



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, December 3, 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 Janet K. Whipple
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor David Browning called the meeting to order at 7:00 p.m. Present were Mayor Browning, Vice Mayor Ronald D. Jarriel, Councilman Tom Goltzené, Councilman Ryan Liang, Councilman Jim Rockett, Town Manager Mark Kutney, Planning Technician Braeden Garrett, Town Planning Consultant Jim Fleischmann, Town Clerk Janet K. Whipple, Town Attorney Michael D. Cirullo, Jr.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Motion: Vice-Mayor Jarriel made a motion to approve the Agenda. The motion was seconded by Councilman Liang. Upon vote, the motion passed 5/0.

2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Minutes for Approval: **November 5, 2013** and **November 19, 2013**

Motion: A motion was made by Vice-Mayor Jarriel to approve the Consent Agenda. The motion was seconded by Councilman Goltzené. Upon vote, the motion passed 5/0.

3. PUBLIC COMMENTS

4. PRESENTATIONS

- a. Proclamations presented to Farmer's Daughter Garden Center and to Everglades Farm Equipment for their community participation; helping the Town of Loxahatchee Groves and the Literacy Coalition of Palm Beach County "*Read for the Record*" - *OTIS* by Loren Long

Mayor Browning presented a proclamation honoring The Farmer's Daughter Garden Center for their participation in the Literacy Coalition of Palm Beach County *Read for the Record* to Julie Campbell; who was present to accept the proclamation. Mayor Browning explained the program, and noted that the representative from Everglade Farm Equipment was unable to attend.

Town Manager Kutney read and presented two plaques from the Literacy Coalition of Palm Beach County, to the Town of Loxahatchee Groves for the Town's participation in *Read for the Record*.

- b. Presentation by F. Martin Perry of Perry & Taylor, PA concerning "B" Road improvements.

Mr. Perry was not present at this time; however, the presentation was given at 8:50 p.m. upon his arrival.

5. COMMITTEE REPORTS

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

Virginia Standish, Board Member for the Finance Advisory & Audit Committee, provided a report on the October 2013 Financials, and noted that upon receiving revised financial report comments they will be put in writing.

Motion: Councilman Rockett made a motion to accept the Financial Report of October 2013. The motion was seconded by Councilman Liang. The motion passed 5/0.

Mr. Keith Harris had a comment concerning the Town Council Minutes of November 5, 2013, referencing his concerns on the lighting on D Road.

Vice-Mayor Jarriel suggested staff conduct a study, and wanted to know if Palm Beach County would help.

Mayor Browning asked staff to work on this.

6. RESOLUTIONS

- a. **RESOLUTION 2013-17: (2014 Municipal Election including attachment of Agreement with Supervisor of Elections)**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE TO QUALIFY AND FILE FOR THE OFFICE OF TOWN COUNCIL MEMBER FOR SEAT 5 PRIOR TO THE MUNICIPAL GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 11, 2014, PURSUANT TO THE TOWN CHARTER AND CHAPTERS 97 – 106, FLORIDA STATUTES; THE ELECTION FILING PERIOD OPENS PROMPTLY AT 12:00 NOON ON JANUARY 28, 2014 AND CLOSSES PROMPTLY AT 12:00 NOON ON FEBRUARY 4, 2014; SETTING FILING FEES; AUTHORIZING THE TOWN CLERK TO APPOINT ELECTION BOARDS FOR ELECTION PRECINCT 6094; AUTHORIZING THE SUPERVISOR OF ELECTIONS TO CONDUCT THE TOWN ELECTION AND APPROVING THE AGREEMENT BETWEEN THE TOWN AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR ELECTION SERVICES; AUTHORIZING THE TOWN CLERK OR DESIGNEE TO HANDLE CERTAIN ELECTION MATTERS; OPTING OUT OF EARLY VOTING; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo read the title for Resolution No. 2013-07. He also noted that commencing with the upcoming election in March of 2014; a mandatory assessment fee will be required to be paid by each candidate.

