



## Town of Loxahatchee Groves

### Town Council Meeting

Tuesday, August 7, 2012 at 7:00 p.m.

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

Mayor David Browning (Seat 4)  
Vice Mayor Jim Rockett (Seat 2)  
Councilman Tom Goltzené (Seat 5)  
Councilman Ronald D. Jarriel (Seat 1)  
Councilman Ryan Liang (Seat 3)

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. Upon roll call, those present were Mayor David Browning, Vice Mayor Jim Rockett, and Council Members Tom Goltzené, Ronald D. Jarriel and Ryan Liang. Also present were: Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, Town Attorney Michael D. Cirullo, Jr., and Town Clerk Susan Eichhorn.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

After brief discussion regarding Item 6.a. [Ordinance No. 2012-08] it was determined that the item would remain on the Agenda for discussion.

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

**2. CONSENT AGENDA**

- a. Minutes for Approval: June 5, 2012 (Regular Town Council Meeting)
- b. Invoice from Goren, Cherof, Doody & Ezrol, P.A.

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

**3. PRESENTATIONS – None**

**4. COMMITTEE REPORTS – None**

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

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

Ordinance No. 2012-08

- a. AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO CREATE A NEW ARTICLE 41, ENTITLED “PLANNED UNIT DEVELOPMENT (PUD)”; PROVIDING FOR PURPOSES AND INTENT, LAND USE AND DEVELOPMENT INTENSITY REGULATIONS, OBJECTIVES AND STANDARDS INCLUSIVE OF DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS, APPLICATION REQUIREMENTS, AND AMENDMENTS TO APPROVED PUDS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

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Town Manager Kutney established that at the last Town Council meeting there had been some issues relative to discussion of the PUD. He explained the genesis of a PUD, which was an appropriate vehicle to create a land use mechanism. He noted that there had been many misconceptions regarding the PUD. He described the PUD as a planning technique that was done for unified control, while affording a developer flexibility in design and development. The government then had greater control in negotiating during the review process. He discussed how a PUD was regulated in a number of ways, and noted that many of those elements had been incorporated into the proposal that was being discussed.

Town Planning Consultant Jim Fleischmann addressed the Town Council, asking if there were any questions. He explained that this was a zoning method, a much more detailed method and required a lot more information than the Town's current rezoning process.

Mr. Fleischmann received questions from the Town Council:

In response to Councilman Goltzené, Mr. Fleischmann explained that it was stated in the PUD that it had to follow the procedures of rezoning, and part of that procedure was that it had to be approved by a super majority. He offered that it could be put in more sections than just the one section up front, however it was in the document now.

Town Attorney Cirullo advised that the Town Charter also required four votes for changing the zoning map. He asked if Councilman Goltzené wanted to change the language so that either an adoption or amendment to a PUD would require a super majority vote. Councilman Goltzené replied in the affirmative.

Councilman Goltzené reviewed the language in the staff report and proposed Article 41 to the Town's Unified Land Development Code (ULDC), which was included in the Agenda back-up material. The discussion included:

- Under Item II. General Information (page 20 of 152 of the Agenda back-up): The third and fourth paragraphs are in conflict. They should both reference a Southern Blvd. location (Under B. General Information).
- Pg. 21 of 152 of the Agenda back-up: Under Item C. buffering should include all uses, whether the adjacent use is commercial or residential.
- Pg. 32 of 152 of the Agenda back-up: Item 6. Leave residential and non-residential language out. On items 1., 4., and 5., add language "approved by the Town Council." Item 3. – change language to 600' width and 750' depth.

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- Pg. 36 of 152 of the Agenda back-up: Item 9). Discussion took place regarding preservation and mitigation of native vegetation. Mr. Fleischmann noted that the Town's environmental ordinance was detailed and specific in that regard, and that an applicant for a PUD would still have to meet the requirements of that ordinance. In response to Councilman Goltzené, regarding whether the college would need a permit to take down the trees on the property, Mr. Fleischmann replied that the way it was currently structured, they were subject to State permitting and development processes.
- Pg. 37 of 151 of the Agenda back-up: Items 1., 2., and 3., regarding Administrative Amendments. After discussion, Mr. Fleischmann advised that he would work on specific wording.
- At the request of Vice Mayor Rockett, Mr. Fleischmann advised that he would create a "pro" and "con" column for issues related to the PUD.

