



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, May 6, 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 David Browning, Vice-Mayor Ron Jarriel, Councilmen Tom Goltzené, Ryan Liang and Jim Rockett. Also present were Town Manager Mark Kutney, Town Attorney Mike Cirullo, Town Planning Technician Braeden Garrett, and Town Clerk Janet K. Whipple.

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

Vice-Mayor Jarriel requested to remove 2.a.1, Amendment No. 2 of the Professional Service Agreement Extension of Underwood Management Services Group, LLC. (UMSG) from the Consent Agenda, and the Agenda, in order to allow Council time to review with the Underwood Management Services Group issues of concern within the contract.

Town Attorney Cirullo advised Vice-Mayor Jarriel to pull the item from the Consent Agenda, move it to a Regular Agenda item following the Consent Agenda, then address the Agreement at that time.

Councilman Goltzené requested to remove 2.a.2 Approval of piggybacking contract with North Florida Emulsions for Micro Surfacing (not OGEM), from the Consent Agenda, to be placed as a Regular Agenda item.

Councilman Rockett corrected the date for the minutes to be approved as April 15, 2014 not April 10, 2014.

Motion: Councilman Goltzené moved to approve the Agenda as amended. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

2. CONSENT AGENDA

a. Authorization for execution of contracts by Mayor Browning:

- 1) Approval of Amendment No. 2 - Professional Service Agreement. Extension of Underwood Management Services Group, LLC (UMSG), of initial term, for an additional one (1) year renewal term. (*Pulled from Consent Agenda*)
- 2) Approval of piggybacking contract with North Florida Emulsions for Micro Surfacing (not OGEM). (*Pulled from Consent Agenda*)
- 3) Approval of renewal agreement with Bergeron Emergency Services, Inc. Disaster Recovery Services (RFQ No 2011-03).
- 4) Approval of renewal agreement with C & C Loader Services, Inc. Disaster Recovery Services (RFQ No. 2011-03).
- 5) Approval of renewal agreement with TAG Grinding Services, Inc. Disaster Recovery Services (RFQ No. 2011-03).
- 6) Approval of renewal agreement with O'Brien's Response Management, LLC Disaster Debris Monitoring Services (RFQ No. 2011-04).

b. Invoice from Invoice from Goren, Cherof, Doody & Ezrol, P.A.

Note: Minutes for Approval: (*The minutes will come as an addendum prior to the meeting.*)

- **April 1, 2014**
- **April 10, 2014 (corrected to read April 15, 2014)**

Approval of Amendment No. 2 - Professional Service Agreement, extension of Underwood Management Services Group, LLC (UMSG), of initial term, for an additional one (1) year renewal term. (*Pulled from Consent Agenda*)

Motion: Vice-Mayor Jarriel made a motion to pull Underwood Management Services Group Agreement from the Agenda, in order to allow the management company to sit with each Council member to discuss items of concern in the contract. He does not want to vote on this matter tonight as there are five (5) months before the contract expires. Councilman Liang seconded the motion.

Mayor Browning was under the assumption that Council had voted to renew to contract for one year.

Councilman Goltzené stated that his original motion on April 15, 2014, was to renew the contract for one year.

Town Attorney Cirullo clarified that the original motion renewed the contract for one (1) year; Council would sit down with Underwood to discuss any matters of concerns at other times.

Councilman Rockett suggested that Vice-Mayor Jarriel modify his motion, including Councilman Liang's second, to move this item to the first Town Council Meeting in June, (June 3, 2014).

Vice-Mayor Jarriel agreed to modify his motion to pull the contract from the agenda and postpone re-approval of the Underwood Management Services Group Contract until first meeting in June. Councilman Liang agreed to modify his second.

Bill Underwood, Underwood Management Services Group, expressed his concerns that by postponing the approval of the contract, the current employees may not have enough time to look for other jobs. Mr. Underwood also stated the Management Company would not be participating in future negotiations.

Mayor Browning stated he felt the deal had already been made and Council had agreed to renew the Underwood Contract for one year. He suggested Council meet with the management company to discuss matters of concern within the contract.

Town Attorney Cirullo stated that since Vice-Mayor Jarriel was on the prevailing side of the vote to renew the contract then it was his choice to bring the matter back to Council.

Vice-Mayor Jarriel reported the Management Contract allows for a sixty (60) to ninety (90) day notification of renewal.

Bill Underwood confirmed that, as owner of the company, he did not mind sitting down with each Council Member to review particular items in the contract, as there is a lot of garbage. However, without a commitment from Council to move forward, there is no reason for him to sit

down and discuss contract items of concern. He is willing to help with the next Management Company, and the changes needed in the contract, but he will not be held hostage for another month for a vote that has already occurred.