Motion: Councilman Liang made a motion to approve Resolution 2013-17 (which included the yearly Agreement with the Supervisor of Elections for 2014). The motion was seconded by Councilman Goltzené. Upon vote, the motion passed 5/0.

b. **RESOLUTION 2013-18: Dedication of Right-of-Way Easement**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUPPORTING THE LEGISLATION REQUESTED BY THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT TO PROVIDE FOR THE DEDICATION OF RIGHT-OF-WAY EASEMENTS TO THE PUBLIC; PROVIDING THAT COPIES OF THIS RESOLUTION BE FORWARDED TO THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, THE PRESIDENT OF THE FLORIDA SENATE, AND THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo explained the resolution, and read the title for Resolution No. 2013-18.

Motion: Councilman Rockett made a motion to approve Resolution 2013-18. The motion was seconded by Councilman Liang. Upon vote, the motion passed 5/0.

c. **RESOLUTION 2013-19: Dedication of Canal Maintenance Easements**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUPPORTING THE LEGISLATION REQUESTED BY THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT TO PROVIDE FOR THE DEDICATION OF CANAL MAINTENANCE EASEMENTS TO THE DISTRICT AND THE USE OF SUCH FOR RECREATIONAL TRAIL PURPOSES; PROVIDING THAT COPIES OF THIS RESOLUTION BE FORWARDED TO THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, THE PRESIDENT OF THE FLORIDA SENATE, AND THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo explained the special acts of each of the following resolutions, and then proceeded read the title of Resolution No. 2013-19.

Motion: Councilman Rockett made a motion to approve Resolution No. 2013-19. The motion was seconded by Councilman Liang. Upon vote, the motion was approved 5/0.

Town Attorney Cirullo noted the meeting for the Legislative Delegation would be on Wednesday, December 18, 2013, at 2:00 p.m.

7. PUBLIC HEARINGS

a. ORDINANCE NO. 2013-11 – 1ST READING: Historical Legacy

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO HISTORICAL LEGACY USES AND APPROVALS; AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO AMEND SECTION 75-035, ENTITLED “USES AS OF OCTOBER 1, 2006” TO ADD THE TERM HISTORICAL LEGACY TO THE SECTION TITLE; TO SPECIFY THE CATEGORY OF SPECIAL EXCEPTION NECESSARY FOR CERTAIN USES IN THE ZONING CATEGORY; TO REQUIRE THAT THE PROPERTY ON WHICH THE USE IS LOCATED SHALL HAVE BEEN OWNED AND SUBJECT TO A HOMESTEAD EXEMPTION IN THE NAME OF THE OPERATOR OR HIS OR HER DIRECT RELATIVE RELATED BY BLOOD OR MARRIAGE ; TO REQUIRE THAT THE USE DOES NOT PRESENT A THREAT TO PUBLIC HEALTH; TO REQUIRE THAT THE USE HAS NO HISTORY OF CODE VIOLATIONS OR THE USE HAS BEEN BROUGHT INTO CODE COMPLIANCE; TO REQUIRE THAT THE OWNER-OPERATOR SUBMIT AN AFFIDAVIT STIPULATING TO COMPLIANCE WITH CERTAIN CONDITIONS; AND TO REQUIRE REVIEW AND INSPECTION BY THE TOWN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Kutney noted that the first reading of Ordinance No. 2013-11 would be this evening, and then it would be sent to the Planning and Zoning Meeting in December, then back to Town Council for 2nd reading in January, 2014, along with staff recommendations.

Ken Johnson, 15409 Collecting Canal, had questions concerning his road and wanted to know who would be responsible for the cost of maintenance.

Town Attorney Cirullo stated he was not sure who would bear the cost.

Town Attorney Cirullo read the title of Resolution No. 2013-11.

