



## Town of Loxahatchee Groves

### Town Council Meeting

Tuesday, February 4, 2014 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 Browning called the meeting to order at 7:05 p.m. Present were Mayor Browning, Councilmen Tom Goltzené, Ryan Liang, and Jim Rockett. Vice-Mayor Jarriel was not present, (excused absence). Also present were Town Manager Mark Kutney, Town Attorney Mike Cirullo, Town Planning Consultant Jim Fleischmann, and Town Clerk Janet K. Whipple.

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

**Motion: Councilman Rockett made a motion to approve the agenda as presented. Councilman Liang seconded the motion. Upon vote, the motion passed 4/0.**

#### CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.

**Motion: Councilman Rockett made a motion to approve the Consent Agenda. Councilman Liang seconded the motion. Upon vote the motion passed 4/0.**

### **3. PUBLIC COMMENTS**

Keith Harris, 2580 C Road, concurs with Virginia Standish's comments during the December Town Council meeting, and her concern with the roads in Loxahatchee Groves. Mr. Harris requested deferment of OGEM for Connecting Canal Road for at least twelve (12) months so that the Town can explore alternative methods of funding.

Howard Voren, 1538 E Road, requested that Council review how the ULDC (Unified Land Development Code) Review Committee is to function, and what it is that they want from the Review Committee.

### **4. PRESENTATIONS**

- a. Tomas Ruiz, Senior Project Engineer; Patrick Leung, Roadway Engineer; and Sandra Hodge, Public Information Officer; all from Stantec, will provide a status update/development briefing on the State Road 80 Design. (*Vice-Mayor Jarriel*)

James Hughes, Florida Department of Transportation (FDOT) Design Project Manager attended the meeting, and made introductions of Patrick Leung, Tom Ruiz, and Sandra Hodge. Mr. Hughes reported the State Road 80 Design would extend from the Lion Country Safari Road, east to Crestwood Boulevard/Forest Hill Road. Drainage will be a concern, so Florida Department of Transportation (FDOT) will be looking at sites for potential drainage ponds. The work should commence late 2017, and should be completed within a couple of years. Flooding concerns were addressed.

Town Manager Kutney read questions sent by Vice-Mayor Jarriel, who was not able to attend the Town Council Meeting. Vice-Mayor Jarriel sent three (3) questions: 1) The exact start date for the Loxahatchee Groves Corridor, which will be the same at 2017; 2) Whether the median at the D Road intersection would be open or closed. It will remain open; and 3) Vice-Mayor Jarriel appreciated the traffic count, and wanted to know how badly the Town missed the figures to warrant a traffic light. Mr. Hughes, from FDOT, stated that it was quite a bit.

Questions were asked, and addressed, about equestrian trails and bus stops.

- b. Shannon Ramsey-Chessman, representing the Government Finance Officers Association (GOAF) will present the Certificate of Achievement for Excellence in Financial Reporting Award for the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ending 2012, to the Town of Loxahatchee Groves.

Town Manager Kutney read a brief biography for Shannon Ramsey-Chessman.

Ms. Ramsey-Chessman presented the CAFR Award for Fiscal Year Ending September 2012, to Mayor Browning. She noted that this was the fifth consecutive year the Town has received this award, and it is a reflection on Town Manager Kutney and Underwood Management for their high standards in Financial Accounting.

## **5. COMMITTEE REPORTS**

- a. Finance Advisory & Audit Committee (FAAC) Report and Approval of the December 2013 Town Council Financial Report, and the September 2013 Revised Town Council Financial Report (*Vice-Chair Elise Ryan*)

Elise Ryan, Vice-Chair Financial Advisory and Audit Committee, presented the December 2013, Town Council Financial Report and the September 2013, Revised Town Council Financial Report. Vice-Chair Ryan noted that all paid invoices are now on the website. The FAAC met January 27, 2014, and the Financials for November and December were approved 5/0. Some reclassifications were needed and Management has agreed to make those changes effective for the January results. The Town's bank balance was \$3.382 million at the end of December. Through December 31<sup>st</sup>, the Town had received twenty-one percent (21%) of the annual revenue budgeted, and spent eight percent (8%) of the expense, and that period was (25%) of the year. The year-to-date revenue exceeded expenses by \$2,089.00. On behalf of the Committee, Vice-Chair Ryan requested that Council direct Management to go out for an RFP (Request for Proposal) to purchase the Town's own accounting software system. Town Management had recommended this in the past, and the Committee agrees that the Town should own its own accounting software. Vice-Chair Ryan stated that the Town needed to start the process now, as there are a number of issues that will need to be considered in making this change.

