

**TOWN OF LOXAHATCHEE GROVES**  
**TOWN COUNCIL MEETING MINUTES, TUESDAY, MAY 21, 2013**



## Town of Loxahatchee Groves

### Town Council Meeting

Tuesday, May 21, 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 Susan A. Eichhorn  
Town Attorney Michael D. Cirullo, Jr.

## MINUTES

### 1. OPENING

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice Mayor Ronald D. Jarriel, and Councilmen Tom Goltzené, Ryan Liang, and Jim Rockett. Also present were Town Manager Mark Kutney, Town Clerk Susan Eichhorn, Town Attorney Michael D. Cirullo, Jr.

- b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

**Motion: The Agenda was approved by motion made by Councilman Rockett, seconded by Vice Mayor Jarriel. The motion passed 5/0.**

**2. CONSENT AGENDA**

a. Minutes for Approval: May 7, 2013

**Motion: Vice Mayor Jarriel made a motion to approve the Consent Agenda. The motion was seconded by Councilman Liang. The motion passed 5/0.**

**3. PUBLIC COMMENT**

There was none at this time.

**4. PRESENTATIONS - *None***

**5. COMMITTEE REPORTS - *None***

**6. PUBLIC HEARINGS (Ordinances 2<sup>nd</sup> Reading)–*None***

**7. ORDINANCES (1<sup>st</sup> Reading)**

a. Public Hearing: - *None*

**8. RESOLUTIONS -*None***

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

- Town Manager Kutney recalled that discussion had taken place at the last Town Council meeting regarding scheduling a pre-season vegetative pick up. He noted that the agreement between the Town and C & C Loaders did not have a termination date, and it appeared that a date could be scheduled for late May or early June to do a postcard and let folks know that a pick up will take place on a date determined by the Town Council.

**Motion: Councilman Rockett made a motion to send a postcard out immediately for the date of the second or third Saturday in June, with the budget being no more than was spent the last time the notice was sent out. The motion was seconded by Vice Mayor Jarriel. The motion passed 5/0.**

After further discussion, Town Attorney Cirullo clarified that the budget would be a not to exceed amount from last time the pick-up was done. If additional funds were needed, that request would be made at the June 4, 2013 Town Council meeting.

Town Manager Kutney advised that he would coordinate with the regular garbage pick-up entity.

Marge Herzog, 966 A Rd.: Commented that using mailing zones rather than residents' names would be more efficient. The Town office could check with Don Williams to see how he does that. It would save time and money.

Councilman Rockett replied that the Town could work with the same person that staff had worked with in the past.

- Town Manager Kutney reported that the Intergovernmental Coordination Committee (IGC) had heard information regarding the Wellington manure program. It would be discussed again at the upcoming IGC meeting. He would return in June with a recommendation as to whether to schedule a workshop between the Town and the Loxahatchee Groves Water Control District (LGWCD).
- Town Manager reported on the County properties on Raymond Dr., 24 Ct. N, and 147<sup>th</sup> Ave. N., that could be acquired by the Town. He noted that there were some costs and back taxes that we due, and staff was prepared to move forward if so directed.

Councilman Rockett noted that the Town Management firm in place several years ago had been directed to move forward on those parcels. He read excerpts from the Town Council minutes of December 7, 2010, which also included property on 131<sup>st</sup> St.

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Town Attorney Cirullo advised that the Town Council could reconfirm that direction.

**Motion: Vice Mayor Jarriel made a motion to direct staff to accept the parcels that were available from Palm Beach County. The motion was seconded by Councilman Rockett. The motion passed 5/0.**

Councilman Rockett discussed the Unified Land Development Code Review Committee (ULDCRC) meeting, wherein discussion had taken place regarding the noise code, and that he recalled that was not something the Committee had been directed to address; that the Committee was given specific areas that needed to be addressed.

Town Manager Kutney replied that the Town Council had determined that staff was directed as to items to be addressed by the ULDCRC, however, discussion had also taken place regarding other items that needed to be addressed and that they would be brought up for discussion. After brief discussion of the noise code at the ULDCRC meeting, the Committee merely indicated that the noise code should be reviewed. It was not incumbent upon the Committee to come up with a solution, but to make a determination as to whether the code language needed to be amended, deleted, etc.

Councilman Rockett responded that if the Town Council has given direction on what they should focus on, the Committee should focus on that item, conclude it, and bring it back to the Town Council. If Town Manager Kutney, or the Committee, wanted to address something else, that should come back to the Town Council for direction.

Town Manager Kutney advised that he was planning on providing a report in June on everything that the ULDCRC had accomplished.

Councilman Goltzené commented that the Town Manager needed the flexibility to work with the ULDCRC, in order for them to provide the Town Council with a report with items of concern.

Public Comment:

Todd McLendon, 3481 D Rd.: Commented regarding the ULDCRC meeting discussion regarding noise, and stated that a noise expert had indicated that the noise code was problematic. He stated that the Town Manager knew what topics are of importance to discuss, and it starts to get very political when the Town Council is telling him how to do things.

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Councilman Rockett replied that we don't know that we have a problem with the noise code, and that statement is just false.