Councilman Goltzené expressed his concern with the ordinance going to Council first then to Planning and Zoning, in that by Council passing the ordinance at first reading it might influence the Planning & Zoning Board’s recommendations.

Town Manager Kutney noted that the Planning and Zoning Board will only be reviewing the Ordinance, before it comes back to Council for second reading. Council will still have final say.

Howard Voren, 1538 E Road, felt the language was confusing and that code compliance was a concern.

Councilman Liang questioned whether the references for the amendments were for all businesses or just non-conforming.

Jim Fleischmann, Town Planning Consultant, stated all businesses would be grandfathered in who had not received approval from Palm Beach County.

Council discussed with Mr. Fleishmann types of businesses and criteria which would apply for historical legacy.

Motion: Councilman Goltzené made a motion to send Ordinance No. 2013-11 to the Planning and Zoning Board for review, and then bring it back to Council for first reading. The motion was seconded by Councilman Liang.

Howard Voren, 1538 E Road, mentioned, he felt some issues fell under public health and safety.

Upon vote, the motion to approve Ordinance No. 2013-11, was approved 4/1 with Councilman Rockett casting a dissenting vote.

Martin Perry of Perry & Taylor, PA, arrived at 8:50 for his presentation. He stated that a surety bond would be posted on only the OGEM portion of B Road; however, an estimated construction cost would be needed.

Mayor Browning requested that Town Manager Kutney work on an agreement that will be agreeable to the Loxahatchee Groves Water Control District and to allow for added expenses/contingencies.

Motion: Councilman Rockett made a motion for the Town to bring back an agreement that will be acceptable with the Loxahatchee Groves Water Control District. The motion was seconded by Councilman Liang.

John Ryan, 3508 A Road, provided further background.

Upon vote, the motion to bring back an acceptable agreement passed 5/0.

b. ORDINANCE NO. 2013-06 – 2ND READING: Amending Town Code
Special Exceptions

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO SPECIAL EXCEPTION USES AND APPROVALS; AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO AMEND SECTION 10-015, ENTITLED “DEFINITIONS” TO DEFINE “TEMPORARY EVENT,”; TO AMEND SECTION 20-015, ENTITLED “PERMITTED USES” (AGRICULTURAL RESIDENTIAL DISTRICT), TO REMOVE THE SPECIAL EXCEPTION REQUIREMENT FOR COMMERCIAL EQUESTRIAN OPERATIONS, ADD RODEO EVENTS AS A PRINCIPAL USE WITH SPECIAL EXCEPTION AND TEMPORARY EVENTS AS AN ACCESSORY USE WITH SPECIAL EXCEPTION APPROVAL, AND TO SPECIFY THE CATEGORY OF SPECIAL EXCEPTION NECESSARY FOR CERTAIN USES IN THE ZONING CATEGORY; TO AMEND SECTION 25-015, ENTITLED “PERMITTED USES” (COMMERCIAL LOW AND COMMERCIAL LOW OFFICE DISTRICTS), TO SPECIFY THE CATEGORY OF SPECIAL EXCEPTION NECESSARY FOR CERTAIN PRINCIPAL USES; TO AMEND SECTION 30-015, ENTITLED “PERMITTED USES” (INSTITUTIONAL AND PUBLIC FACILITIES DISTRICT) TO SPECIFY THE CATEGORY OF SPECIAL EXCEPTION NECESSARY FOR CERTAIN USES IN THE ZONING CATEGORY; TO AMEND SECTION 115-01, ENTITLED “TABLE OF PUBLIC NOTICE REQUIREMENTS” TO PROVIDE NOTICE REQUIREMENTS FOR THE DIFFERENT CATEGORIES OF SPECIAL EXCEPTIONS; TO AMEND ARTICLE 170, ENTITLED “SPECIAL EXCEPTION USES” TO DEFINE THE CATEGORIES FOR SPECIAL EXCEPTION REVIEW, AND TO PROVIDE FOR THE APPLICATION REQUIREMENTS, REVIEW PROCEDURES AND RELATED MATTERS FOR THE CATEGORIES OF SPECIAL EXCEPTION REVIEW; TO AMEND ARTICLE 120, ENTITLED “QUASI-JUDICIAL HEARINGS,” SECTION 120-015, ENTITLED “QUASI-JUDICIAL MATTERS” TO SPECIFY THE SPECIAL EXCEPTIONS THAT ARE CONSIDERED QUASI-JUDICIAL MATTERS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of Ordinance No. 2013-06.