**Motion: Councilman Liang made a motion to accept the Financial Reports, as presented. Councilman Rockett seconded the motion. Upon vote the motion passed 4/0.**

**Motion: Councilman Liang, relative to the recommendation, made a motion to move forward with the Town purchasing its own accounting software. Councilman Goltzene seconded the motion with the idea that the Financial Advisory Committee will review the**

**proposal more in depth, come up with specifications, and work with Management to accomplish that goal.**

Councilman Rockett suggested the Town move forward and gather information, and go out for an RFP (Request for Proposal) which will meet certain criteria, and meet government requirements. One idea he had, was to consider contacting other municipalities to see if the Town might be able to lease someone else's software. It would be like having multiple clients using the same software. The Town could lease a space, and partially pay for its portion. The Finance Committee should see the proposal at their next meeting, and add or subtract from it.

Councilman Goltzené stated that he was reflecting on the comments from the Finance Committee as to not move forward too quickly and to make sure the Town gets a product that we know we want, and not one to just get it done. He believes that the Town Manager has plenty of tasks already, such as the roads, and also getting other things done right away that he is working on. The Council needs to understand that Staff can only do so much, and there is still some research per Councilman Rockett's suggestions. There are two very different directions, whether to purchase or lease. Councilman Goltzené thinks the Council should decide first.

Mayor Browning feels that the Council should receive a report back first providing the options for cost, and then they can make a decision based on that.

**Upon vote, the motion passed 3/1 with Councilman Rockett casting the dissenting vote.**

## **6. RESOLUTIONS**

### **a. RESOLUTION NO. 2014-04: Bryan Road - Public Road Right-of-Way Easement Dedication for Bryan Road.**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE PUBLIC ROAD RIGHT-OF-WAY EASEMENT DEDICATIONS FROM THE PROPERTY OWNERS ALONG BRYAN ROAD; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Town Attorney Cirullo read the title of Resolution No. 2014-04.

**Motion: Councilman Liang made a motion to adopt Resolution No. 2014-04. Councilman Rockett seconded the motion.**

Todd McLendon, 3481 D Road, stated that since the Town has been collecting gas tax money for years he wanted to know why the Town needed to do this now.

**Upon vote, the motion passes 4/0.**

## **7. ORDINANCES – PUBLIC HEARING**

### **a. ORDINANCE NO. 2013-08: CAPITAL IMPROVEMENT TEXT AMENDMENT / SECOND/FINAL READING / PUBLIC HEARING.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AMENDING THE TOWN OF LOXAHATCHEE GROVES FLORIDA COMPREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3184(3) FLORIDA STATUTES TO: (1) AMEND THE TRANSPORTATION ELEMENT TEXT; (2) AMEND THE DRAINAGE SUB-ELEMENT TEXT OF THE INFRASTRUCTURE ELEMENT; (3) AMEND THE RECREATION AND OPEN SPACE ELEMENT TEXT; AND (4) AMEND THE CAPITAL IMPROVEMENTS ELEMENT TEXT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Attorney Cirullo read the title of Ordinance No. 2013-08.

Jim Fleischmann, Town Planning Consultant, explained the details behind Ordinance No. 2013-08, and the process it had to go through for approval; not only through the Town, but also the Florida State Department of Economic Opportunity, then back to the Town for final reading.

**Motion: Councilman Liang made a motion to adopt Ordinance No. 2013-08. Councilman Goltzené seconded the motion.**

Council discussed potential changes to the Ordinance No. 2013-08 “Exhibit A”.

