



Town of Loxahatchee Groves

Special Town Council Meeting

Tuesday, July 31, 2012 at 7:00 p.m.

Loxahatchee Groves Water Control District, 101 West "D" Road

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 Jim Rockett, Council Members Tom Goltzené, Ronald Jarriel and Ryan Liang. Also present were Town Manager Mark Kutney, Bill Underwood, Managing Partner of Underwood Management Services Group, (UMSG), Town Attorney Michael D. Cirullo, Jr., and Town Clerk Susan Eichhorn.

- b. Pledge of Allegiance & Invocation- Mayor Browning
- c. Approval of Agenda

Move: Item 3 – Palm Beach Sheriff's Office (PBSO) Agreement, to be heard as first item on Agenda, per request of Town Manager Kutney.

Motion: Vice Mayor Rockett moved approval of the Agenda as amended. The motion was seconded by Councilman Liang. The motion passed 5/0.

2. REVIEW OF FY2012-13 BUDGET AND CAPITAL IMPROVEMENT PROGRAM

Town Manager Kutney indicated that each Council member was provided with a notebook, which would be built upon as the budget matters progressed. Each time there was discussion related to the budget, the Council would receive another set of paperwork to add to their notebooks.

In response to Vice Mayor Rockett, Mr. Underwood explained the Capital improvement Element (CIP) and the transfer of funds made within the budget presented.

Councilman Goltzené mentioned that ad valorem taxes were really a small percentage of the total.

Public Comment

Dennis Lipp, 13402 North Road: Commented regarding the communication services tax item.

Town Manager Kutney referred to his memorandum dated July 27, 2012, and began his review of the budget, noting that he would point out some of the highlights related to the budget.

Page 1 – General Fund Estimated Revenues

Public Comment:

Dennis Lipp, 13402 North Road, requested further explanation of Communications Services.

Page 2 – General Fund - Appropriations

Town Manager Kutney then reviewed the Legislative Total, noting that the professional services item was related to Municipal Code. He explained that the Unified Land Development Code (ULDC) was codified, but not all other ordinances were, and the budget reflects the upcoming year in which all ordinances were planned to be codified.

Page 3 – General Fund - Appropriations

Town Manager Kutney explained that the Professional Services item in the Comprehensive Planning & Zoning section related to engineering costs.

Discussion took place relative to the transfer of funds into the Sanitation Fund, and whether it should be done with a lesser amount and on an annual basis.

Page 4 – Transportation Fund – Estimated Revenues & Appropriations:

Mr. Underwood explained that gas tax money could only be used for capital purposes, and that with this budget, the amount of 5 cent gas tax money would be reserved for some future date, and the 6 cent gas tax money would be spent in accordance with the desire of the Town Council. The issue was that before any of the 5 cent gas tax money could be spent, a capital improvement element in the Comprehensive Plan must be adopted, and that for planning purposes as of this time, the 5 cent gas tax money could not be used.

Mayor Browning commented that staff was working on correcting the Comprehensive Plan.

Public Comment:

Virginia Standish, 15410 North Road: Commented regarding FDOT being brought up to speed on Town roads, and suggested that with all the regulations that were changing with the State, now might be a good time to review all roads to determine if they met the new guidelines.

Councilman Jarriel responded that the Town roads did not meet State standards and they never would; OGEM was not considered pavement, only considered as a stabilizer.

Elise Ryan, 3508 "A" Road: Encouraged spending money on roads, and commented regarding the implementation of the environmental policy that had been developed by a Town Committee several years ago, suggesting that funding should be put into the budget for the implementation of that policy.

Town Manager Kutney responded that staff was starting to see issues that related to environmental approval and the Town Planner and he had discussed the possibility of a third Interlocal Agreement with Palm Beach County in order to have their expertise to assist with that.

Councilman Goltzené commented that he would prefer having local people doing the work rather than using the County.

John Ryan, 3508 "A" Road: Commented that the Town roads were local rural roads; the length of the road and the fact that it was not paved allowed certification for the use of gas tax funds. The Town was responsible for speed limits, traffic control signs and devices, etc. Other than that these roads were not really roads per any conventional definition.

Page 5 – Capital Improvement Program – Estimated Revenues and Appropriations:

Town Manager Kutney reviewed the appropriations: \$500,000 to develop Town Hall Alternatives; \$362,466 for Road & Drainage Improvement; \$250,000 for a traffic light on Okeechobee Blvd.