Jim Fleischmann, Town Planning Consultant, provided background of the changes that will try to create a more user friendly ordinance.

Motion: Councilman Goltzené made a motion to adopt Ordinance No. 2013-06. The motion was seconded by Councilman Liang with questions whether special events would be easier or more complicated.

Town Manager Kutney stated it would be easier because the Town is vendor based.

Discussion between Council and Mr. Fleischmann concerning notification of neighboring property owners and various others changes in the Special Exceptions of the Town Code.

Ken Johnson, 15409 Collecting Canal, wanted to know what the notification process would be for adjoining neighbors and wanted to know how many miles that entailed, and if there was anything in the Code concerning decibel levels.

Mr. Fleischmann stated only next door neighbors would be notified, and he explained the differences in Categories A, B and C.

Mayor Browning explained to Mr. Johnson that decibel levels would be addressed in the Noise Code.

Upon roll call vote, the motion to adopt Ordinance No. 2013-06 on 2nd reading passed 5/0.

Mayor Browning called for a break: 8:15 – 8:22 p.m.

c. **ORDINANCE NO. 2013-07 – 2ND READING: Operating 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 CERTAIN PORTIONS OF FOLSOM ROAD, OKEECHOBEE BOULEVARD AND SOUTHERN BOULEVARD 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 read the title of Ordinance No. 2013-07 and noted the changes requested by Council had been made.

Motion: Councilman Goltzené made a motion to adopt Ordinance No. 2013-07. The motion was seconded by Councilman Liang.

Council discussed the completeness of the road listing exhibit attached to the Ordinance.

Councilman Goltzené stated he will amend his motion to include all town roads.

Town Attorney Cirullo stated the Exhibit "A" to the ordinance would be removed, and for Council to include that in the motion.

Discussion ensued concerning mediation of responsibility, and not exposing the Town to another form of liability. Signage was suggested along roadways. It was also suggested to delay the adoption of the Ordinance until January 1, 2014. Heavy dust stirred up by traffic was a problem, as golf carts could not be seen; and it should be mandatory that golf carts must stop especially at F Road and B Road. Safety equipment and not allowing golf carts to run at night were also issues. It was discussed whether the Town needed to conduct more research and get a legal opinion. It was also noted that this is a residential area and other vehicle forms such as tractors etc. also travel the roads, so golf carts should be considered. Speed bumps were suggested. Howard Voren, 1538 E Road, agreed with the speed bump suggestion. He noted that, historically, usage of golf carts have been used for utilitarian purposes.

Mayor Browning closed the Public hearing.

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

8. ADMINISTRATIVE UPDATE – *Town Manager Kutney*

a. State Road 7

Town Manager Kutney reported on the State Road 7 Project. He will be attending a meeting on Wednesday December 11, 2013 in Wellington.

b. Okeechobee Boulevard/D Road Traffic Signal

Town Manager Kutney advised Council that he had put the November 19, 2013 report in their Council boxes.

c. Fox Trail

Town Manager Kutney read comments by Fire Rescue, Palm Beach County Sheriff's Office (PBSO) and Waste Pro, indicating that Fox Trail was sufficient for their access. No road modifications were necessary.

d. Budget Amendment Update

Town Manager Kutney advised Council that monies from the CIP (Capital Improvements Program) Fund could be moved to the General Fund with the new Fiscal Year 2013/2014 Budget. This will be an agenda item.

