



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, August 5, 2014 - 7:00 p.m. to 10:30 p.m.

(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)

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 7:03 p.m. In attendance were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen Tom Goltzené, and Jim Rockett. Also present were Town Manager Mark Kutney, acting Town Attorney Jacob Horowitz, and Town Clerk Janet K. Whipple.

b. Pledge of Allegiance & Invocation – Mayor Browning

Town Manager Kutney mentioned that under 2.c. 1) of the Consent Agenda to add Public hearing for Solid Waste to the title. Mayor Browning noted we would bring that up under Consent Agenda.

Councilman Liang arrived at 7:04 p.m.

c. Approval of Agenda

Motion: Councilman Goltzene requested that 4.a. and 4.b. under Presentations, be switched, and made a motion to approve the Agenda, as amended. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.

2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Motion to ratify and confirm the date for the First Millage and Budget Hearing as September 11, 2014; at 7:00 p.m. (*Date discussed during the July 18, 2014 meeting was September 9, 2014 which was incorrect*).
- c. Motion to approve September Town Council Meetings all scheduled at 7:00 p.m. as reflected in the following:
 - 1) **September 11, 2014-Regular Town Council Meeting/Tentative Millage & Budget**
 - 2) **September 16, 2014-Regular Town Council Meeting**
 - 3) **September 23, 2014-Final Millage & Budget**

Councilman Rockett requested to discuss the September Meeting dates under item 2.c. from the Consent Agenda. The item did not have to be pulled.

Town Manager Kutney added the Public Hearing for the Solid Waste under item number 2.c.1).

Dates were discussed, and it was decided to change the one meeting date from September 16, 2014, to September 2, 2014. September 11, 2014, and the September 23, 2014, have to stand as presented.

Town Attorney Horowitz commented, (when it was noted that two (2) members of Council will not be present during the September 11, 2014, Meeting,) that three (3) Members of Council constitute a quorum and all three have to vote unanimously on an item for it to pass.

- d. Consideration for approval of the Seventh (7th) Addendum to the Law Enforcement Service Agreement between Sheriff Ric L. Bradshaw and the Town of Loxahatchee Groves.

Motion: Councilman Liang made a motion to approve the Consent Agenda, as amended; with the dates for the September Meetings as: September 2, 2014, September 11, 2014, and September 23, 2014. Councilman Rockett seconded the motion. Upon vote the motion passed 5/0.

3. PUBLIC COMMENT

Jerry Wuhrman, 154 Commodore Drive, Jupiter, Florida, representing Waste Wise Limited, provided a presentation for a proposed plan exclusively for Loxahatchee Groves. Waste disposal from stables, vegetative and food waste, can be processed by composting and adding amendments to the soil. This plan is to assist in livestock waste control.

It was the consensus of the Council to allow consideration of the presentation.

Keith Harris, 2580 C Road, would like the Town to get with the Loxahatchee Groves Water Control District (LGWCD) to discuss feasibility for lower road costs.

Jeff Miller, 691 Hyde Park Road, discussed extensive power outages and the inability of Florida Power and Light (FPL) to repair them in a timely manner, as trees from private properties are in the way of service. He also mention that Collecting Canal Road is still a problem with dust, and requested Council please reconsider adding the road resurfacing back into the Budget.

Council requested Town Manager Kutney arrange for an update from FPL and AT&T.

Robert Austin, 13845 Collecting Canal Road, requested Collecting Canal Road be paved.

Motion: Councilman Ryan made a motion to receive and file documents received from Dan Haurert. Councilman Rockett seconded the motion. Upon vote the motion passed 5/0.

Dan Haurert, 2150 E Road, expressed concerns about a neighbor filling the pond on her property, and questioned whether it required a permit. He was asking if there were criteria for filling a pond, and the safety of doing so without a fence.

The Council discussed the criteria with Town Manager Kutney, and asked him to investigate. If the property is considered a wetland there may be a concern.

Mayor Browning read into the record multiple Public Comments concerning the paving of Collecting Canal Road.

Virginia Standish, 15410 North Road, felt the Town needs to find a vendor who can do a better job than the one the Town hired.

Ken Johnson, 15409 Collecting Canal Road, explained that there were handouts that accompanied the Public Comments concerning Collecting Canal Road. He felt there were health, safety, and speeding issues with the Road as it is now. Cut through traffic is bad, and he suggested the item to resurface Collecting Canal Road be put back on the upcoming budget for fair consideration.

Todd McLendon, 3481 D Road, wanted to know who was responsible for Collecting Canal Road, and noted many of the roads paved in the Town were paid for by the residents.

Vice-Mayor Jarriel stated if the Loxahatchee Groves Water Control District (LGWCD) paves the road, then the road is transferred to the Town. Right now, LGWCD owns the road.

Council discussed the cost of resurfacing, needing a referendum, and cost sharing.

Ariel Reda, 12891 Collecting Canal Road, stated he had a dog hit on the road and there had been a car crash outside his property. Traffic is too fast. He will contribute whatever he can to help.

Councilman Goltzene stated the discussion of Collecting Canal Road was not germane to this meeting. The Budget is the Council's priority. He suggested a referendum in October.

4. PRESENTATIONS

- a. Review of Fiscal Year 2015 General Fund Budget.
- b. Wayne Burns, CEO Central Palm Beach County Chamber of Commerce providing a presentation on the status of the Central Palm Beach County Chamber of Commerce Building located at 13901 Southern Boulevard, Loxahatchee Groves, Florida.

(4.b. now 4.a.) Wayne Burns spoke first about the Chamber of Commerce Building and its original purpose. He reported there are opportunities for the Town staff, for meetings, and public offices. The building is surrounded by park and park trails, of which he has a printed file.