The ordinance would be tentatively scheduled to be brought back to the Town Council for a first reading at the September 4, 2012 Town Council Meeting.

Public Comment:

Bridgette Subramanya, 2926 "C" Road – Commented regarding the proposed PUD: concerns regarding properties in the southwest corner of the Town; concerns regarding the area that falls under the PUD, and the land elevation as well as the environmental sensitivity; the lack of a hydrologist report or water engineering report; evaluation of the water table; possible irrevocable damage to water use. Commented that this may be in the best interest of developers, but it was not in the best interest of the residents.

Nina Corning, 2834 "E" Road – Commented that she was glad that PUD depth and width issues had been addressed. Questioned what opportunities for who from PUD. Referred to the Comprehensive Plan requirements. Commented that there were weak areas all over the document, and that it was not written well enough to use as a good tool. Concerned that this was designed to come all along Tangerine and create that road, and that areas of commercial use should be identified. Suggest that everyone look at the wetland, look at the vegetation and have some tools and power for water retention. Commented that, according to staff, it was giving government more power, and that she disagreed.

Frank Schiola, 13434 Marcella Blvd. – Commented that there was a PUD right next door to the Town offices; a section of it behind the Post Office looked terrible; suggested that when. The problem we have is that we have a section behind the Post office that looks really terrible and is

part of the PUD. Suggests that when a PUD is approved, the owner must have a time limit and then it would go back to its original zoning.

Nina Corning, 2834 "E" Road - Commented regarding the buffer – remember that you are not only buffering residential.

Councilman Goltzené commented that the Town Council needed to impose more requirements on the commercial in the Town to keep up their landscaping, garbage, etc.; the Palms West Plaza looked terrible on weekends.

Mayor Browning commented that he thought the idea of a time limit was excellent, so that it was not open ended.

Mr. Fleischmann responded that there was a provision in the zoning code now that allowed 18 months to apply for a site plan. He explained that the site plan process was very costly, and an applicant had to be very serious. He offered that he could probably strengthen the limitations that are in there now.

Mr. Fleischmann noted that the PUD did not apply to any particular parcels right now. This was just a process. All of the environmental issues were addressed in the overall process.

## **7. RESOLUTIONS**

- a. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, STRONGLY SUPPORTING THE COUNTY'S CONTINUED ALLOCATION OF THE \$12.50 FUNDS TO THE MUNICIPALITIES PURSUANT TO COUNTY RESOLUTION NO. R-2002-0192, WHICH SERVES TO ENHANCE THE COUNTY'S INTERGOVERNMENTAL COMMUNICATIONS PLAN; AND STRONGLY SUPPORTING THE COUNTY'S DISBURSEMENT OF THE \$12.50 FUNDS TO COVER EXPENSES FOR ALL MUNICIPALITIES THAT HAVE RADIO SYSTEMS THAT ARE FUNCTIONALLY INTEROPERABLE WITH THE COUNTY'S RADIO SYSTEM WITHOUT ARBITRARY DISTINCTIONS BEING MADE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Town Attorney Cirullo reads Resolution No. 2012-08 by title, as printed above.

Town Manager Kutney explained that this item was going before the Palm Beach County Commission on August 21<sup>st</sup> and the League of Cities had asked each city to consider adopting this resolution, in a show of solidarity.

Richard Radcliffe, Executive Director, Palm Beach County League of Cities, addressed the Town Council, made comments regarding the Resolution, and the importance of having funding available for technology improvements.

**Motion: Vice Mayor Rockett made a motion to approve Resolution No. 2012-08. The motion was seconded by Councilman Liang. The motion passed 5/0.**

8. ADMINISTRATIVE UPDATE – Town Manager Kutney

Town Manager Kutney stated that he nothing to report at this time.

9. OLD BUSINESS

- a. Discussion Related to the Town Setting Speed Hump Standards for Roads in Loxahatchee Groves.

Vice Mayor Rockett identified that this was a follow up to this issue, as discussed at the last meeting, where he had requested that the Town Council members visit and drive over the road segments containing 30 mph speed humps. He noted that the humps worked much better for larger trucks, and that he hoped for a determination that this standard would be adopted throughout the Town.

Councilman Jarriel commented that he had seen people going 50-60 mph over speed humps, even though the humps were engineered mainly to keep a person going 30 mph from one to the other. He suggested that he would like to hear from an engineer as to how and if the current speed humps could be modified, and that the Town had to consider liability issues.

