



Town of Loxahatchee Groves
Town Council Meeting
Tuesday, August 4, 2015 - 7:00 p.m. to 10:30 p.m.
TOWN HALL
155 F Road, Loxahatchee Groves, Florida 33470

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 William F. Underwood, II
Town Clerk
Town Planning Consultant Jim Fleischmann
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 PM. Upon roll call the following members were present: Tom Goltzene, Ron Jarriel, Jim Rockett, and Mayor David Browning. Councilman Ryan Liang was absent from the meeting. Also in attendance were Town Manager Bill Underwood, Town Attorney Jacob Horowitz, Planning Consultant Jim Fleischmann, and Acting Town Clerk Perla Underwood.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Town Manager Underwood requested the Council move item 10.b. “Discussion and direction regarding implementation of Speed Hump Distance Policy retroactively on existing roads or forward on newly improved roads.” to Item 4.b

Councilman Rockett Moved, Seconded by Councilman Jarriel to amend the Agenda as recommended. The vote on the motion was unanimous, 5/0.

2. CONSENT AGENDA

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

Councilman Jarriel Moved, Seconded by Councilman Rockett to approve the Consent Agenda. The vote on the motion was unanimous, 5/0.

3. PUBLIC COMMENTS

Virginia Standish, 15410 North Road - made comments in regards to RFP for Town management services

Todd McClendon, 3481 D Road - made comments in regards to RFP for Town management services and inquired if the Town Council will be bidding the ILA included in the Agenda.

4. PRESENTATIONS –

- a. Engineering and Construction Schedule for B Road Improvements –
Randy Wertepny, Keshavarz and Associates

Town Manager Underwood introduced Randy Wertepny to discuss the Schedule for B Road Improvements. Mr. Wertepny reviewed the time frame for the project. He advised that there was a delay with respect to the surveying, but feels that the project will be still be on schedule as planned.

Mr. Wertepny also discussed with the Council the idea of approaching the landowners on B Road with respect to dedicating a ten (10) foot easement for drainage to provide catch basins to pipe across the road to the canal.

With respect to the bid phase and contract award, Mr. Wertepny advised that bid advertising will be done for two (2) consecutive Sundays. Time frame for the bid process and approval by Town Council is anticipated to take 2 ½ months. Additionally, he advised that a 6 month construction period is anticipated that will provide a two (2) month window before the deadline as per the Contract with the three entities. Finally he advised the Town Council the schedule is based on business day rather than calendar days.

Councilman Ryan Liang entered meeting at 7:15 pm.

Upon question from Councilman Rockett, Mr. Wertepny advised that he feels they will be able to meet the schedule. He advised that there is fluff in the construction phase portion of the schedule, but in the bid phase the only concern is if the matter would need to go to the Town Council on more than one occasion.

Vice Mayor Jarriel advised that he is concerned that construction is scheduled to begin during hurricane season, and he would hope that the project would be moved up to complete the job before the season begins. Upon question, Mr. Wertepny advised that he was working with the LGWCD Administrator and their attorney.

Mayor Browning advised that he thought the residents would be receptive. Vice Mayor Jarriel Moved, and Seconded by Councilman Liang to authorize the Engineers to contact property owners with respect to drainage easements.

- b. Discussion and direction regarding implementation of Speed Hump Distance Policy retroactively on existing roads or forward on newly improved roads.

Upon question from Vice Mayor Jarriel, Randy Wertepny advised that the Town's engineers recommended the placement of speed tables at a distance of 500 feet. Vice Mayor Jarriel stated that the Town Council preferred speed tables, Speed Limit of 30 miles per hour, but would prefer the distance between tables from 800 to 1000 feet.

With respect to the distance requested between speed tables, Mr. Wertepny advised that there are factors to weigh when making a decision. Councilman Rockett advised that he feels the Town has added safety to the roadway by going from dirt to OGEM.

Councilman Rockett Moved, Seconded by Vice Mayor Jarriel to approve the use of speed tables (specifically like those on the Sycamore). Mayor Browning stated that he would prefer the distance between the speed tables at 500 feet. He also expressed concerns for residents living on B Road when exiting their driveways onto B Road.

Joe Lelonek, Atlantic Land Sales thanked the Town Manager and Engineer for the update and encouraged monthly basis to which helps accelerate the project.

Ken Johnson, 15409 Collecting Canal Road recommended that the Town Council keep the current distance of 500 feet.