Upon vote to pull Underwood Management Services Group from the agenda, the motion failed 2/3 with Councilman Goltzené, Councilman Liang, and Mayor Browning casting dissenting votes.

Town Attorney Cirullo stated further action is needed.

Motion: Councilman Goltzené made motion to adhere to his original motion to renew for one (1) year; authorize the Mayor to execute the contract, and keep on agenda. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

Approval of piggybacking contract with North Florida Emulsions for Micro Surfacing (not OGEM). *(Pulled from Consent Agenda)*

Councilman Goltzené stated he objects to the piggybacking method for construction projects. Council can proceed.

Motion: Councilman Goltzené made a motion to not approve the piggybacking contract with North Florida Emulsions. The motion dies for lack of a second.

Motion: Vice-Mayor Jarriel made a motion to approve the piggybacking contract with North Florida Emulsions and authorize the Mayor to execute the contract. Councilman Rockett seconded the motion. Upon vote, the motion passed 4/1 with Councilman Goltzené casting the dissenting vote.

3. PUBLIC COMMENT

David Self, 161st Terrace North, explained some of the problems that were arising from the use of cut throughs on A Road to 161st Terrace North; along with noise on 161st Terrace North and the Rayside Property. He thanked Staff for their help.

Neil Enos, 3989 161st Terrace North, also discussed the cut throughs as illegal road access.

Vice-Mayor Jarriel read a letter from David Self into the record.

4. PRESENTATIONS

- a. Terry Morton, Nowlen, Holt and Miner P.A., to provide a presentation on the Town of Loxahatchee Groves Comprehensive Annual Financial Report (CAFR) Fiscal Year Ending September 2013.

Bill Underwood, Underwood Management Services Group, introduced Mr. Morton.

Terry Morton, Nowlen Holt and Miner, P.A. provided a letter of auditing standards and stated that Loxahatchee Groves had achieved the Financial Award for Fiscal Year Ending September 2013. Mr. Morton reviewed basic point of the Comprehensive Annual Financial Report CAFR), and reported the Town had a clean Audit.

Council discussed with Mr. Morton, Mr. Underwood and Town Manager Kutney various components of the Audit.

5. COMMITTEE REPORTS

- a. Elise Ryan, Financial Advisory and Audit Committee (FAAC) Board Member, to provide Financial Report Ending April 2014, for approval.

Virginia Standish, FAAC Board Member, provided the Financial Report Ending April 2014. She also stated new appointments were held on Monday, April 28, 2014, and Elise Ryan was selected as the new Chair and Cheryl Miller as the new Vice-Chair of the FAAC.

Motion: Councilman Rockett made a motion to accept the Financial Report Ending April 2014, as presented. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

RESOLUTIONS - NONE

7. ORDINANCES

ORDINANCE NO. 2014-04: 1ST READING/PUBLIC HEARING (Livestock Waste – Property Owners)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE USE OF LIVESTOCK WASTE WITHIN THE TOWN; AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE BY AMENDING PART III ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 50 ENTITLED "PUBLIC NUISANCES" BY ADDING A NEW SECTION 50-035 TO BE ENTITLED "USE OF LIVESTOCK WASTE;" PROVIDING FOR DEFINITIONS; PROVIDING THAT THE USE OF LIVESTOCK WASTE IS A PUBLIC NUISANCE EXCEPT AS PROVIDED BY THIS SECTION; PROVIDING FOR REGISTRATION AND PERMITS, REQUIREMENTS AND LIMITATIONS ON THE DELIVERY AND USE OF LIVESTOCK WASTE; PROVIDING FOR REPORTING AND NOTICE REQUIREMENTS; PROVIDING FOR REVOCATION OF PERMITS AND

ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of Ordinance No. 2014-04, and noted the Ordinance in the packet included the comments made by the Planning and Zoning Board.

Councilman Goltzené felt the underlying wordage in Ordinance No. 2014-04 was excessive and restrictive for the residents to adhere to. He agreed, hauling into the Town is illegal, but not to address each person's property, as it is an invasion on their agriculture status.

Motion: Councilman Rockett made a motion to approve Ordinance No. 2014-04 on First Reading, as amended. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 3/2 with Councilman Goltzené and Mayor Browning casting dissenting votes. The Second Reading will be during the June 17, 2014, Town Council Meeting.