John Ryan, 3508“A” Road – Commented that he had ridden the speed humps on Sycamore with a 14 year old SUV, and I could take the bumps at 40 mph. The District (LGWCD) had given a lot of thought about the road surface and how it could control the risk. People just needed to understand that these are rural, local roads, with no standards. The engineering design was the defense to lawsuits. He suggested that it would be logical to have a workshop in September and look at turning open graded emulsified mix (OGEM) roads with speed humps over to the Town.

That would let the Town take the risk and make decisions, rather than having two bodies with different views on risk and responsibility.

Vice Mayor Rockett clarified that his request was quite simple and limited: to adopt a standard only; what we think is a speed hump acceptable to the Town, and then it could be decided where and how it would be applied. Before making any assessment of changes, costs were needed.

**Vice Mayor Rockett made a motion to adopt as a standard, the speed humps that were located on 44<sup>th</sup> Place North, and Persimmon Blvd., with the understanding that the intention was not to rework existing roads in the Town. The motion was seconded by Councilman Liang. The motion failed 3/2, with Councilmen Goltzené and Jarriel and Mayor Browning opposed.**

Mayor Browning commented that there was a two-fold use in a speed hump. One of them was to control traffic speed. It also discouraged a lot of cut-through traffic. We have to be careful that the easier we make it to drive, the more cut-through traffic we will have.

Ron Jarriel commented that there is an Intergovernmental Coordination Committee (IGC) scheduled, and before voting on a standard speed hump, an engineering study was needed. He requested that the IGC put it on the next agenda, and not wait until September. Then the standard could be voted on, if so desired.

## **10. NEW BUSINESS**

### **a. Unified Land Development Code (ULDC) Review**

Town Manager Kutney provided background information, explaining that the Town Council had requested the review of two drafts (one termed “Original” and the other termed “Target”) of the Unified Land Development Code (ULDC), and that Land Research Management, Inc. (LRM) had completed that review. Town Planning Consultant Fleischmann would provide a summary of the review; the only Town Council action required would be to receive and file the report. Mr. Kutney suggested that at the meetings in October he would like to bring a number of sections to the Town Council for review, and then continue to do that on a monthly basis so that within a few months staff could start amendments.

Mr. Fleischmann reported that his task had been to compare the changes between the two versions of the ULDC draft (“Original” and “Target”).

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Vice Mayor Rockett commented that the Town Council had submitted one draft that was reviewed, and then we got a response to that with another draft. He discussed changes that the Council had requested, and that were not included in the ULDC under the former management company; therefore, many things that the Council had authorized did not make it into the ULDC. He suggested that a review could start with the current ULDC, and before we take them forward section by section we would include the original items that were approved, but not included. His concern was that he did not want to abandon what we approved.

Councilman Jarriel commented that we all voted on it and wanted to move it ahead. The ULDC book was supposed to be the final draft after we paid thousands of dollars. The target version should have been compared to the ULDC book. If we move on, there is no question in my mind that we take the target version and compare it to the book we use right now.

Vice Mayor Rockett replied that the "Target" version was without changes we voted on. Therefore, when we created the ULDC we did not make the changes that the Council approved in this process. The "Original" is the one that we modified and made changes that the Council approved.

Councilman Goltzené commented that we have to go with what we have and go forward.

Town Manager Kutney commented that, based upon the discussion, it seemed like we are going to be able to use these two documents when we do our review in October.

Mayor Browning commented that we can review those. I would hate to spend a lot of money and effort. We can go through it based on the experience of this Council and make changes.

Town Attorney Cirullo cautioned that the review would need to be done very carefully; whatever was attached to that Ordinance in November 2010 – that was the ULDC.

Public Comment:

Virginia Standish, 15410 North Road – Commented regarding the ULDC and whether fireworks were permitted for sale; the statement that one can only have grooms quarters if there were 18 stalls. She urged speaking to equestrians in the community – you will find that it is less than 18. More importantly, it has been brought to her attention that apparently State and County Agricultural guidelines can supersede ULDCs. She questioned what type of mechanism was in place to keep up with state and county changes as they relate to agricultural businesses and agricultural properties.

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Mayor Browning clarified that if residents had areas and issues that needed to be addressed, they should come to one of the members of the Town Council so that when a workshop was scheduled, all of those issues could be considered.