Councilman Goltzené commented on the following:

- That he would like to see funding restored for the trail system
- His concern with road and drainage improvements with regard to Collecting Canal
- The traffic light on Okeechobee Blvd
- The development of a Town Hall

Councilman Jarriel commented that he would like to see funding set aside for equestrian trails, and discussed appropriate locations. He noted that he had been doing some research on linear parks, and did not believe that the Town should have to maintain a linear park year after year, and that the Town should concentrate on having developers pay for it. He commented that dirt roads were dangerous and that the budget must include roadway work. In regard to development of a Town Hall, he expressed that the time to buy property was right now, and he discussed several locations in the Town. He stated that the traffic light on Okeechobee Blvd. was important, and that Palm Beach County could be convinced to pay for it.

Councilman Liang commented that he supported most of the line items. He agreed that funding should be set aside for the trail system, and that the traffic light was needed on Okeechobee Blvd; he suggested that a long term location for a Town Hall should be considered.

Further discussion continued relating to the development of Town Hall, and a linear park.

Consensus: Councilman Goltzené requested that \$100,000 be put back into the budget for the trail system. Councilman Jarriel suggested a minimum of \$200,000. Vice Mayor Rockett suggested funding in the amount of \$200,000. It was the consensus of the Town Council to put \$200,000 into the budget for equestrian trails.

Public Comments:

Dennis Lipp, 13402 North Road: Commented regarding the current lease for Town Hall and his discussions with Mr. Yee, the landlord, and the possibility of negotiating a five year term with

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the use of extra rooms. He suggested that a linear park could be part of the Comprehensive Plan; he requested clarification on the roadway issue and the gas tax.

Councilman Jarriel responded that he had discussed the lease of Town Hall with Mr. Yee, the landlord, and he suggested that perhaps Mr. Lipp would volunteer to develop a lease with Mr. Yee.

Mr. Lipp replied that he appreciated the confidence, but that he thought that the Mayor, along with Town Management should negotiate the lease.

Councilman Rockett commented that a Town facility could be a community facility as well as a Town Hall, and that he did not want staff to be hindered from looking at alternatives.

Councilman Jarriel commented that the funds should be kept in the budget, and that the current location was convenient for everyone and consideration should be given to working with the LGWCD to discuss a facility.

Mayor Browning commented that he would review lease negotiations with the Town Manager.

Lung Chiu, 3270 "B" Road: – Commented that Government light did not mean collecting money and not spending it. Some very good ideas had been presented tonight. Town Hall was a good idea – it did not mean that it had to be a fancy one; the budget could be controlled. The money was needed no matter where a Town Hall was located.

Nina Corning, 2834 "E" Road: Commented that she was glad to hear that all were in favor of horse trails; discussed the grants for linear parks; discussed why people use trails or OGEM; suggested that the goals in the strategic plan of Loxahatchee Groves be taken into account when considering Town Hall; noted that a hurricane proof building was not needed in order to save files; urged that it be kept in mind that the Town incorporated to stay small.

Don Borovy, 14270 Tripp Road: Commented that City Hall should be off of North Road so that everyone could experience the speed bumps. The engineers who designed them used their good judgment to put a speed hump within 150 feet of Okeechobee Road.

John Ryan, 3508 "A" Road: Commented regarding the Town Hall lease with Mr. Yee; linear parks and land for retention ponds and related eminent domain issues; the use of gas tax within comprehensive plans, the Public Facilities Report filed annually by the LGWCD; the combination of authorities – the Town and the LGWCD.

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Virginia Standish, 15410 North Road: Commented as a landowner and resident regarding her concerns with the upcoming budget, and suggested including an economic development plan that encouraged success of all ag/res businesses; continuing with Greenway trails and working with the LGWCD in that regard; having a trail on the north side of North Road; never wanting to see in the budget an infrastructure burden on the Town as a result of commercial development; negotiating with developers; assurance that management is sure that they have all records and an accurate history of what has been established.

Phil Liu, 4245 148th Terrace, North: Commented that Government light did not mean not to buy anything or do anything. The Council had a fiduciary duty to do what is best for the Town. Loxahatchee Groves would still be here in 100 years, and she questioned if the Council wanted the Town to still be leasing a place. She urged that Council to think of the future, and on a long term basis, rather than just leasing for the next few years.