8. ADMINISTRATIVE UPDATE – *Town Manager Kutney*

- a. IGC- Items from Steve Yohe, Loxahatchee Groves Water Control district (LGWCD) Administrator from the IGC (Intergovernmental Coordination Meeting will be brought to Council during the May 20 2014 Town Council Meeting.
- b. Town Manage Kutney reported the Palm Beach County League of Cities Annual GALA will be held on May 21, 2014. He will RSVP if Council would like to attend. It was the consensus of Council to send Town Manage Kutney as the Town's representative.
- c. The Tax Map letter was sent to Palm Beach County on April 29, 20014. The deadline was April 30, 2014.
- d. Roundabouts were discussed during the Roadway, Equestrian Trails, and Greenway Committee (RETGAC). This topic should be looked at again during a Joint Workshop between Planning and Zoning and RETGAC on May 15, 2014, so that it can be brought back to Council during the May 20, 2014 Town Council Meeting.
- e. Mr. Kutney reported the new officers for the Roadway, Equestrian Trails, and Greenway Committee; Chair Keith Harris, Vice-Chair Jo Siciliano; and for the Financial Advisory and Audit Committee; Chair Elise Ryan, Vice-Chair Cheryl Miller.

Council questioned why the Planning and Zoning Board tabled Ordinance No 2014-05 (guns, firearms, and gun ranges).

Town Manager Kutney explained the concerns of the Planning and Zoning Board relative to the Florida Statutes.

Council discussed the references to guns, firearms and gun ranges within the ordinance, and the need to make decisions.

It was the consensus of Council to send Ordinance No. 2014-05 back to the Planning and Zoning Board for a second review; then bring the Ordinance to Council for first reading during the Town Council Meeting on June 3, 2014, and for second reading on June 17, 2014.

Town Manager Kutney and Town Attorney Cirullo were in agreement, and those dates would comply with the required legal advertisement dates.

9. OLD BUSINESS

- a. Reconsideration of items missing from motion concerning speed humps spacing of one-thousand feet (1,000) feet, which was approved 5/0 during the April 15th Town Council Meeting. The motion should include one-hundred (100 feet) from the end of a street to facilitate safe turns - no further than three-hundred (300) feet. Spacing of speed humps should be within a range of five hundred (500) to one thousand (1,000) feet to allow for more speed humps on higher traffic roads, i.e. B Road. *(Councilman Rockett)*

Motion: Councilman Rockett made a motion to revise the original motion concerning speed humps made during the May 6, 2014 Town Council Meeting so the information is more inclusive. Councilman Liang seconded the motion.

Council discussed the various distances between speed humps, cost, range, and the need for speed humps.

Councilman Rockett then refined his motion to install speed humps no shorter than one-hundred (100) feet, and no further than three-hundred (300) feet from the end of the road; and to place the distance between speed humps from five-hundred (500) feet up to one-thousand (1,000) feet depending on the traffic volume of the road. Councilman Liang maintained his second. Upon vote, the motion passed 4/1 with Councilman Goltzene casting a dissenting vote.

10. NEW BUSINESS

- a. Consideration of Interlocal Agreement between the Town of Loxahatchee Groves and the Loxahatchee Groves Water Control District (LGWCD) for a transfer of funds in the amount of \$40,000 for Equestrian Trails Improvements.

Town Manager Kutney provided a brief background on the Loxahatchee Groves Water Control District (LGWCD) Interlocal Agreement.

Motion: Councilman Liang made a motion to approve the agreement between the Town of Loxahatchee Groves and the LGWCD for transfer of funds in the amount of \$40,000 for Equestrian Trails Improvements and to authorize the Mayor to sign. Councilman Rockett seconded the motion. Upon vote the motion passed 5/0.

- b. Neil Enos discussing issues regarding cut through roads – 161st to 162nd and 161st to 160th Road. (Ron Jarriel) (Mr. Enos made his presentation during the beginning of the meeting.)

Council discussed with Town Manager Kutney the problems occurring around the cut through roads of 161st to 162nd and 161st to 160th. The Town needs to work with Staff, and the Palm Beach County Sheriff's Office (PBSO) to notify property owners that their property is being trespassed upon and subject to abuse, vandalism, illegal dumping, and partying. At this time the PBSC cannot get involved, and the Town could be liable if something happens and nothing has been done to remedy the concerns.

Town Attorney Cirullo advised Council to step aside and allow Town Manager Kutney to handle the situation.

Council discussed the alternatives.

11. CLOSING COMMENTS

- a. Public

No further comments from the Public.

- b. Town Attorney

No further comments from the Town Attorney.

- c. Town Council Members

Councilman Rockett thanked everyone for coming.

Councilman Liang thanked everyone for a short meeting and for coming.

Council Goltzene thanked everyone for being at the meeting.

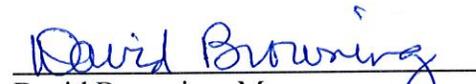
Mayor Browning has an applicant for the Roadway, Equestrian Trails and Greenway Committee (RETGAC). He will call her this week to see if she is still interested, and if so he will make his appointment during the next Town Council Meeting.

12. ADJOURNMENT

There being no further business to come before the Council, Mayor Browning adjourned the meeting at 8:32 p.m.



Janet K. Whipple, Town Clerk



David Browning, Mayor