Thias Gonzalez, 13090 Raymond Dr. – Commented that she was really happy that the Mayor mentioned that residents can bring forth issues.

Mayor Browning replied that: I do not encourage residents to call Mike or Jim. You need to come through us. Otherwise, the Town is going to be paying huge bills because one person has a lot of questions.

Thias Gonzalez responded: I will do it the way that you tell me to do it.

\*\*\*\*\*A break was taken at 8:45 p.m. The meeting was resumed at 8:52 p.m.\*\*\*\*\*

b. Review of Contract for Town Management Services

Town Manager Kutney referred to his memorandum of August 1, 2012, which was the staff report identifying all major items that were in the Agreement that Management must comply with; all major items are listed under Discussion in memo with an assessment of compliance with the Management Agreement.

Comments from Town Council members:

Vice Mayor Rockett: Wants to review and give Mark feedback.

Councilman Liang: None right now.

Councilman Jarriel: No questions

Councilman Goltzené: Very satisfied with the performance of the management group, and they should keep up the good work, and we should continue to go forward.

Mayor Browning: My concept of contract management is that you are going to cover all bases. Thank you for the report.

Public Comment:

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Marge Herzog, 966 "A" Road, - Commented regarding the level of transparency and questioned when the new website will be up and running and when tapes and recordings will be complete and thorough, as there were breakdowns in the video tapes.

Town Manager Kutney replied that he appreciated the comments and responded as follows: First of all website: we are working on the finishing touches of the website. We are hoping to have it in the next week or two. As you know, we have tried a couple of things to try to improve transparency. It was not perfect when we got here – we have the video camera, we also have audio back up. We have a number of meetings on you tube. One of the proposals in our budget is to go to streaming video. It projects live from the website, and it is a lot easier for our folks to do our transcription. We have had some breakdowns – the audio malfunctioned at one meeting. Ron Buckley was helpful in providing us a supplement. We were up to speed with minutes, up to May, and our Office Coordinator and Town Clerk both left, and we are pretty much up to date with FAAC minutes. We are almost up to date with the Town Council minutes. Equestrian Trails are being put into action minutes. P & Z Board minutes are being worked on. Website should be up and running in a few weeks.

Vice Mayor Rockett commented that he had been impressed with receiving the minutes right away in the past, as prior to that the minutes had always been a month or two behind, and that former Town Clerk Moore had gotten it back to where it should be. He thanked Town Clerk Eichhorn for including bookmarks in the Agenda Packet, as it made it much easier to quickly access documents on the Agenda.

c. Planning Issues Associated with the Moratorium

Town Manager Kutney stated that this was a very important item. He reviewed his memorandum dated August 2, 2012, which included three major items:

1. Review the Land Use Element of the Comprehensive Plan for any necessary amendments to the element text.
2. Review of issues in concert with Item No. 1.
3. Review of the Tangerine/Citrus Boulevard issue to determine the proper treatment and policy of this issue.

He discussed each item, and stated that he would come back with a work authorization at the August 21, 2012 meeting. He indicated that the proposal would probably request workshop

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meetings with all residents and property owners holding ownership of land within both corridors.

Comments of Town Council:

Vice Mayor Rockett: Move forward. All members of the Town Council agreed in consensus.

Public Comment:

Nina Corning, 2834 "E" Road - Commented that she was concerned that you are only inviting property owners along the corridors for the workshop. Town Manager Kutney pointed out that he did state that all residents would be invited.

- d. Loxahatchee Groves Water Control District Administrator Request to Waive the Pre-Authorization Requirement for Roads Graded by the District Without Town Approval

Town Manager Kutney provided the background of the request of the Loxahatchee Groves Water Control District (LGWCD) to waive the pre-authorization requirements for roads graded by the District without Town approval. He explained that he did not have the discretion or authority to waive the requirement. He emphasized that he could not give a dollar figure, because LGWCD has not provided that yet.

Town Council Comments:

Councilman Goltzene commented: I was involved with this issue when I was on the IGC Committee and I was also involved in this issue when I was asked to sign the original check. There are a couple of problems that exist with this. One, we need to understand that what was happening when Underwood came here, was that LGWCD needed Town approval before doing work. The procedures that are laid out in the Interlocal Agreement were not being carried out by previous town management and the District. The District was submitting bills for mileage. The bill is supposed to be in the form of that we did "x" amount of work, used so many hours of machinery, rock, time. Reimburse us for the costs that show we paid those invoices. The agreement was not something that was negotiated by Underwood, and in fact the Town and the Water District were just not doing what they were supposed to do. I don't really see why we should make an exception when an agreement that was in writing was not carried out until Underwood Management required it. I congratulate Underwood Management. I do not think we should make an exception. What they were doing with the previous management group was not

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what was called for. The other thing is that I really object to the issue – this talk about actual costs – we had the conversation with the District and told them that they need to submit the invoices. I personally recommend that we not waive the pre authorization requirements.