Motion: Vice-Mayor Jarriel made a motion to approve a *receive and file* document from Mr. Burns. Councilman Liang seconded the motion. Upon vote the motion passed 4/0. (Councilman Goltzene had left the dais).

Mr. Burns further explained to layout of the Chamber Building, and how it would be beneficial as a Town Hall. He requested to meet with the Town Manager for further direction as to which way the Town would like to proceed.

Council expressed their concerns on funding, parking, size of the building, purchase options, and whether the Town would need a referendum for the building.

It was the consensus of the Town Council for Mr. Burns to speak with Town Manager Kutney concerning the Chamber of Commerce Building.

Mayor Browning read a Public Comment Card into the record from Christine St. John, 14220 43rd Road North, against the Town acquiring the Chamber of Commerce Building.

(4.a. now 4.b.) Bill Underwood explained the Budget.

Council discussed with Mr. Underwood the use of smart phones, communication services fund balances, tax certificates and what benefits they would be to the Town, and various line items in the Budget. The Town did not need magazine subscriptions, and the miscellaneous subscriptions line item can be reduced. During the July 1, 2014 Town Council Meeting the Council reduced Legal services from \$120,000 to \$90,000 and Public Works from \$14,000 to \$4,000.

Motion: Councilman Goltzené made a motion to restore the \$10,000, back to the Public Works line item. Councilman Liang seconded the motion. Upon vote the motion failed 1/4 with Mayor Browning, Vice-Mayor Jarriel, Councilmen Rockett and Liang dissenting.

Mayor Browning called for a break 9:01 to 9:09 p.m.

5. COMMITTEE REPORTS

- a. Virginia Standish, Board Member of the FAAC (Financial Advisory and Audit Committee), to provide Financial Report Ending July 2014.

Virginia Standish provided a Financial Report ending July 2014. She touched on the Transportation Fund and Solid Waste Fund; and handed out a policy for “Methodology for the Prioritizing of Town Roads Improvements”.

Motion: Councilman Rockett made a motion to “receive and file” Ms. Standish’s handout. Councilman Liang seconded the motion. Upon vote the motion passed 5/0.

It was the Consensus of the Town Council to request Town Manager Kutney to work on a Policy.

6. RESOLUTIONS – NONE

7. ORDINANCES - NONE

8. ADMINISTRATIVE UPDATE – Town Manager Kutney

- a. IGC Meeting
- b. Okeechobee Boulevard
- c. Captive Wildlife Regulations
- d. Palm Beach State College

Town Manager Kutney provided his reports.

9. OLD BUSINESS - NONE

10. NEW BUSINESS

- a. Town Manager Kutney to provide information on Code Enforcement matters.

Town Manager Kutney made a few statements concerning the pending Code Enforcement matters, and then turned the matter over to Bev Tew, President of Tew and Taylor, the Town’s Code Enforcement Vendor.

- b. Beverly Tew, with Tew and Taylor, to provide information on Code Enforcement matters. (*Documentation already provided under separate cover*).

Bev Tew, President of Tew and Taylor, stated her company was a private vendor and it was not her intent to embarrass the presenters; however, the presentations made against her company threatened her contract with the Town. She clarified/itemized and will investigate the charges which had been brought forward, as they were very serious claims.

- c. Consideration for 2nd Change Order Request from North Florida Emulsions for additional Micro Surfacing yardage on all three (3) roads: Bryan Road, Compton Road and Marcella Boulevard.

Council discussed the Change Order from North Florida Emulsions, and how much the Town has spent to date on this road project.

Motion: Vice-Mayor Jarriel made a motion to pay the second Change order from North Florida Emulsions. Councilman Rockett seconded the motion.

Members of the audience expressed their opinions on this matter.

Upon vote, the motion failed 0/5 with Mayor Browning, Vice-Mayor Jarriel, Councilmen Goltzene, Liang and Rockett dissenting.

11. CLOSING COMMENTS

- a. Public

Members of the audience expressed opinions on roads and equestrian trails.

- b. Town Attorney

Town Attorney Horowitz reiterated that during the upcoming Town Council Meeting of September 11, 2014, all Members of the Council present will have to vote. If only three come, three have to vote. He then thanked the Council for their consideration, and noted Town Attorney Cirullo will see them in two weeks.

- c. Town Council Members

Councilman Goltzené thanked everyone for coming.

Vice-Mayor Jarriel thanked everyone for coming and apologized for such a late meeting.

Councilman Liang thanked everyone for coming and expressed a good job to all.

Councilman Rockett asked to take this opportunity to ask Town Manager Kutney about 6th Court North, and what it would take to get the trail work done, move forward and present something at the next meeting.

It was the Consensus of the Town Council to have Town Manager Kutney provide an update on the 6th Road North trail.

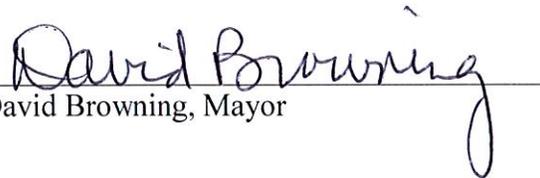
Mayor Browning liked Ms. Standish's idea that all easements should be open to equestrians now. He also noted that there is a big pot hole on D Road, just south of Okeechobee Boulevard; and he does realize the Town does have a problem with AT&T and FPL services.

12. ADJOURNMENT

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



Janet K. Whipple, Town Clerk



David Browning, Mayor

These minutes were approved during the November 4, 2014 Town Council Meeting.