Dennis Lipp, 13402 North Road: Commented regarding the construction at “F” Road and Southern Blvd, noting that part of the deal was that they were going to pave “F” Road from Southern Blvd. to Collecting Canal. He suggested that Town Management should get with them and request that it be done sooner, rather than later. He encouraged spending money correctly, and not on things that are not needed. He suggested that the Mayor’s idea about a shared facility for LGWCD and the Town was a good idea.

Councilman Jarriel provided information on the “F” Road and Southern Blvd. construction.

Nina Corning, 2834 “E” Road: Commented that she wished to speak on behalf of the Greenway Committee, and requested the correct procedure. She referred to the construction on “F” Road and the Greenway Committee plan to complete a trail in that area.

Town Attorney Cirullo responded that this was a special meeting, so anyone speaking should talk about what was on the agenda.

Page 6 – Recommended Revenue Estimates and Appropriations:

Discussion took place regarding larger trash bins.

Vice Mayor Rockett requested a rate for the larger bins.

Town Manager Kutney replied that he would request that information.

Councilman Jarriel commented that Waste Pro was waiting for a response from the Town as to whether the larger trash cans would be used. Residents were given the opportunity to comment on the trash cans, and he suggested that the Council should vote on it now, and direct staff to meet with Waste Pro and let them know what the Town wanted.

Motion: Councilman Jarriel made a motion that staff go back to Waste Pro and go with the new cans on wheels at the lower cost. The motion was seconded by Vice Mayor Rockett. The motion passed 4/1 with Councilman Goltzené opposing.

In response to Vice Mayor Rockett, Mr. Underwood explained that the contribution from the general fund to the solid waste item would be slightly different with the costs of the new cans, and staff would bring the item back for Council review.

Discussion took place regarding various line items. The traffic light on Okeechobee Blvd. was discussed, and Vice Mayor Rockett noted that the Council had previously voted 3/2 to go forward with the traffic light, and wanted the County to pay for it.

3. PALM BEACH SHERIFF'S OFFICE (PBSO) AGREEMENT *[This item was heard as Item No. 1 on the Agenda]*

Town Manager Kutney advised that Lt. Combs and Lt. Steven Thibodeau of the Palm Beach Sheriff's Office were present to respond to any Town Council questions regarding the agreement.

Lt. Steven Thibodeau provided a review of the agreement, and the services provided.

4. PROPOSED TOWN OF LOXAHATCHEE GROVES PLANNING PROCESS/CRITERIA FOR NON-DISTRICT (TOWN ROADS) IMPROVEMENTS AND ROAD STABILIZATION (OGEM)

Town Manager Kutney reviewed the staff report from his memorandum dated July 27, 2012. He indicated that if the criteria set forth in his memorandum was acceptable, the Council could use that as the criteria for road stabilization, and then establish which roadways the Council may want to select for future OGEM treatment.

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Councilman Goltzené commented that ownership details should be obtained before money is spent on the roadway stabilization.

Vice Mayor Rockett commented that there are many non-District roads that were bad, and needed to be brought up to standard. He suggested that he would like to see grading and filling on the dirt roads first, then worry about improving them beyond that.

Councilman Jarriel commented that he had called in a work order today. The process was that the resident would call it in; the Water Control District would then send their supervisor out. The one that he had called in today was 43rd road north, and he estimated that 4-5 loads of road rock material were needed. For every road that needs to be brought up to par, all it took was a resident to call in. There was a procedure in place. The Town was then billed by the District. Doing a petition and putting in a request did not mean that the Town could afford it, but a list was needed that residents could get on, so that when the opportunity arose their road would receive OGEM treatment.

Councilman Liang commented that there was a need to start a program for non-district roads. He suggested that the gas tax revenue should be used to maintain our roads.

Councilman Goltzené commented that earlier this year there was a process of maintaining roads, and somehow that was stopped. There were contractors who were capable of doing it, and money had been appropriated for it. There was a list of roads, that had been ranked, and he suggested that the process should once again commence.

Mayor Browning commented that he agreed, and that many town roads had not even been close to being maintained properly. He noted that there were options other than OGEM – the first step was to maintain the roads with good rock. The town roads could be brought up to standards with just the rock to maintain them, and OGEM when justified. One of the things brought up in the Landowners Meeting was to contact FPL and AT&T regarding vegetation on the lines, since there had not been much trimming done to date, and it was already the middle of hurricane season. He suggested that a call be put into them to see what could be done.