Phyllis Maniglia, 359 West D Road, noted months ago, lights for pedestrians and horses to cross B and F Roads were discussed. She also stated that those folks who might have been encroaching on the easements may have to back up a bit so that the trails can be utilized.

Keith Harris, 2580 C Road, stated he is a member of the Town's Planning and Zoning Board and the Roadway, Equestrian Trails, and Greenway Advisory Committee (RETGAC), and wanted to let Council know the Boards work very hard on the projects they receive. He apologized for his actions earlier in the meeting.

**Upon roll call vote the motion passed 4/0.**

Town Attorney Cirullo noted that the only correction was to remove the "or" and add "and" (before bicycle) in Section 2.3.2.

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

- a. IGC Meeting of 01/15/2014 and subsequent meetings.
  - Compton Road Culverts
  - Resurfacing of Compton Road, Bryan Road and Marcella Boulevard roadways.

Town Manager Kutney reported on the IGC (Intergovernmental Coordination Committee) Meeting held at the LGWCD (Loxahatchee Groves Water Control District). Vice-Mayor Jarriel, District Secretary/Treasurer John Ryan, and District Administrator Steve Yohe were present, along with Mr. Kutney. Vice-Mayor Jarriel added the three roads, and culverts, to be discussed at the meeting. On January 16, 2014, all members plus Mike Walker from the Water Control District met on Compton Road to review the issues of OGEM and the culverts. A more comprehensive meeting was held on January 22, 2014, in which the Town's Engineers, Maziar Keshavarz and Randy Wertepny from Keshavarz Associates participated, along with Perla Underwood, representing Underwood Management Services Group. Related to the culverts, all those present came to a consensus that Town Manager Kutney would issue a Notice to Proceed to Keshavarz and Associates. The Firm will go ahead and develop an engineering plan/design specification as it relates to the installation of a culvert. Keshavarz would also move forward on behalf of the Town in submitting an engineer permit to the Loxahatchee Groves Water Control District. The District would then review the plans and specifications; and since the Town has already procured services under and invitation to bid, the Town would then go ahead and allow the LGWCD to do the culvert installation. Also the Town's agreement with the District allows them to subcontract, and they may use the services of John Choquette to clear out some of the vegetation. It was the consensus of the group, that idea was workable. Keshavarz provided the specifications to Mr. Kutney during this meeting of February 4, 2014, so he will issue the Notice to Proceed on the culverts. There was a long discussion on the application of OGEM. It was an agreement of the attendees to have Keshavarz look at all three roadways, and come up with an appropriate set of specifications and plans by which North Florida Emulsions could, if the Town continues on the piggyback process using the specifications, go ahead and properly do the

roadways. Mr. Kutney stated Keshavarz will be reviewing the three (3) roadways, and developing those specifications. In both the culvert replacements and the OGEM applications on the roadways, Keshavarz will also act as the Town's observers, and engineering inspections that the chain of custody is not violated and all work is done to the Town's satisfaction.

Councilman Goltzene complimented the Town Manager and Staff despite a relentless rush to get the job done.

John Ryan, 3508 A Road, stated that he felt the bottom line in all the discussions was that the interpretation from Council was to bring this issue to a conclusion. It was noted during the meeting that the LGWCD specs were intended for residential culverts only, but they could be used as a starting point.

Mayor Browning asked if the same design could be used or did the design have to be reinvented every time.

Mr. Keshavarz stated the basic design was a general guideline, and may need to be adjusted for each application. He has to do his own research as a chain of custody.

Mayor Browning felt that once the Town has the initial design, he does not see the need to do much customizing.

b. Palm Beach State College Town Forum

Town Manager Kutney reported that Palm Beach State College officials will hold a Town Forum between 6:00 and 8:00 p.m. on Thursday, February 20, 2014, at the Central Palm Beach County Chamber of Commerce Office, to discuss construction plans, and receive comments and suggestions for the new College Campus that is to be built on Southern Boulevard.

