



# Town of Loxahatchee Groves

## Town Council Meeting

Tuesday, May 20, 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 7:02 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, Town Planning Consultant Jim Fleischmann, and Town Clerk Janet K. Whipple.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Town Manager Kutney requested a Change Order from North Florida Emulsions be added to the agenda.

**Motion: Councilman Liang made a motion to approve the agenda, as amended. Councilman Goltzené seconded the motion. Upon vote, the motion passed 5/0.**

## 2. CONSENT AGENDA

- a. Authorization for execution by Mayor Browning of renewal lease agreement between the Town of Loxahatchee Groves and the Yee Corporation, for Town Hall Offices Suite No's 1, 2, 4, 5, 6, and 7.

Town Manager Kutney explained that in the renewal lease agreement with Yee Corporation the Town has added Suites No's. (One) (1) and Seven (7) to the office space, and that there is an exit clause which will provide flexibility (120 day notice). The rent will change from \$1,000 to \$1,425 per month.

**Motion: Councilman Rockett made a motion to approve the renewal lease agreement and authorize the Mayor to sign. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.**

## 3. PUBLIC COMMENT

Jeff Miller, 691 Hyde Park Road, spoke concerning paving Collecting Canal Road. He has lived off that road for ten (10) years. The road is shell rock and limestone base and the dust is bad, and so is the speeding. Crews that maintain the road are doing such a great job that it allows the traffic to go fast. Forty (40) miles per hour traffic is very dusty, thirty (30) miles per hour traffic is not bad. Mr. Miller questioned whether there are plans to pave the Collecting Canal Road.

Robert Austin, 13845 Collecting Canal Road, has lived in town for eighteen (18) years. Dust on Collecting Canal Road is very bad; he had heard that paving had been taken off the agenda, and was wondering what happened.

Keith Harris, 2580 C Road, referenced a resident who had spoken during a previous Town Council Meeting, on alternatives to OGEM road resurfacing. Mr. Harris had done a brief research on five (5) different alternatives, and suggested to Council that this might be something to look into.

Phyllis Maniglia, spoke on Code Enforcement, and her concern with the complaint against her. She hopes this can be resolved and brought back to Council at the next meeting. Ms. Maniglia handed out a booklet to Council for their review, concerning her situation.

Marge Herzog, 966 A Road, mentioned the Town Council meeting was not posted in the newspaper.

Frank Schiola, 13434 Marcella Boulevard, expressed appreciation to Mayor Browning, his wife Sharon, Councilman Rockett, and John Ryan for their help with the event at the Loxahatchee Groves Elementary School. He also commented on the Code Enforcement process.

## 4. PRESENTATIONS - *None*

5. COMMITTEE REPORTS – *None*

6. RESOLUTIONS - *None*

7. ORDINANCES

**ORDINANCE NO.2014-05 / 1<sup>ST</sup> READING/PUBLIC NOTICE: (Guns, Firearms, Gun Ranges) AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE TO ELIMINATE REGULATIONS RELATING TO GUNS, FIREARMS AND GUN RANGES TO ADDRESS STATE PREEMPTIONS OF THE REGULATION OF THESE SUBJECTS; PROVIDING FOR INTENT OF THE TOWN TO COMPLY WITH THE STATE'S PREEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Attorney Cirullo read the title of Ordinance No. 2014-05.

Jim Fleischmann, Town Planning Consultant, provided background, and went through the changes and comments made by the Planning and Zoning Board; stating basically all references to gun and gun ranges will be removed from the Town Code.

Town Attorney Cirullo handed out Ordinance No. 2014-05 with highlighted changes, to Council.

**Motion: Councilman Goltzené made a motion to accept the recommendations. Vice-Mayor Jarriel seconded the motion, for discussion.**

Council discussed the changes within the ordinance, and requested that the wordage, referencing State guidelines, be such as to not have to change sections in the Town's local ordinance each time the State makes changes. Parking requirements were addressed. The Town will defer to Florida State Statutes when in doubt.

**Upon roll call vote, the motion passed 5/0.**

8. ADMINISTRATIVE UPDATE – *Town Manager Kutney*

Town Manager Kutney noted two items that he will be discussed during the June Town Council meetings. One is the lighting on State Road 80, which was discussed in a meeting with the Florida Department of Transportation (FDOT); and the other is that the Florida Department of

Environmental Protection (FDEP) has the Town in their sites relative to the National Pollutant Discharge Elimination System (NPDES).

