxes, because it does need fill.

Councilman Goltzené: We don't have a standard. Ron thinks one thing. Mark thinks one thing. So does Steve Yohe. It is perception, and when we don't have a standard there is no way to say if the road is good or not. You need to have a standard. We have to agree on what we are doing. If we put 6 inches of rock on every road in Town I think we would go bankrupt. Another illustration is: we have got 3 million bucks; we've got 3,000 residents – you have a \$1,000 per person to spend. That is basically where we are at. It doesn't go very far in this world. We are a little town and we have a small budget, and we have a low tax base and low income. We have to either raise our income, or reduce our expectations. The people who live here need to say whether they want a high service/ high tax community or a low service/low tax community. But a high service – somebody else pay the bill community is probably not available. .

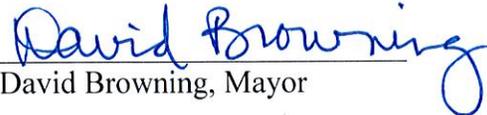
Councilman Rockett: Thanked everyone for attending.

Mayor Browning: Thanked everyone for attending. Happy Thanksgiving. If we want our community to look like Wellington, pretty soon we won't be able to afford to live here. Let's do the best we can with what we've got.

## 11. ADJOURNMENT

There being no further business, the Town Council Meeting of November 19, 2013, was adjourned at 9:11 p.m.

  
Town Clerk

  
David Browning, Mayor

(SEAL)

These minutes were approved at the December 3, 2012, Town Council Meeting.