Councilman Ron Jarriel commented that there was a policy and a plan for when a road would have OGEM applied. Residents could come in and request it, and be told yes or no. If a road needed work, residents could call Town offices and a work request would be put in. He maintained that there was a plan and policy in place for Town roads.

Public Comment:

Dennis Lipp, 13402 North Road: Commented that 43rd Road North was a problem because it flooded, and there was a resident who thought she owned the road, and that these type of issues needed to be resolved.

Councilman Jarriel recounted his experience with the road, and noted that the Palm Beach Sheriff's Office had come out and spoken with the resident. Many loads of fill had been put on the road, and the resident had not been able to stop it.

Thias Gonzalez, 13090 Raymond Dr.: Commented regarding road clearing and how big branches would cut off and block the road if there was a storm.

Vice Mayor Rockett commented that he would like to give management direction to get Frank Schiola out there to go down the roads, and provide a list of the top ten bad roads. It would then be automatic; some residents probably just did not want to call.

Councilman Goltzené commented that the point of this was that a resident should not have to call. It was no way to do business to have residents call and say what needed to be done

Town Manager Kutney clarified that there were three different hedging contracts, and expressed concern of potentially violating the procurement policy. He explained that the Town would have to request a bid. The current ILA was limited to grading – everything else the agreement did not call for. He stated that Frank Schiola had been out there, and that there was a list to work from.

Clete Saunier, LGWCD administrator commented: We have an inherent knowledge of how the roads are. If we can get the ratings, give it to my field manager. We have proposed a scope of work on the grading of roads. I think Councilman Goltzené is absolutely correct in his approach – being proactive rather than reactive. Prior management allowed us to go out and proactively grade the roads, and then submit authorization for approval after the fact. I do not agree with the current philosophy. We would like to work toward an ILA with a grading frequency on some basis so that we are being proactive – it is becoming a paperwork nightmare. We need to work something out, and we are working with town staff to get that done. Nobody is setting aside anything on their part or ours.

Mr. Saunier noted that a resident had bodily stood in front of a motor grader on 43rd Road North, and made a policy suggestion to invite landowners of that road to a meeting, as it was the only road where that type of issue existed.

Nina Corning, 2834 "E" Road: Commented that being proactive would be helpful on Town roads; expressed her concerns with roadway maintenance, and suggested that there were roads that the community should be consulted on before OGEM was put on the roads.

Motion: Vice Mayor Rockett made a motion to accept the criteria for road stabilization (OGEM Applications) for designated Non-District roads, as set forth in the staff report submitted by Town Manager Kutney. The motion was seconded by Councilman Goltzené. The motion passed 5/0.

Town Manager Kutney commented that the scope that the District can handle needed to be reconciled, and that process would take some time.

Discussion took place regarding whether the District could do the work, or where there should be an RFP process.

Town Manager Kutney clarified that there was a list of contractors, but the issue was not just having a list – once it was determined which roads would be stabilized, a contractor would need to have specifications, so that people would have a fair shot at the project, and it would be fair to all contractors submitting bids.

Councilman Goltzené commented that Frank Schiola had done a good job in identifying which roads needed work. He suggested that there were many contractors who could do the road work

Mayor Browning commented that it would be nice to be proactive, however, it must be understood that the Town was operating as a contract government, which meant that the Town did not have any employees. He explained that he did not want the Town to have to expend more and more of its budget on people riding around and looking at the roads every day.

Mayor Browning asked if a motion was needed.

Town Manager Kutney replied that was not necessary, and Town Management would continue to work with the list of approved contractors.

Councilman Jarriel commented that a big problem arose when all of the roads on the list were put into one job description; as long as it was kept under a certain amount, which he believed to be \$1,000, the contractors on the list could be utilized.

Town Attorney Cirullo cautioned that there could be a perception that projects were being separated in order to get around procurement issues. He stated that he would work with Town Manager Kutney in this regard, and if there needed to be a bid, it would be done. The Agenda

for any meeting where that was discussed would need to be sent to the Office of the Inspector General.

Mayor Browning commented that if there was a bid, there would need to be a list of qualified contractors and some kind of rotation schedule.

Town Attorney Cirullo replied that there were many different formalities related to procurement.