## 9. OLD BUSINESS

- a. Discussion of Road Improvement Policy
  - Methodology
  - Roads

Town Manager Kutney provided background, and reported he had placed additional paperwork on the dais for Council to review.

Town Manager Kutney then explained the Change Order Request made by North Florida Emulsions (NFE) for additional funds to finish the road repairs. Town Manager Kutney had provided notice to proceed to NFE and to Keshavarz and Associates, the Town Engineers; however, NFE started work on a weekend without benefit of a preconstruction meeting. The Change Order from NFE was for an additional eighty (80) tons of fill, and recommendation to proceed could not be granted without Council approval. Town Manager Kutney felt NFE should have been aware of road conditions prior to commencing work. He then read for the record a letter from Maziar Keshavarz dated May 20, 2014. The rut fill quotes were: Marcella Boulevard \$1,250 – ten (10) tons of fill; Compton Road, \$2,500 – twenty (20) tons of fill; and Bryan Road, \$3,620 twenty-nine (29) tons of fill.

**Motion: Councilman Rockett made a motion to accept the Change Order from NFE. Vice –Mayor Jarriel seconded the motion.**

Council discussed the improprieties of conduct referencing the Change Order, and how to conduct business properly.

Mayor Browning stated he was extremely disappointed to get a Change Order basically a day after the job commenced.

Members of the audience expressed their opinions.

**Upon vote, motion to accept the Change Order passed 3/2, with Councilman Goltzené and Mayor Browning casting dissenting votes.**

Mayor Browning called for a break, 8:26 to 8:36 p.m.

Once the meeting reconvened, Mayor Browning opened the floor for comments on road improvements.

Councilman Rockett reiterated the Council's position. In order to establish a fair basis for the entire Town, every resident on every road would have the opportunity to have their road resurfaced with OGEM, and assessed at one hundred dollars (\$100) per acre. There should be a

majority of residents in agreement to have their road resurfaced; if not, the road would remain a dirt road. Councilman Rockett is basing this on current funds as he is not interested in adding debt or raising taxes. He referenced Collecting Canal Road and B Road matters.

Councilman Goltzené agreed with the statements presented by Councilman Rockett. The issue is how the Town is going to pay, there is grant money available; however, without outside money it would be impossible for the Town to pay for all of these expenditures. If there is any debt to be incurred, the people will have to vote on it. Councilman Goltzene referenced the Roadway, Equestrian Trails and Greenways Advisory Committee (RETGAC) Meeting where Board Members suggested the Town take jurisdiction of Okeechobee Boulevard within the Town limits and install two (2) roundabouts for traffic control. This would be a good project to discuss with Palm Beach County. Currently we do not have the money, and we have to stop promising people to do things. He also addressed canal culvert bridges that extend off of Town roads.

Vice-Mayor Jarriel referenced the funds in the Town's bank account, and read Bill Underwood's addendum referencing debts and bonds. He elaborated on the financial numbers and road matters.

Councilman Liang noted the big question for capital improvement projects is the timeliness of how quickly the Town wants the project done. If the Town does not mind waiting, money can be saved and the projects can be paid for as we go; otherwise, the Town needs to look at all funding options.

Council continued to discuss budget matters, Loxahatchee Groves Water Control District management of roads, and what needs to be done to get roads improved throughout the Town.

Elise Ryan, 3508 A Road, wanted to add that the Town would need a referendum in order to borrow money. With regard to the finances, the revenue is flat and expenses are increasing. We have an overhead now and it is costly. Mrs. Ryan feels the Town is on a slippery slope with the current capital improvement plan, and for Council to possibly consider a referendum.

Virginia Standish, 15410 North Road, referenced an article in the *Town Crier*; she will play devil's advocate and recommend that the residents become proactive towards Minto, and find out how the Town can get compensation without placing a burden on the Town by strategizing for traffic alternatives.

Council reviewed with Town Manager Kutney the feasibility of taking over the Town portion of Okeechobee Boulevard from Palm Beach County.