Town Manager Kutney mentioned to Council that residents were coming to Town Hall picking up multiple Public Comment Cards to send to the Council meeting with individual concerns. He suggested the cards be restricted to being presented the evening of the Town Council Meeting. This matter would be discussed at a future date.

Town Manager Kutney reported on the Budget Amendments, and suggested Council review any funds they have concerns with.

Motion: Councilman Rockett made a motion to move \$400,000 from the Capital Funds to the unrestricted General Funds. Leave monies that are earmarked for projects where they are. The motion was seconded by Councilman Liang.

Councilman Goltzene understands that Councilman Rockett wants to take monies out now instead of working toward a 5-Year Plan. He is not comfortable moving \$400,000 without specific topics.

Councilman Rockett stated that the Town does not need the monies this year and wants to move it to unencumbered funds.

Town Attorney Cirullo clarified the motion that noted that whenever we change the budget, a budget amendment resolution, or ordinance, has to be on the agenda.

Change of Motion: Councilman Rockett amended his motion to bring the budget changes he mentioned back as an agenda item. The corrected motion was seconded by Councilman Liang. Upon vote, the motion passed 3/2, with Councilman Goltzené and Mayor Browning dissenting.

9. OLD BUSINESS

- a. Minto West Land Use Amendment and Rezoning (Discussion will be in conjunction with Attorney General Opinion (AGO) during Town Attorney Comments).
- b. Vacant Registry (Brochure will be provided either in the Council boxes or on the dais)

Councilman Liang declared a voting conflict with 9.a and would be unable to vote on this item.

Scott Blasie, Executive Liaison for Vacant Registry provided a brief presentation.

Town Attorney explained “piggybacking” on contracts.

Mayor Browning asked Town Manager Kutney whether piggybacking would create more work for staff.

Mr. Blaise reported that his company would make staff’s job easier. Staff can research Vacant Registry’ website for a listing of bank owned vacant property. He proactively goes after vacant property, and remits a check monthly to whomever he is working for. Mayor Browning asked if the Town had to go out for bid.

Town Attorney Cirullo stated that the Town could hire Vacant Registry, provided it was cost effective. He mentioned that the Town could make a motion to negotiate, and he explained how the funding worked.

Vice-Mayor Jarriel reported that if the Town finds vacant property there would be no cost; however, if Vacant Registry finds to property they will receive fifty percent (50%). He mentioned the ramifications of an issue with a squatter on a certain parcel, and then he explained that other municipalities had a much easier time by using this service that Vacant Registry provides. He spoke about the C Road foreclosure.

Motion: Vice-Mayor Jarriel made a motion to bring Vacant Registry on board to work for the Town. The motion was seconded by Councilman Rockett.

Councilman Goltzené stated that it will probably not be looked upon well by the OIG (Office of Inspector General) to do a piggyback. He will oppose this project.

Vice-Mayor Jarriel spent two hours with the OIG and presented his piggybacking requests with them.

Town Manager Kutney stated that Palm Beach County had expressed their concerns about this project.

Vice-Mayor Jarriel suggested that Town Manager Kutney may need to go the OIG for clarification; he felt the Town Manger was lying.

Virginia Standish, 15410 North Road, reported an incident in the Town of Cloud Lake and she is concerned as to what influence a private company can have.

Mayor Browning expressed concern that some residents could be forced out of their homes.

Mr. Blaise noted that this project is for vacant property only.

Councilman Goltzené did not agree with a single selection.

Mr. Blaise stated his company was a “sole source” entity.

Frank Schiola, 13434 Marcella Boulevard, questioned whether, if there is high grass or junk, what would this contractor do and who would be responsible to be taken care of. He expressed his concern if a property was not taken care of.

Council further discussed the facts that the Town did not have a Building Official to condemn a property, and a private company could not solve the problems that arise; and there are too many issues involved.

Councilman Rockett noted we did not have the tools to take care of previous problems.