Councilman Jarriel commented: Town Management recommends that the Town Council should consider approving in their recommendation. There may be some requests that will be in question, and before they pay anyone they are going to come back to the Town Council. Last meeting, a comment was made that residents should not have to call in for road grading, and the District should be on top of that. There should be an understanding between the two entities that there is a procedure, and that the procedure will be followed. If we continue to follow the procedure, I have to call the Town office to put in a request, and I would like to see a consensus from the Town Council that if the District sees a road needs to be graded, or the hedges need to be trimmed, I would hope that we could tell the District that is needed, and Clete could give permission to take care of the problem. Clete would then submit a request to the Town and advise them that we are on it right now. That is the way I would like to move on. The job will get done before the paperwork is processes.

Councilman Liang commented: We should go ahead and fix the roads, but with scheduled maintenance. Any emergency requirement I would say that we could go ahead and have the District do the work, and then submit the proper documentation. Any scheduled maintenance; I don't see why they cannot just do it.

Vice Mayor Rockett commented: Residents can call the Town. Mike from the District could call directly to the Town office. I think you need to get authorization from the Town. I was asked to sign the check too, and we could not determine who requested the road maintenance. We want to know that it was authorized and that is was done. Authorization and closure of the work is what is needed. I don't want to turn over authorization to do work. Let residents call the office and give Mike the authority to call directly. I don't see that there is a need to change the process. I am not in favor of exceptions.

Councilman Goltzené commented: I agree with Jim. We are not the LGWCD. They are a separate entity, and they are more than happy to let us know that. I don't see them as deciding what work they are going to do for us, and then letting us know the costs. I think that is not the way we should do it. I agree that we are going to have a meeting next month to talk about the relationship with LGWCD and the Town. We are worried about procurement, and here we are giving a contract out to the District that is fairly unlimited, and then we say – just give us the bill.

Clete Saunier, District Administrator LGWCD commented:

Before the Town incorporated we did all of these roads on a courtesy basis; on a proactive basis. We didn't wait for it to become a problem. The agreement for Town maintenance requires reimbursement on a mileage basis. We agreed to \$160 per graded road mile. That was the basis

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upon which we billed the town. The other cost is for reimbursement of road material – not for hauling costs, use of our equipment, not for employee payroll, but only for the material cost. It is based on \$160 per mile. We requested reimbursement of October, November and December, based on \$160 per mile on each of those roads that were graded. That is how we have been paid since 2009. To give you some perspective – we used to do courtesy grading – no expense for reimbursement. Right now, with the installation of new management company and new staff, we would put in requests, it might be two or three days – we have folks calling 2 and 3 times per day for the same road. We don't pass the buck to the Town. We take the call and then coordinate with the Town to try to get it processed. The process doesn't work – it is systemic. If my grader sees that a road needs grading while he is out there, why can't he do the job while he is out there. If we could have a little bit of trust – please believe us when we say that we graded a road, we graded the road. To have a request by a person that calls it in, it is too late it is being reactive, rather than proactive. We are talking about \$1,000 to \$1,800 for some of the road grading we are doing. The system right now is a bureaucratic nightmare.

Councilman Goltzené commented: Clete it is inaccurate. The District will submit for actual costs – not lane mile –(he then reads from Agreement). If he and Frank Spence did it that way – that is how they operate. They ought to do their job on the District roads first. They don't do the work they are paid to do, then they bill for more. Then he pretends that we are all in this together. I have been on the IGC – I don't buy it. To have Clete get up here and say something that is right here in the Agreement and say that it is different it just goes to show that you cannot have your own facts. Town staff in no way recommends approving this.

Town Manager Kutney commented: Clete was doing well until he said that it was a bureaucratic nightmare. As soon as we get requests we submit them. I am sorry if he believes that it is a bureaucratic nightmare, but we are going to insist on doing it the right way. I think it is working pretty well right now. There have been some periods when we were shorthanded, but we try to get to them as quickly as we can. I am certainly willing to work and try to streamline anything, but I have to meet financial requirements.