## **10. OLD BUSINESS**

a. Pond Siting Update (*Town Manager Kutney*)

Town Manager Kutney provided a brief update on the pond siting issue with the Florida Department of Transportation (FDOT). He presented a pond siting matrix and maps of the potential sites as provided by the FDOT.

In response to Mayor Browning regarding the joint usage issue, Mr. Kutney explained that the FDOT had been asked to provide information, and basically they would give the entire pond property to the Town, with appropriate easements provided, and with FDOT having the ability to do whatever they needed to do to maintain the pond.

Vice Mayor Jarriel commented regarding his disappointment with FDOT in working with the Town of Loxahatchee Groves, citing their consideration of using commercial property as pond siting areas, rather than using the backside of properties not facing Southern Blvd.

Councilman Goltzené commented that he had attended pond siting meetings, and it had seemed like the FDOT wanted to work with the Town of Loxahatchee Groves, but in the end the matrix was pretty much fixed toward their construction costs.

Public Comment:

Bill Louda, 1300 E Rd: Commented regarding the pond siting locations.

b. Discussion regarding speed humps(*Councilman Rockett*)

Councilman Rockett suggested that the speed hump issue will be discussed at the June town Council meeting. Town Manager Kutney advised that he had received additional information

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regarding the speed humps designed on Sycamore Drive, in the Acreage. Further discussion would take place at the June 4, 2013, Town Council meeting.

c. Discussion Regarding Cleaning Compton Road Drainage Ditch Prior to Road Being Re-surfaced (*Vice Mayor Jarriel*)

Town Manager Kutney explained that there were four contracts on the Agenda for review of the Town Council. He stated that he had spoken with the Loxahatchee Groves Water Control District and C & C Loader, and both were reviewing the contract and will provide any comments before the week is out.

Town Attorney Cirullo advised that there were four contracts provided in the Agenda. The Town Council could approve the contracts tonight, however, if there were any substantive changes, the contracts would need to be brought back for approval.

Discussion took place regarding the roadways being turned over to the Town. Town Attorney Cirullo provided an update on the process and noted that once all documents were in place and authorized to be delivered to the Town, a Resolution would be prepared for the Town to accept the deeds.

Public Comment:

John Ryan, 3508 A Rd: Commented that the LGWCD attorneys were reviewing the paperwork, and that discussion had taken place regarding the District providing a quit claim deed that would be delivered to the Town.

Town Attorney Cirullo advised that he would contact the LGWCD attorney and that further information would be provided on the June 4, 2013, Town Council Agenda.

d. Discussion Regarding Town Newsletter (*Town Manager Mark Kutney*)

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Town Manager Kutney addressed the issue of the possibility of doing a joint newsletter with the LGWCD.

Discussion took place regarding putting the newsletter on the Town website on a scheduled basis, possibly putting it in the Town Crier newspaper, doing a mailing, and leaving it up to Town Management to look at all options. **It was the consensus of the Town Council not to do a combined newsletter with the LGWCD.**

Town Manager Kutney advised that feedback from the residents would be gathered from the postcards that would be sent out to residents, as discussed at the last Town Council meeting, asking them what type of newsletter they would prefer.

e. Administrative Policy 3-13 (*Councilman Jim Rockett*)

Councilman Rockett addressed Administrative Policy 3-13, and suggested some amendments concerning Policy No. 2, No. 5, and No. 8. Discussion took place, and Administrative Policy 3-13 would be amended to include

- Removing the requirement for a roll call vote on every matter. Roll call vote will be taken on formal matters; a voice vote will be taken on all other matters, with the voice vote results announced by the presiding chairman of the meeting.
- Removing the language that "Items must be approved by the Town Manager before placement on the agenda," and add the language that "Items so provided will be placed on the agenda." It was explained that as long as the requirements for placing items on the agenda were met, they would be placed on the agenda. If the requirements were not met, then the Town Manager would not be able to add any requested items to the agenda, barring any exigent circumstance.
- Addition of language that would allow items to be added after the deadline for submissions to the agenda, as addenda items. The Town Council would then approve the addition to the agenda of any such items at the Town Council meeting.
- Addition of language that would schedule the distribution/posting of the agenda at the end of the business hours on Wednesdays, if possible, and any addenda to the agenda would be distributed/posted no later than the end of business hours on Monday.

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**Motion: Councilman Rockett made a motion to amend Administrative Policy 3-13 with the removals/additions discussed. The motion was seconded by Vice Mayor Jarriel. Upon roll call vote, the motion passed 5/0.**

Councilman Rockett suggested that if the cut off for getting an agenda item in was on Tuesday before noon, the agenda could be published by Wednesday at noon.

f. Traffic light at D Road and Okeechobee Blvd. *(Councilman Jim Rockett)*

Town Manager Kutney reported that there were two issues of concern regarding a traffic signal at D Road and Okeechobee Blvd.: procurement and site improvements. In terms of procurement the County had indicated that is really up to the Town as to how to procure the item. As soon as the traffic engineering firm was on board, staff would move forward with estimates regarding the signal.