Town Manager Kutney indicated for any action to be taken, it has to be code issues direct from Council, or by an independent complaint.

Upon vote, the motion passed 3/2 with Councilman Goltzene and Mayor Browning dissenting.

- c. Resurfacing with North Florida Emulsions re Bryan, Compton, and Marcella Roads along with related procurement issues (Backup provided)

Town Manager Kutney proposed to Council that there are three issues to consider through the CIP (Capital Improvement Program); to review the whole program, dedication of funds, and then procurement. Council may want to consider working on all three (3) roads at the same time.

Motion: Councilman Goltzené made a motion to direct staff to work on all three roads and do an invitation to bid; knowing the resident on these three roads have been waiting quite a while for the work to be done. The motion was seconded by Councilman Liang.

Town Attorney Cirullo mentioned that the official letters concerning the paving of Bryan Road will be going out soon.

Vice-Mayor Jarriel introduced Jeff King, owner of North Florida Emulsions, Inc., who provided an explanation of the OGEM (Open Graded Emulsion Mix) process.

The cost for the micro-resurfacing would be approximately \$2.78 per yard. Start time could be two (2) weeks upon authorization.

Councilman Goltzené prefers the Town to go out for bid rather than piggybacking on another contract.

Town Attorney Cirullo stated that the contract for resurfacing Bryan Road would be brought to the January Town Council Meeting, and will have to have the agreements returned prior to work. Work would only start after the contract is signed. There is a threshold for automatic bidding.

Virginia Standish, 15410 North Road, speaking to procurement issues not to these roads specifically; she thinks that Town should consider RFP's (Request for Proposals), or maybe grants.

Compton Road was also an issue and in need of paving.

Robert Brunk, 13164 Compton Road, provided a handout and a slide show concerning the condition of Compton Road, and how the OGEM surface has been breaking down since it was resurfaced approximately seven (7) years ago. He asked for help.

Councilman Goltzene wants to remove rock islands.

Dale Howell, 13026 Compton Road, reported on potholes in front of his driveway where water lays in the low areas.

Owen Whidden, 13289 Compton Road, also reported that Compton Road is bad.

Joe Hosford, 13244 Compton Road, Compton Road could, at one time, be maintained when it was still a dirt road, right now with the surface it has now, rocks fly and tear up vehicles. He requested paving not be held up in lieu of drainage issues. The culvert at the west end of the road has not been repaired or cleaned out, and requested the Town fix it.

Councilman Goltzené reported that the ditch along Compton Road is not draining properly, and water stops at certain areas. The Town will have work on all the drainage issues at one time.

Jeanine Gendron, 13288 Compton Road, wanted her comment read into the record, concerning her request that Compton Road be re-paved and raised. Water builds up and the road deterioration is extensive.

George Baaklini, 13288 Compton Road, also discussed his issues with the condition of Compton Road.

John Ryan, 3508 A Road, repairing drainage issues now would be beneficial to the affected property owners.

Harold Murphy, 13245 Compton Road, stated that if the Town fixes the culvert at F Road, he will fix the drainage on the rest; we need to fix this road. The Town has been put on notice.

Randy Werteprey, Engineer from Keshavarz, noted that it is a problem addressing the roads without addressing the drainage.

Mayor Browning expressed his concerns with the OGEM process. He noted most of the complaints were directed on the three (3) OGEM roads, and not wanting to spend good money after bad, he suggested returning the roads back to dirt.

Don Borovy, 14270 Tripp Road, stated that D Road North had about eighteen (18) holes on each side of the road, and there is a considerable amount of truck traffic. He also would like to have proper work done.

Motion: Councilman Liang made a motion to accept the petition of signatures to resurface Compton Road to be recorded in the minutes. The motion was seconded by Councilman Rockett. Upon vote the motion passed 5/0.