Mayor Browning commented that timing was part of the issue related to roadway maintenance.

Clete Saunier, District Administrator LGWCD commented:  
I did not mean anything by bureaucratic nightmare. It was a strong word. The current system is working much better. Sometimes, because there is a communication that has to take place between us and the Town, sometimes we both cannot respond on time. We need to streamline. Respectfully, I know that Mr. Kutney and staff have financial matters that they need to comply with. The \$160 per mile was agreed upon prior to Underwood Management and it was all agreed to as a reimbursement. It is based on actual costs.

Councilman Goltzené commented: Emails do not supersede Interlocal Agreements.

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Mayor Browning commented: We have to go forward from this point. Bottom line, I don't think we have lost a lot of money to get the roads graded. It wasn't the most efficient, but I think we need to go forward from here.

Councilman Goltzené commented: The point that I am making is that the agreements that are made by the Town Council are the agreements that exist, and staff cannot change it to whatever was convenient.

Councilman Jarriel commented: It's like Clete said – if a grader is going down the road and sees something that needs to be graded – I do believe in authorization. A simple call and I guarantee they can get ahold of Town Management. In the past couple of months I have made a lot of requests. I asked Denise to keep me abreast of the requests. The Town has done an outstanding job. The District has done an outstanding job. I like the relationship and the working process. What has happened in the past, I agree it has been a mess. I would like to take it from today and move on into the future.

Vice Mayor Rockett commented: The request is to waive October, November, and December. It also is that we are waiving the Interlocal Agreement requirement as far as we are using per mile.

Town Manager Kutney commented : That is not our authorization.

Vice Mayor Rockett commented: We are talking about waiving authorization in order to consider payment. That is all we are doing. That is only through December. I would support waiving the authorization applicable only to October, November, and December, 2011.

**Motion: Vice Mayor Rockett made a motion to move forward with waiving the authorization applicable only to October, November, and December, 2011, with the stipulation that does not carry with it that the Town automatically pays anything. The motion was seconded by Councilman Jarriel.**

Councilman Jarriel then commented that he would like the Town Council to direct Town Manager Kutney to devise a game plan that can be agreed upon, if the \$160 per mile was not acceptable. He noted that other contractors would not even bring equipment in for that price.

Councilman Goltzené commented: Since I was on the IGC Committee we discussed that issue each time, but we could never get around to it, for whatever reason. If you go to a price per mile you have to compare that to somebody's price per mile, but we need an RFP for someone to tell us what their costs are. Without something to compare it to, we have nothing to compare it to.

Public Comment:

John Ryan, 3508 "A" Road, and Board Secretary/Treasurer LGWCD commented:- I do not disagree with the kind of comments that Tom, Jim, and Mark were making. We have got an Interlocal Agreement (ILA) that doesn't work. I have brought up an annual schedule for all non-district roads in terms of frequency. We have asked the Town to use that, along with the Town Council members to give input, and put together an RFP to be bid upon. It would simplify everyone's life, and not violate the procurement policy. Right now no one is satisfied. The problem is that you have a variety of things that fit the District equipment and things that don't fit the District equipment. Rather than trying to make something impractical work, we ought to get that schedule, review by Town management and Town Council and then go through an RFP process, then the District would also be a bidder. The benefit of at least a basic schedule is that Clete and Mike would be able to meet the requirements of non-district and district road schedules. I think we need to take a slightly different approach and I would like this to be one of the items at our September workshop.

Town Manager Kutney commented: I appreciate Mr. Ryan's comments. I don't want the Town Council to come away with the image of the current procedure being a problem. I am not getting calls from people that are saying their roads are not graded. The second thing is - I even suggested to Clete that we expand the Interlocal to take care of some of the hedging issues. We have not had people calling to complain that their roads are not getting done.

Public Comment:

Frank Schiola, 13434 Marcella Blvd., commented: There is a current ILA in place - it lets people know what we are doing and this is how the money is being spent. Doing an RFP is a good idea, because if the District has the best price, the ILA can be changed to reflect that. The ILA is here to protect everybody involved. We don't want to go ahead and give anybody free rein. That is why we have the ILA. It could be improved upon to make it easier for everyone - yes - there are probably little tweaks that could be made.

