



**Town of Loxahatchee Groves**  
**Town Council Meeting**  
**Tuesday, September 15, 2015 - 7:00 p.m. to 10:30 p.m.**

**MINUTES**

**1. OPENING**

a. Call to Order & Roll Call

Vice Mayor Jarriel called the meeting to order at 7:00 PM. Upon roll call the following members were present: Vice Mayor Ronald D. Jarriel, Councilman Tom Goltzene, and Jim Rockett. Councilman Ryan Liang was absent from the meeting. Also in attendance were Town Manager Bill Underwood, Town Attorney Mike Cirullo, Planning Consultant Jim Fleischmann, and Acting Town Clerk Perla Underwood.

(Clerk's Note: At this time it was announced that Mayor David Browning was present by way of telephonic communication, and could not participate until the Town Council took action on his request for participation under Item 1.c.)

b. Pledge of Allegiance & Invocation – Vice Mayor Jarriel

c. Request Participation by Telephone Due to Scheduling Conflict – Mayor Dave Browning

The Town Council reviewed a request by Mayor Dave Browning requesting authorization by to participate in the meeting by telephone due to a scheduling conflict.

Council Rockett inquired as to what type of participation the Mayor would have. Councilman Rockett was advised that participation by the Mayor would also include voting all matters before the Town Council. Councilman Rockett inquired if Councilman Liang was provided the opportunity to participate via telephone as well. Staff advised that Councilman Liang did not make a request.

Following discussion Councilman Goltzene Moved to approve participation by telephone, due to scheduling conflict by Mayor Browning. Vice Mayor relinquished the gavel to Councilman Goltzene, and Seconded the motion. The vote on the motion was 2/1 with Councilman Rockett opposed. Motion failed for lack of a majority vote of the quorum as defined in the Town Charter.

Following further discussion, Councilman Goltzene Moved, Seconded by Councilman Rockett to rescind the prior vote. Motion passed unanimously, 3/0. Councilman Goltzene Moved, Seconded by Councilman Rockett to approve Mayor Browning's request to

participate and vote at the Town Council meeting via telephone due to a scheduling conflict. The vote on the motion passed unanimously, 3/0.

*(Clerk's Note: At this time, Mayor Dave Browning recorded as present for the record.)*

d. Approval of Agenda

Councilman Goltzene MOVED, SECONDED by Councilman Rockett to approve the Agenda with the following addition: include new item 10.b. Discussion and Direction of Closing of B Road. The vote on the motion was unanimous, 4/0.

2. **CONSENT AGENDA** - *None*

3. **PUBLIC COMMENTS** – *None*

Marge Herzog – A Road

Announced the Adopt a Road project will be this Saturday, and more than 50 national honor society students will be assisting in the debris removal. Additionally, she inquired if the IGC meeting were still held by the Town and the LGWCD, and if Vice Mayor Jarriel had been selected as the Town representative at LGWCD meeting.

Vice Mayor Jarriel advised that when he speaks at LGWCD meeting he is speaking as a private citizen and not as an elected official for the Town.

Bill Louda – E Road

Inquired about the Day property and advised that after discussion, he was rescinding his resignation from RETGAC committee and would like to see a RETGAC meeting to discuss the horse trail in that area.

Elise Ryan – A Road

Suggested that the Town Manager consider preparation of a weekly report similar to the report prepared for the Loxahatchee Groves Water Control District by its District Administrator.

4. **PRESENTATIONS** - *None*

5. **COMMITTEE REPORTS** – *None*

6. **RESOLUTIONS**

- a. **Resolution No. 2015-27** (*Establishing the Tentative Millage for Fiscal year 2015-2016, and Setting Forth the Date, Time and Place for the Second and Final Public Hearing to Adopt the Town's Millage Rate for Fiscal Year 2015-2016*)

Town Manager Underwood provided the Town Council with a power point presentation on the impact the values on properties had throughout the Town, the impact to homeowners' different millage rates would have, and how the reduction in the solid waste assessment would impact the taxpayers.

Mayor Browning advised that feels that he would like to see the increase at this time to

1.4718 mills. Councilman Rockett stated that he would like the tentative millage set at 1.2 mills as the increase will be a substantial increase to the residents.

Vice Mayor explained that increasing the tentative millage rate to 1.4718 mills would require a larger contribution from commercial properties going forward.