Town Manager Kutney sent a letter to Dan Weisberg, Director of the Traffic Division of Palm Beach County, trying to cover two issues: The first is the signal on Okeechobee Boulevard and D Road, and the second is the controlled equestrian crossings that were a recommendation of the RETGAC Committee. The letter expressed the Town's concern about the differences between the strain pole design versus the mast arm. Mr. Kutney is trying to set up a meeting with Mr. Weisberg to discuss those items.

Town Manager Kutney reported the Town of Loxahatchee Groves will not have a Municipal Election this year. At the end of qualifying on February 4, 2014, the only person who qualified was the incumbent Tom Goltzené (Seat 5).

Town Manager Kutney reported on the amount of manure coming into Town. Not looking for action this evening, he reminded Council that the Town had made a number of amendments to the manure ordinance going back to 2012; Town Manager Kutney stated the Council, at that time, was trying to do everything they could to control the amount of manure coming into the Town. On February 5, 2013, Mr. Vilarino, representing Mr. Don Ramon, spoke to Council for bona fide agriculture uses, such as banana farms, and the amount of manure that is needed. At that time Council made a motion and gave Mr. Kutney the discretion to determine whether there was a bona fide “AG” need for the amount of manure, even on residential properties. Two applicants have come in requesting one thousand (1,000) loads of manure each, and based upon the fee schedule in the ordinance, if he were to approve those request, the fees would be \$43,000 times two (2) which he is not willing to do without talking to Council. This matter will be brought before Council during the February 18, 2014 meeting.

Randy Wertepny, Keshavarz and Associates, reported the Town is not far from needing an MS4 Permit.

Council discussed the MS4 Permit, composting, water quality, and discharge.

Town Manager Kutney reported on discussions he and Jim Fleischmann, the Town Planning Consultant, had with Howard Voren concerning the references to the term agriculture (“AG”), and its uses. This information is important and will be included in a final report to Council, as an action item for disposal.

Howard Voren, 1538 E Road, commented on the above discussion.

Councilman Goltzené elaborated on the uses of the “AG” exemption.

Mayor Browning expressed his concerns that the Town is protected; and if “AG” designations have rights for a certain business, then he wants to see the Town residents have the same rights.

John Ryan, 3508 A Road, was also on the ULDC Committee and he recommended that the Town needs a simple disclaimer stating the Town needs to get out of the consulting business with regard to “AG” business, and let Palm Beach County Property Appraiser handle that.

**Mayor Browning called for a 5 minute break 9:17 to 9:24.**

## **9. OLD BUSINESS**

- a. Review: Council requested changes to Historical Legacy Ordinance No. 2013-11.

Jim Fleischmann, Town Planning Consultant, referenced the changes that were made per Council request for Ordinance No. 2013-11. He noted page seventy-nine (79) had the changed items.

Council discussed the changes.

Town Attorney Cirullo provided information whether Council should pull changes from the Consent Agenda as a “*receive and file*”. If an item is pulled, everyone must be treated the same. Will the item be pulled in order to vote on it separately, ask questions, or possible deny it, in which case there needs to be some notice and opportunity to be heard. The item may be a quasi-judicial hearing at the next available date. The process has to be fair.

Council reviewed the possibility of any changes and agreed that all items must be treated equally fair. They had a consensus to leave changes on the Consent Agenda. Having Management address the issue, was a suggestion as well.

Howard Voren, 538 E Road, and Todd McLendon, 3481 D Road, provided their opinions.

Town Attorney Cirullo explained eligibility requirements.

- b. Discussion of speed bumps on OGEM roads which exist, the roads to be resurfaced, and new road projects, especially B Road. (*Councilman Rockett*)

Councilman Rockett reference the speed humps on 44<sup>th</sup> Place North east of 140<sup>th</sup> Avenue, and Sycamore Drive. Basic speed humps are eight hundred (800) to one thousand (1,000) feet apart. The Town needs an established standard, and he does not feel that an Engineer is necessary.

Councilman Goltzené agreed the speed humps should be fewer and farther between, and feels the Engineers should provide a report with acceptable designs.

Town Manager Kutney asked if Council so directs, he would have the Road Engineers prepare a report.

Mayor Browning suggested a table-top style speed hump, rather than an up and down version.