Thias Gonzales, 13090 Raymond Dr. - Commented that I do understand the conflict between ILA and the way things have been handled. But, I also know how bad the roads can get, mine being one of them. I am trying to think of ways to get the work done fast, without breaking the agreement, such as taking pictures to submit.

**The motion made by Vice Mayor Rockett, seconded by Councilman Jarriel, to move forward with waiving the authorization applicable only to October, November, and December, 2011, with the stipulation that does not carry with it that the Town automatically pays anything, passed 4/1, with Goltzené opposing.**

Councilman Goltzené commented: Once again, the point I want to make is that I am aware of District roads that are in disrepair and not being kept up to standards. I think they should keep those roads up to standard before they do this other work, which is billable. I get graded twice a year and we pay for that for that – we are not getting what we deserve. But they are too busy out there doing this other billable work. I find that for myself, those on my road have gotten a short end of the stick from the District, and we are not getting our services, and whenever I have complained about this to Clete, nothing gets done. I guess I will just say it here every week.

Councilman Jarriel commented that he would find out from Town Management tomorrow if road requests have not been taken care of.

## **11. CLOSING COMMENTS**

### **a. Public**

Virginia Standish, 15410 North Road - Commented that she likes the idea of streaming video. Refers to the workshop that is coming up regarding Okeechobee development.– don't bear the burden of infrastructure for developers. Ask residents and landowners to bring ideas. Let the residents open up to you and say things. Stay away from taking the developers' cost of infrastructure on.

### **b. Town Attorney**

None

### **c. Town Council Members**

**Vice Mayor Rockett:** Thank you for coming. Thank you for input. I did get to meet with Jess Santamaria, and had a great conversation; he is a great supporter of this Town. He gave me a couple of ideas I will bring up later. It was a good meeting.

**Councilman Ryan Liang:** Thank you for coming

**Councilman Jarriel:** Appreciate time and effort of group tonight.

**TOWN OF LOXAHATCHEE GROVES**  
**MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, AUGUST 7, 2012**

**Councilman Goltzené:** Would like to set something straight from last week, regarding a comment made in reference to putting greenways into the comp plan and apparently the speaker did not do his homework before making that comment, -- it is in there section 5.b. I see a lot of new faces. I am glad to see more people getting involved.

**Mayor Browning:** Mr. Yee, landlord, is willing to go with what we discussed at last meeting. Mike Cirullo will write up the contract.

Town Manager Kutney responded that he would like to ask the Town Council to take a step back on the contract with Mr. Yee, as discussion was needed. He expressed concerned that a member of the Town Council was moving into the administrative area. He noted that he did not consider the deal described by Mr. Lipp at the last meeting as a very good deal. He wanted to speak to all of the Town Council members individually regarding this matter, and he requested that the issue be deferred.

Mayor Browning replied that he thought that he had the consensus of the Town Council, and that he needed some direction at this time.

Town Attorney Cirullo recalled that the Town Council had authorized the Mayor, at the last meeting, to have a conversation with Mr. Yee.

Mayor Browning stated that he had called him and he said he would do it.

Town Manager Kutney responded that this was a Charter issue, and needed discussion. Negotiating a contract was the work of Town Management.

Mayor Browning asked why Mr. Kutney had not said that last week, and Mr. Kutney replied that he had not had the opportunity.

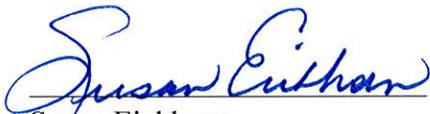
Town Attorney Cirullo stated that it was his understanding that the Mayor would speak with Mr. Yee and get with Town Manager Kutney before something was brought formally to the Town Council. He indicated that it was now at the point where there was integration with Town Management as to what to do next. He noted that he had not had a chance to get with Town Manager Kutney yet. He explained that he had interpreted the Mayor's direction, as working with Town Management.

Mayor Browning responded to Town Manager Kutney that he apologized if he had stepped on his toes.

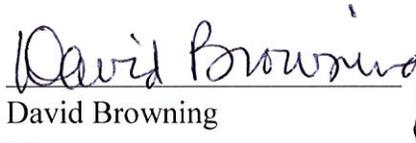
**ADJOURNMENT**

There being no further business, the Town Council meeting adjourned at 10:00 p.m.

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



Susan Eichhorn  
Town Clerk



David Browning  
Mayor

SEAL