Town Manager Kutney addressed a framework for the Budget and the need to establish a balance between fiscal and service needs. The Town is trying not to incur debt, and in turn to implement additional revenue. Over a series of meetings, Town Manger Kutney feels Council will be able to find a solution.

Mayor Browning stated the Town needs to be careful. He believes in Government Lite and he feels we are getting too heavy.

Keith Harris, 2580 C Road, and Chair for Roadway, Equestrian Trails, and Greenway Advisory Committee:

- Roadway Canal Crossings
- Town of Loxahatchee Groves Roadway Canal Crossing – A Study and Recommendation
- Town of Loxahatchee Groves Gas Tax Map
- Town of Loxahatchee Groves Vehicular Canal Crossing Photos

Keith Harris provided his presentation on culverts and canal crossings on Town roads and provided a copy of his presentation.

Council discussed the feasibility of repairing/replacing culverts on Town roads, and referenced the purpose of gas tax monies, and if those monies are being applied properly. Since culverts are part of the infrastructure of the Town, it would be feasible to establish a standard for installation, and possibly go out for bid, not to exceed \$100,000.

## **10. NEW BUSINESS**

- a. Debt Issue in Charter

Town Manager Kutney stated there was nothing more that needed to be said.

**Councilman Goltzené suggested that the June 17, and July 15, 2014, Town Council Meetings (second meetings of the month) be cancelled. It was the consensus of Council to agree to the cancellations.**

## **11. CLOSING COMMENTS**

- a. Public

Bill Louda, 1300 E Road, said “no to Minto”. He suggested Council look at the culvert standard submitted by Clete Saunier, former District Administrator of the Loxahatchee Groves Water Control District (LGWCD).

Virginia Standish, 15410 North Road, expressed her concern that the Town needs to use common sense in order to see if there is money available to protect the community.

- b. Town Attorney

Nothing further at this time.

c. Town Council Members

Vice-Mayor Jarriel thanked everyone for coming, and to be safe going home.

Councilman Liang thanked everyone for coming.

Councilman Rockett asked if Council could direct the Town Attorney to contact Palm Beach County concerning the legal prospective of taking over Okeechobee Boulevard during the future expansion project.

Town Attorney Cirullo stated there was a legal mechanism, but that the decision would be more policy, maybe it is best that Town Manager Kutney talk to the County Administrator first, and if it is a policy issue then determine where we can go from there. If there are any road blocks then Town Attorney Cirullo can talk to the County Attorney.

Councilman Rockett would like Staff to pursue this inquiry, and mentioned he likes a two lane country road that does not get expanded, but feels that is something Minto would not like.

Councilman Rockett would like a resolution to relay that the Town of Loxahatchee Groves is not in support of the Minto expansion. He also requested a discussion of the Town's Code Enforcement process and procedures, and any documentation to be placed on the next Town Council Agenda.

Town Manager Kutney noted he will be presenting a PowerPoint Presentation during the Financial Advisory and Audit Committee (FAAC) Meeting concerning the nuts and bolts Code Enforcement, of which he can also present to Council, if they wish. Town Manager Kutney did state the Town's policy was, in order to file a complaint; the complaint must be in the form of a written affidavit. The Town does not conduct proactive Code Enforcement.

Councilman Rockett wanted the Code Enforcement PowerPoint on the next agenda, and for Town Manager Kutney to provide, to Council, anything he could prepare in the meantime.

**It was the Consensus of Council to have the Town Attorney prepare a resolution stating the Town of Loxahatchee Groves is not in support of the Minto expansion.**

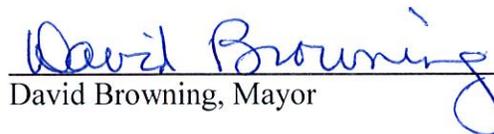
Councilman Goltzené thanked everyone for coming.

Mayor Browning would like the Town to take over the responsibility of Okeechobee Boulevard within the Town boundaries; however, the entire road is part of Palm Beach County's grand plan, and he does not think the request would be granted.

**12. ADJOURNMENT**

There being no further business to come before the Council, Mayor Browning adjourned the meeting at 10:17 p.m.

  
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Janet K. Whipple, Town Clerk

  
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David Browning, Mayor



These minutes were approved during the July 1, 2014 Town Council Meeting.