Dennis Lipp – 13402 North Road reminded the Town Council that one of the selling points for OGEM was that water would not settle on the road, and that was not true.

Jo Sciliano, B Road and Laura Danoskwi, E Road had questions with respect to road width, easement and catch basin placement how that may affect horses.

Jorge Perez – B Road

Expressed his concerns about the speed limit for the road and prefers speed humps, and pointed out that on Los Angeles near his home there is a bus stop and would like to see slow down the traffic in that area.

Town Attorney Horowitz requested authorization to prepare a Resolution for Council consideration to include the schedule for the B Road improvements. Councilman Rockett Moved, and Seconded by Vice Mayor Jarriel to authorize the preparation of a Resolution

for Council consideration at the August 18, 2015 meeting. The vote on the motion was unanimous, 5/0.

Upon question from Vice Mayor Jarriel, Mr. Wertepny advised that the bidding process will include all aspects of the project.

Councilman Rockett advised that he feels that all speed humps already in place should be addressed and that the Town should pay to have them removed.

Councilman Goltzene expressed his concerns with respect to removal and the problems associated with the removal. Feels we need more information before the Town Council can make any decisions. Vice Mayor Jarriel stated that before the Town Council starts taking speed humps out, we should first know what the distance will be on B Road.

Mayor Browning advised that the residents along Folsom have urged the County to consider installation of speed controlling devices to slow traffic. He has concerned about B Road if the Town makes it to smooth and too nice and there will be speeders using the road. He suggested that the Town inquire into cost to convert the existing speed humps into tables.

Dennis Lipp, North Road questioned the Town Attorney about the national standards for speed humps on the distance especially when a canal is next to the road. Attorney Horowitz stated he would prefer not to comment, but advised that when there are deviations from the standard that would be taken into consideration if a problem was to occur.

5. COMMITTEE REPORTS

- a. Financial Report – June 2015 - Lung Chiu, Chair of the Finance Advisory and Audit Committee (FAAC)

Town Council reviewed report provided by Chair Chiu that included a recap of the July 27, 2015 FAAC Meeting including approval of the June 2015 Financial Reports as presented.

Doreen Baxter, North Road had questions several over budgeted items in Legislative department and election expenses, and also inquired about several Code Enforcement open cases that have HOLDS on Town Council direction.

Todd McClendon, D Road questioned Election overruns.

6. ORDINANCES - *None*

7. RESOLUTIONS

RESOLUTIONS: QUASI-JUDICIAL

a. **RESOLUTION NO. 2015-22** (*Loxahatchee Groves Commons Site Plan*)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE LOXAHATCHEE GROVES COMMONS SITE PLAN AMENDMENT, FOR LAND OWNED BY ERNEST G. SIMON, AS TRUSTEE OF TRUSTS "A" AND "B" U/W/O ALEXANDER ABRAHAM SIMON, CONSISTING OF 21.73 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Horowitz read the title to Resolution 2015-22, and reviewed the procedures for for the Quasi-judicial proceedings. Planning Consultant Fleischmann advised that the item was properly advertised as required. Town Attorney Horowitz sworn in individuals that would be addressing Town Council on this matter.

Joe Lelonek, Atlantic Land Sales advised the Council that this is a site plan amendment with some small changes to include landscaping, a change on one of the out parcel from a bank to another fast food restaurants, and LED outside lighting. He also advised that the Town has a policy that requires all parking lot lighting must be turned off at 11 pm. He requested that there is a need for some security lighting in the parking area over night to provide security, and would like the Town Council to consider this code provision.

Planning Consultant Jim Fleischmann advised notice was advertised in the Palm Beach Post on July 24, 2015, notices were posted on the property, and property owners received correspondence on this item. He further advised that the Town's Planning & Zoning Board approved the amendment unanimously to include additional conditions that have been submitted by the developer with respect to improving traffic flow around Building G on the site plan, and signage around parcel 3 to improve flow.

Mayor Browning questioned the traffic backing up into the area may cause congestion.

Mr. Fleishman reviewed the information on the Site Plan Amendment starting on page 36 of the Agenda that detail Site Plan Changes, Landscape Plan Changes, Photometric Plan Changes, and Civil Engineering.