Motion: Councilman Goltzené made a motion to put the road work out for bid on all three (3) roads (Bryan Road, Compton Road, and Marcella Boulevard), and proceed as soon as a bid is chosen; and to hold off on Bryan Road until all the signed agreements come in for that road resurfacing. The motion was seconded by Councilman Liang. Upon vote, the

motion failed 3/2, with Vice-Mayor Jarriel, Councilman Liang, and Councilman Rockett casting dissenting votes.

Motion: Vice-Mayor Jarriel made a motion to bring North Florida Emulsions in and piggyback off the contract; and incorporated all three roads as soon as possible. The motion was seconded by Councilman Rockett. Upon vote, the motion passed 3/2, with Councilman Goltzené and Mayor Browning casting dissenting votes.

Town Manager Kutney felt that the Town will need engineering assistance.

Vice-Mayor Jarriel asked Mr. King, when he worked on the roads in Jupiter Farms were they using engineers.

Jeff King replied, the drainage and/or culverts have to be repaired, otherwise no engineer is required.

Councilman Goltzene requested that the engineer check previous work done by North Florida Emulsions, to see if the job was well done. He noted that at this point the current proposal is way out of procedure.

Mayor Browning called for a break: 10:28 – 10:35 p.m.:

- d. ULDC (Unified Land Development Code Review Committee) (Agenda Report provided)

Councilman Rockett requested that Town Manager Kutney develop an outline of the work that still needs to be accomplished.

Town Manager Kutney will provide an outline of work.

Town Attorney Cirullo stated the Town will have to do a resolution to amend the resolution extending the time frame for the ULDC.

It was the consensus of Council to forgo the December ULDC meeting, and commence again in January to then make a decision. At that time, Council will decide whether an extension is needed.

- e. Replacement of culvert at Compton Road and F Road (No back-up, Vice Mayor Jarriel)

Motion: Councilman Goltzené made a motion to replace the culvert at Compton Road and F Road. The motion was seconded by Councilman Liang. Upon vote, the motion passed 5/0.

Vice-Mayor Jarriel suggested that Council give the Town Manager direction. He stated George Perez is doing the culverts for the Loxahatchee Water Control District, under procurement, and the Town does not need to go out for bid. The Town can go out for additional prices but he encouraged that they speak with George Perez as well.

It was the consensus of Council to get quotes for the job even though George Perez is the least expensive.

Town Attorney Cirullo noted that Town Manager Kutney can execute contracts if the bids are under \$25,000 consistent with the Town's Procurement Code, if Council so directs.

10. NEW BUSINESS

a. Amendment to General Engineering Services Contract

Town Manager Kutney explained the proposed amendment to the current contract with the Town Engineer, Keshavarz and Associates, Inc. (K&A), and explained the procurement project. Town Manager Kutney has been pleased with their performance, and recommends approval of the amendment.

Motion: Councilman Goltzené made motion to approve the Amendment to the General Engineering Services Contract. The motion was seconded by Councilman Liang.

Councilman Rockett wanted to know if the contract we have now, or the one we are modifying, would allow the Town to have them review the speed bumps.

Town Manager Kutney stated that was not the Town Engineer who would conduct that investigation; it would be the traffic consultant.

Upon vote, the motion passed 5/0.

b. Sirdar Trucking Company Contract Invoices – Settlement of \$31,103.60

Town Attorney Cirullo stated that Sirdar Trucking, Inc. will accept a settlement payment of \$31,103.60, and suggested Council adopt a motion terminating their contract.

Motion: Councilman Goltzené made a motion to draft a resolution to accept the Town Attorney's recommendation to terminate the contract with Sirdar Trucking, Inc. The motion was seconded by Councilman Liang.

Discussion followed with concerns of when work could commence again, and a possibility that even though Sirdar did not want to touch any vegetation, could Management work with Sirdar to do just hedging.

Motion: Councilman Rockett made a motion to settle the contract with Sirdar Trucking, Inc. and cancel the contract. The motion was seconded by Councilman Liang. Upon vote, the motion passed 5/0.