Town Manager Kutney respectfully stated that an Engineer of Record needs to sign and seal construction of the roads.

Council and the Town Attorney discussed rural road standards, and who sets them.

Councilman Rockett would like to make a decision at the next Town Council Meeting.

Councilman Rockett requested specifications on speed humps, and stated that if the Town has an opportunity to move forward on setting standards, either in distance and/or dimensions we have for speed humps, to get those specifications back to Council.

Town Manager Kutney questioned whether Council was asking him to commence a study. He can do a notice to proceed, and contact the Town's Traffic Engineers. He wasn't sure that is where Council wanted him to go yet.

Councilman Rockett felt the Town needed a specification, at least like the one on Sycamore Drive, and have it brought back to Council.

Mayor Browning stated that the Council didn't need that brought back, we will just say we need a speed hump that is profiled like the one there (Sycamore Drive) or the one on 44<sup>th</sup> Place North, he did not care which one. If that is going to be the Town's profile then that will be the Town's profile, and then we determine how far apart we go.

Town Manager Kutney stated that he would then go ahead and put a Notice to Proceed together to have Simmons and White take a look at those two speed humps and he will try to have them get that information back to the Town as soon as they can. If Simmons and White can have the report back by the February 18, 2014, Town Council Meeting, fine; if not, it will be the first meeting in March.

Jorge Perez, 1544 B Road, supports speed humps, especially where children are.

## **10. NEW BUSINESS - NONE**

## **11. CLOSING COMMENTS**

### **a. Public**

Howard Voren, 1538 E Road, reported that Town Manager Kutney mentioned he needed \$1,500 in order to put together a report of all items addressed by the ULDC Committee to date. No one has offered to come up with the money.

Mayor Browning stated Mr. Kutney would be bringing this matter up at the February 18, 2014, Town Council Meeting.

Phyllis Maniglia, 359 West D Road, commented on the PBSO presentation at the Land Owners meeting concerning the trash and drinking at the Plaza, giving Mr. Kutney a little more leeway to speak with Mr. Yee concerning the excess trash. She also mentioned having a single sign welcoming people to the Town.

Town Manager Kutney stated the Town is looking into that matter and trying to determine a funding source, as the signage would not fall under gas tax money. He will bring this item up at the February 18, 2014, Town Council Meeting.

Nina Corning, 2834 E Road, handed out flyers concerning road travels by Minto West. She would like the Town to stay active and direct traffic accordingly.

b. Town Attorney

No Report.

c. Town Council Members

Councilman Goltzené looks forward to serving the Town Council another three years, and he thanked everyone for attending the meeting.

Councilman Liang congratulated Councilman Goltzené, and wished everyone a Happy Chinese New Year.

Councilman Rockett thanked everyone for coming, and wished everyone a good night.

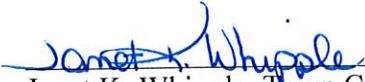
Mayor Browning mentioned an excessive amount of yard waste on D Road being hauled up and down the roads.

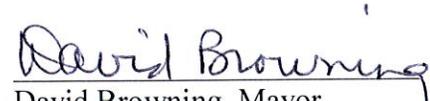
Town Manager Kutney stated that if the Mayor would give him direction, he would investigate.

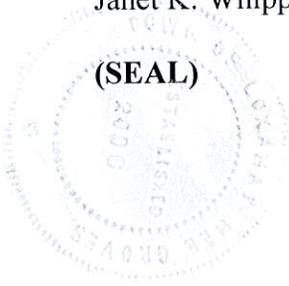
Mayor Browning said he is going to, as the Town needs to, check it out. He also expressed his concern for the amount of dog rescue facilities in Loxahatchee Groves. He thanked everyone for coming, Happy New Year, and congratulation to Councilman Goltzené.

## **12. ADJOURNMENT**

There being no further business before the Town Council, the Mayor adjourned the meeting at 10:35 p.m.

  
Janet K. Whipple, Town Clerk

  
David Browning, Mayor



**These minutes were approved at the February 18, 2014, Town Council Meeting.**