Mr. Fleishmann also reviewed the Conditions of Approval in Attachment C on page 41 of the Agenda with the Town Council that included general, land use and site planning, architectural, engineering, land clearing and landscaping, exterior lighting, Palm Tran, parking and loading, signs, and utilities and services.

Mr. Fleishmann concluded by providing the Town Council with staff finding and recommendation as outlined on page 29 of the Agenda that recommends approval of Resolution No. 2015-22 subject to the Conditions of Approval presented in Attachment C.

Bill Louda questioned the gas station convenience store, fast food, alcohol sales, and low lighting in the plan. Stated that he feels the Town will need a dedicated police officer. Questioned what Everglades Farm Equipment and Palms West Plaza do for lighting.

Ken Johnson addressed his concerns with a gas station/convenient store operation, drive through restaurant, Dunkin Donuts, and questioned limiting the hours of operation as many convenient stores are open 24 hours.

Pat Johnson inquired if Mr. Lelonek could trace the traffic flow on the Site Plan tracing the traffic flow. Mr. Lelonek advised that the traffic flow was selected to ensure no bottleneck for the College and their Project. He also addressed the hours of operation or the gas station/convenience store. While he did advised it would be open 24 hours, he also informed the Town that a supervisor is required on duty at the store. With respect to the lighting, he advised that down turned lighting, shoebox type of lights would be used to keep the site safer and would have no adverse effect on surrounding properties.

Mayor Browning suggested the Town Council should consider reviewing this in the ULDCs for the future projects and making appropriate changes to code. Mr. Fleishmann reminded the Town Council that the adjacent parcel is also commercial, and would have no direct impact to residential areas.

Todd McClendon asked about an additional outlet onto Southern Boulevard, and the floor/area ratio.

Councilman Rockett Moved, and Seconded by Vice Mayor Jarriel to approve Resolution No. 2015-22. The vote on the motion was unanimous, 5/0.

8. MANAGER'S REPORT – *Town Manager Underwood*

- a. Agenda Item Report (AIR)** - Updates on various activities and issues concerning the Town.
 - Town Council should begin discussions with the Palm Beach County Commission relative to traffic calming devices for Folsom Road for FY2017.
 - Town reimbursed Waste Pro a total of \$14,900.

- Has been unable to touch base with Mr. Carter relating to the Okeechobee and D Road Traffic Control Sign.
- Lien filed with Palm Beach County on the property located at 1666 C Road.
- Special Events extension for property at 2650 has been placed on the next Planning and Zoning Board Meeting Agenda.

Councilman Rockett questioned the Manager's authorization to refund Waste Pro without Town Council approval. Councilman Rockett advised that he would like an opportunity to provide some information about the items that were not correct.

Councilman Goltzene and Mayor Browning both stated that there is a problem when addresses reflected are incorrect, and fines assessed for properties that do not pay for residential garbage.

Doreen Baxter commented on the Waste Monitor and his contract.

9. OLD BUSINESS – NONE

10. NEW BUSINESS –

- a.** Approval of Town-District Funding ILA for District Road Maintenance – Fiscal Year 2016

Vice Mayor Jarriel Moved, and Seconded by Councilman Rockett to approve the ILA for District Road Maintenance for FY2016. The vote on the motion was 4/1, with Councilman Goltzene voting no.

Doreen Baxter requested that the Town ensure that invoicing is accurate and proper.

Mayor Browning advised that he has received comments from the public about District billing not being accurate.

Councilman Goltzene also questioned the accuracy of the district billing for Town Road Maintenance.

Todd McClendon advised that no RFP was issued for the approved ILA with the District.

11. COUNCIL REPORTS

12. CLOSING COMMENTS

a. Public

Ken Johnson, Collecting Canal Road advised that all traffic signs between B and C Roads on Collecting Canal Road have been removed and asked when signs would be replaced. Vice Mayor Jarriel questioned when signs could be ordered and if the LGWCD be allowed to install signs.

Bill Louda, E Road requested Vice Mayor Jarriel, and Councilmen Rockett, and Liang explain the reason for not extending the Management's contract.

Todd McClendon, D Road addressed the 24/hr. gas/convenient store, and advised that the floor/area ratio approved tonight was at a higher level than allowed.

b. Town Attorney

c. Town Council Members

13. ADJOURNMENT

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 9:50 pm.

Perla D. Underwood, Acting City Clerk

David Browning, Mayor

(These minutes were approved at the September 1, 2015 Meeting)

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