Mayor Browning stated there was no way to end a contract with someone then have them do additional work.

11. CLOSING COMMENTS

a. Public

Frank Schiola, 13434 Marcella Boulevard, commented on the difficulty he had removing roots from a culvert on F Road.

b. Town Attorney

- Attorney General Opinion (AGO) regarding definition of surrounding property

Town Attorney Cirullo advised Council that he prepared a proposed request to the Attorney General's Office for a definition of surrounding property.

Councilman Goltzené expressed his thoughts that the Town should talk with the County Attorney to find out where the County stands; use the Attorney General Opinion as a backup, and then bring the issue back during the January Council Meeting.

Councilman Rockett noted that in the 2nd paragraph of the *background* section, it needs to be clear that this is referring to a new parcel.

Councilman Rockett and Town Attorney Cirullo discussed sending a letter to the Attorney General's office.

Mayor Browning noted that in the application prepared by Minto, the reference was referring to parcels within a five (5) mile radius. There is nothing in the Ag Enclave Bill stating "what is surrounding" must be within a five (5) mile radius. Minto is considering a five (5) mile radius by

selecting a small neighborhood in Royal Palm Beach, with zero lot lines, ignoring the natural area and the five (5) acre parcels as their reference. He would like for a letter to go forward to the Attorney General's Office (AGO) for their opinion.

Motion: Councilman Goltzené made a motion to send a letter to the Attorney General's Office requesting an opinion on the definition of surrounding parcels. Mayor Browning passed the gavel to Vice-Mayor Jarriel and seconded the motion.

Discussion ensued concerning pros and cons of sending the letter and whether it would be helpful or not. The concern was that if the Town did not move ahead, the development would mean Okeechobee Boulevard could be lost, and school districts would change.

Todd McLendon, 3481 D Road, suggested that Council not reference a specific case when asking the AGO to define *surrounding property*.

Mayor Browning agreed.

John Ryan 3508 A Road, had a question concerning the interpretation in the Town Charter regarding the Loxahatchee Groves Water Control District assessment of three (3) mills. He also feels like staff has a winning argument by going to the legislative staff – He further explained the enclave bill and staff report which he thinks the Town Attorney could follow through and get the report.

Discussion concerning the designation of surrounding areas beyond the acreage parcels, using zero (0) lot lines as a criteria is ludicrous. The fact that the Town needs assistance with this issue is imperative.

Upon vote the motion passed, 3/1 with Councilman Goltzené casting a dissenting vote. Councilman Liang had declared a conflict of interest, and did not vote on this issue.

Town Attorney Cirullo wished everyone a Merry Christmas, Happy New Year, and safe travels.

Town Manger Kutney stated the Legislative Delegation would meet on December 18, 2013 at the Solid Waste Authority Auditorium between 2:00 and 5:00 p.m. at 7501 North Jog Road.

c. Town Council Members

Councilman Goltzené wished everyone a Merry Christmas.

Vice-Mayor Jarriel wanted everyone to be careful going home, Merry Christmas and Happy New Year.

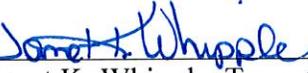
Councilman Ryan, thanked everyone for coming and wished all a Happy New Year, and Merry Christmas, and stated he was happy to be back.

Councilman Rockett, wished everyone a Merry Christmas and Happy New Year to all.

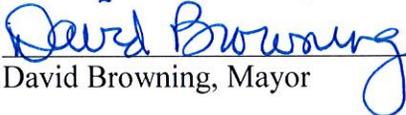
Mayor Browning, also thanked everyone for coming, thanked Council for their last vote and gave a motion to adjourn.

12. ADJOURNMENT

There being no further business, the Town Council Meeting of December 3, 2013, was adjourned at 11:27 p.m.



Janet K. Whipple, Town Clerk



David Browning, Mayor

(SEAL)

These minutes were approved at the January 14, 2014 Town Council Meeting.