5. WORK AUTHORIZATION TO COMPLETE AMENDMENTS PERTAINING TO THE CAPITAL IMPROVEMENTS, TRANSPORTATION AND RELATED ELEMENTS OF THE COMPREHENSIVE PLAN

Town Manager Kutney reviewed his memorandum dated July 10, 2012, noting that a Work Authorization to complete the necessary work identified by staff was attached in the amount of \$9,620. He explained that Town staff had identified concerns with the utilization of the 5 cent gas tax, and inadequacies of the Town's Comprehensive Plan. One of those concerns related to the fact that the Town's Capital Improvements Element (CIE) indicated that no capital projects had been scheduled for the planning period. In order to address structural issues of the Comprehensive Plan and to implement Transportation Fund recommendations of the 2012-2013 Budget, Town Management was requesting Town Council approval of a work authorization to amend the CIE and related Comprehensive Plan elements.

Discussion took place regarding Comprehensive Plan issues, and the different levels of work that would be required.

Motion: Vice Mayor Rockett made a motion to approve the work authorization to complete amendments to elements of the Comprehensive Plan, in the amount of \$9,620.00. Councilman Goltzené seconded the motion with the comment that the work needed to be done right, so that it would not have to be re-done again.

Mayor Browning commented regarding the frustrations with the Comprehensive Plan; it had been put out for an RFP, and different people had done the work. He agreed that if it was amended, it should be done correctly this time. The Comprehensive Plan had passed all of the regulating authorities that had reviewed it, and now the mistakes must be found and corrected.

Town Manager Kutney pointed out that when there was a policy of Government light, the State of Florida did not give any breaks because a city was a smaller city.

Councilman Goltzené commented that perhaps the League of Cities could try to do legislative work to exempt small towns from these requirements.

The motion made by Vice Mayor Rockett, seconded by Councilman Goltzené to approve the work authorization to amend elements of the Comprehensive Plan, passed 5/0.

6. RESOLUTION NO. 2012-09 ADOPTING A PROPOSED OPERATING MILLAGE RATE OF 1.200

Town Attorney Cirullo read Resolution 2012-09 by title.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES ADOPTING A PROPOSED OPERATING MILLAGE RATE OF 1.200 FOR GENERAL OPERATING BUDGET PURPOSES FOR FISCAL YEAR 2012/13; APPROVING AND AUTHORIZING TRANSMITTAL OF THE FORM DR 420 TO THE PROPERTY APPRAISER; PROVIDING FOR THE ESTABLISHMENT OF AND SETTING FORTH THE DATE, TIME AND PLACE OF THE PUBLIC HEARING TO CONSIDER THE FISCAL YEAR 2012/13 PROPOSED MILLAGE RATE AND TENTATIVE BUDGET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Vice Mayor Rockett made a motion to approve Resolution 2012-09. The motion was seconded by Councilman Liang. The motion passed 5/0.

7. CLOSING COMMENTS

a. Public

John Ryan, 3508 "A" Road: Commented that when a response was received from Waste Pro regarding the larger trash cans, staff should ensure that there was a cost savings.

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b. Town Attorney

Town Attorney Cirullo reminded all Council Members to sign Resolution 2012-09.

c. Town Council Members

Councilman Goltzené - Thanked everyone for coming.

Councilman Jarriel – Thanked everyone for coming.

Councilman Liang - Thanked everyone for coming.

Vice Mayor Rockett – Thanked everyone for coming and requested an update regarding the shooting incident that had taken place approximately 75 days ago.

Mayor Browning - Thanked everyone for coming.

Town Manager Kutney responded regarding the shooting incident, stating that he met with Lt. Combs of the Palm Beach Sheriff's Office on a monthly basis, and that Lt. Combs had indicated that the matter was in the hands of the Florida Department of Law Enforcement (FDLE).

Town Attorney Cirullo explained that there were a lot of confidential things going on with this matter, and that he would contact authorities to determine if there was any further information at this time.

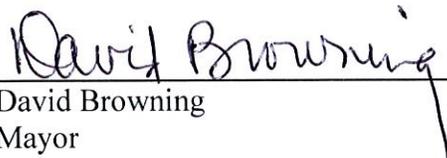
8. ADJOURNMENT

There being no further business, the Special Town Council Meeting of July 31, 2012 was adjourned at 10:18 p.m.

**These minutes were approved by the
Town Council on Tuesday, August 21, 2012**



Susan Eichhorn
Town Clerk



David Browning
Mayor

(SEAL)