Discussion took place regarding the type of signal; mast arm or cable. **It was the consensus of the Town Council that further information, along with cost estimates, would be discussed when the traffic engineer was on board.**

g. Traffic light at D Road and Southern Blvd. *(Vice Mayor Ron Jarriel)*

Vice Mayor Jarriel explained that he and the Town Manager had spoken with FDOT as to justification for a traffic light at D Road and Southern Blvd., and suggested that the State should have to pay for any traffic study necessary. He suggested that letters to the FDOT from the Fire Department, Sheriff's Office, and any emergency responders may be necessary, along with a petition from residents.

Town Manager Kutney noted that he would attempt to get FDOT to define more specifically what they would need for justification for a traffic signal at D Road and Southern Blvd.

**After further discussion, it was the consensus of the Town Council that the issue would be brought up to Representative Mark Pafford, who would be present at the June 4, 2013, Town Council Meeting.**

Bill Louda, 1300 E Rd.: Commented regarding the need for a traffic light at D Road and Southern Blvd. Suggested that additional traffic signals were needed north of Southern Blvd., and that perhaps FDOT would accept the request better if OGEM or paving was done from SR 80 to Collecting Canal.

## **11. NEW BUSINESS**

- a. ITB 2013-001 Gravel Road Grading, Mowing, and Vegetative Removal Services – Contract Approvals (three) for Loxahatchee Groves Water Control District (LGWCD):
1. Road Grading and Rock Material
  2. Road Repairs
  3. Emergency Call Out

Town Manager Kutney advised that the contracts were currently being reviewed by the LGWCD.

Town Attorney Cirullo advised that the Town Council could approve the contracts tonight, subject to any non-substantive changes. If any substantive changes were made by either party, the contracts would need to come back for approval. The contracts would all be brought back to the Town Council prior to being signed.

### **Road Grading and Rock Material:**

Councilman Rockett suggested the following changes:

- Item 2.1, in the third line: Substitute “town” for word “parties” (this would apply to all of the contracts associated with ITB 3013-001).
- Section 2.3.: After first sentence ending in Town Manager – add “or designee”, and then the language “using a Request for Service form with a work order number assigned”. The work order would include scope and time of completion.

**Emergency Call Out:**

Councilman Rockett suggested the change in Section 2.1 from “parties” to “town.”

Regarding Section 2.3, Town Attorney Cirullo explained that the work authorization form requirement would be different in this case, since this contract was for emergency repairs. It would not be timely to wait for paperwork. Discussion took place and it was determined that verbal authorization could be given, and the work authorization paperwork could be required after the fact. The verbal authorization would be followed by a written work authorization form afterwards.

**Motion: Councilman Rockett made a motion to approve the Emergency Call Out contract with Section 2.1 in the third line, wording change from the word “parties” to “town;” the following language added to the last line in Section 2.3: “...and a formal documentation, in the form of a work authorization form will be completed subsequently, to confirm the work.” Also, to amend Section 7.13 to include that ITB 2013-001, all addenda thereto, and the responses, are part of the contract documents. Any non-substantive changes could be made by staff. The motion was seconded by Councilman Goltzené. The motion passed 5/0.**

- b. ITB 2013-001 Gravel Road Grading, Mowing, and Vegetative Removal Services – Contract Approval for C & C Loader:
  - 1. Mowing, Vegetative Removal and Dumping Fees

Town Manager Kutney advised that John Choquette and his attorney were reviewing the contract.

Discussion took place regarding Section 2.3 and the mowing maintenance schedule.

The other change would be that we look at the 7.13 the same way. I guess you would introduce the Request for Service form.

**Motion: Councilman Rockett made a motion to approve the Mowing, Vegetative Removal and Dumping Fees contract with the amendment to add a request for service/work authorization form; to delete the language “no less than eight (8) times per year” in Section 2.3; to amend Section 7.13 to include that ITB 2013-001, all addenda thereto, and**

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b. Town Attorney

No report.

c. Town Council Members

**Councilman Rockett:** Thanked everyone for coming.

**Councilman Liang:** Thanked everyone for coming.

**Vice Mayor Jarriel:** Commented that petitions to politicians may have some influence on the FDOT pond siting. Requested an estimate on the cleaning of the drainage ditch on Compton Road. Town Attorney Cirullo replied that staff would do everything that could be accomplished between now and the next meeting.

**Councilman Goltzené:** Thanked everyone for coming.

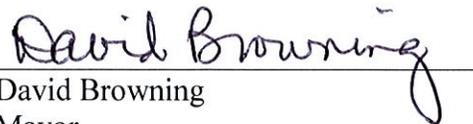
**Mayor Browning:** Thanked everyone for coming. Noted that prior to getting any of our OGEM contractors here to do work, 24<sup>th</sup> Court still needs a culvert under the road.

### 13. ADJOURNMENT

There being no further business, the Town Council Meeting of May 21, 2013 was adjourned at 10:20 p.m.



Susan Eichhorn  
Town Clerk



David Browning  
Mayor

(SEAL)

*These minutes were approved by the Town Council  
at the June 4, 2013, Town Council Meeting*