Following discussion, Councilman Goltzene Moved, Seconded by Mayor Browning adopt Resolution No. 2015-27 establishing the tentative millage at 1.4718 mills which would represent an increase of 36.8% from the roll back rate of 1.0759, and setting September 30, 2015 at 7:00 PM as date for the final hearing for the adoption of the Town's Millage rate for fiscal year 2015-2016.

Dennis Lipp – North Road

Advised that he did not like the idea of a 36.8% percent increase from the roll back rate, and explained that hobby ag properties see a reduced tax rate.

Doreen Lipp – North Road

Express her desire to see the millage rate as low as possible.

Elise Ryan – A Road

Advised that she does not have a problem with raising ad valorem taxes, but advised that if the Town discontinued its reimbursement of Town maintenance expenses to the District that the taxpayers would see an increase to their Maintenance Assessment by the LGWCD.

There being no further public comments, the vote on the motion to set the Tentative Millage rate at 1.4718 mills representing a 36.8% increase from the roll back rate of 1.0759 mills, and setting September 29, 2015 at 7:00 PM as date for the final hearing for the adoption of the Town's Millage rate for fiscal year 2015-2016. The motion passed, 3/1, with Councilman Rockett voting no.

- b. **Resolution No. 2015-28** (*Adopting a Tentative Budget for Fiscal Year Beginning October 1, 2015 and ending September 30, 2016, and Setting Forth the Date, Time, and Place for the Second Public Hearing for the Adoption of the Town's Budget for the Fiscal Year Beginning October 1, 2015*)

Councilman Goltzene Moved, Seconded by Mayor Browning to adopt Resolution No. 2015-28 adopting the tentative Budget, and setting September 29, 2015 at 7:00 PM for the second public hearing for the adoption of the Town's Budget for fiscal year beginning October 1, 2015 and ending September 30, 2016

Councilman Rockett expressed his desire to have a cost benefit analysis for all equipment expenditures included in the proposed Budget.

Bill Louda – E Road

Expressed his concern with respect to certain CIP projects

Ken Johnson – Collecting Canal Road

Reminded the Town Council about the increased traffic to Collecting Canal Road from the College and Commons, and would like to that traffic slowed down in the area.

Following discussion, Councilman Goltzene amended his motion to include exclusion of CIP projects supported by Town Council Members and identified by the town Manager until review and consideration at the September 29, 2015 Special Meeting. The vote on motion passed, 3/1, with Councilman Rockett voting no.

7. **ORDINANCES** – *None*

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

- a. Agenda Item Report (AIR) - Updates on various activities and issues concerning the Town.

Town Manager Underwood updated the Town Council on various ongoing projects.

With respect to the Traffic Light at D Road, Councilman Rockett requested the list of items that Minto will not be funding and would like the PBC commission included in this.

Vice Mayor Jarriel advised that he had contacted with Palm Beach County Commissioner McKinley on this matter, and she relayed her unhappiness with delay in this process. Vice Mayor Jarriel also advised that he would like to make sure that Town does not incur any out of pocket expenses on this project.

9. **OLD BUSINESS** –

- a. Discussion Relative to Speed Hump Placement Policy Report – Randy Wertepny, Keshavarz and Associates

Randy Wertepny reviewed recommendations on impact for the speed tables as preferred by the Town. He advised that it will reduce traffic by 12% and reduces accidents at 45%, and provided several recommendations on 200 to 800 feet distances between tables. He advised that the optimum spacing for a 30/mph limit is at 550 feet based on 85 percentile rate, and that signage is just as important as the tables. Wertepny concluded by advising that a minimum on placement of tables should be 300 feet and a maximum of 600 feet with a desired spacing of 500 feet.

Councilman Rockett advised that he feels that vehicles used in Loxahatchee Groves especially for nursery vehicles as well as for the horse community will not handle more than 15/mph for that 500 to 1000 foot range placement of tables.

Mayor Browning expressed his belief that the speed humps have reduced traffic on D Road, and stated that he believes there is an established record that no additional cars have gone into canals since OGEM was put in place.

Mayor Browning also stated that he agrees with Councilman Goltzene that there will always be individuals that will drive faster and more reckless and that no amount of safeguard will prevent that from occurring. Browning expressed his preference of 1000 feet distance between speed tables with the idea that if more tables were needed, they

could put an additional table between tables.

On the other hand, Vice Mayor Jarriel expressed his desire to have the tables closer than 1000 feet, but felt that a 600 foot distance would be a compromise the Council may be able to accept.

Town Attorney reminded the Town Council that at the next meeting regular meeting on October 6 this matter will be presented for approval.

## **10. NEW BUSINESS**

- a. Approval of Bridge Agreement for Code Enforcement Services –  
Tew & Taylor

Town Manager Underwood advised that he is requesting the Town's Code Enforcement provider, Tew & Taylor, to continue existing cases until the Town has a new vendor in place.

Councilman Rockett Moved, Seconded by Mayor Browning to approve the Bridge Agreement as recommended by the Town Manager for existing cases.

Dennis Lipp – North Road

Suggested the Town consider a proactive code enforcement process rather the complaint driven system in place now.

There being no further comments, the motion passed unanimously, 4/0.

### **B. Discussion relative to Blocking of B Road – B Road Improvements**

Town Councilman Goltzene announced that he would be unable to participate in this matter as he has a working relationship with the developers of the B Road Project, and left the Town Council chambers at this time.

(Note: At this time, Town Attorney Cirullo advised that with the departure of Councilman Goltzene there was no longer a quorum of the Town Council, and the balance of the meeting could continue for discussion purposes only with the Town Council unable to take official action.)

Town Manager requested the Town Council's consensus for the Town to officially request the College implement a system to ensure that B Road remains open during the construction process.

Councilman Rockett concurred with the Manager's request in an effort to keep access to the road open as much as possible.

Vice Mayor Jarriel advised that the Town was not included in the MOT meeting, and the Town was not notified by the College and the developers about the closing. Vice Mayor advised that there are more than a few businesses involved. It was generally agreed that the Town Manager provide notice on Wednesday, September 16 to the College's Project Manager for implementation of a system to ensure that B Road will remain open during

the construction process.

**Seth Briar – B Road**

Advised the Town Council that B Road had been closed between Southern Boulevard and Collecting Canal, and there was no access to the area. He requested that one lane be opened at all times for residents, and a flag man be placed at Collecting Canal Road and at Southern Boulevard to be included in the request to the College by the Town Manager.

**Ken Johnson – Collecting Canal Road**

Spoke in favor of opening B Road although it may be one lane as he feels that closing the road for two (2) months is unacceptable.

**11. COUNCIL REPORTS**

Councilman Rockett:

1. Town Management Contract Review – Duties and Responsibilities

Councilman Rockett advised that he would like to discuss this item with a quorum of the Town Council, and request that the Management Services Agreement be included in the Agenda.

Vice Mayor Jarriel advised the matter should be placed on the October 6, 2015 meeting as the September 29 is a Special Meeting for adoption of the Millage and Budget for fiscal year 2016.

2. Discussion Relative to Town Road Maintenance Services Agreement - LGWCD

Councilman Rockett advised that the Contract with the LGWCD was allowed to expire, and would also like this item placed on the October 6, 2015 Agenda as well.

3. Discussion of Waste Pro Fine Assessments

Councilman Rockett provided the Council with his analysis of the fines reimbursed by the Town Manager and highlighted several items that reflected reimbursement for fines for addresses that did not exist when he has verified that those identified addresses are real.

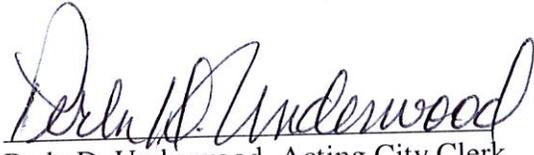
Councilman Rockett pointed out that based on his preliminary sampling, the analysis done by management is not correct or trustworthy, and as such no reimbursement should have been made. Additionally, he again stated that the Town Manager has no authority to reimburse Waste Pro.

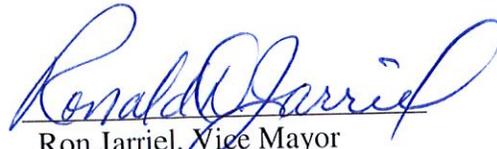
**12. CLOSING COMMENTS**

- a. Public
- b. Town Attorney
- c. Town Council Members

13. ADJOURNMENT

There being no further items to become before the Town Council, Vice Mayor Jarriel adjourned the meeting at 9:35 P.M.

  
Perla D. Underwood, Acting City Clerk

  
Ron Jarriel, Vice Mayor