



## Town of Loxahatchee Groves

### Town Council Meeting

Tuesday, September 4, 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

#### FIRST BUDGET PUBLIC HEARING

1. **Resolution No. 2012-11** - Establishing Proposed Millage

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING THE PROPOSED MILLAGE FOR THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PURSUANT TO THE BUDGET SUMMARY FOR THE FISCAL YEAR 2012-2013, IN ACCORDANCE WITH CHAPTER 200, FLORIDA STATUTES, AS AMENDED; SETTING FORTH THE DATE, TIME AND PLACE FOR THE SECOND AND FINAL PUBLIC HEARING TO ADOPT THE TOWN'S MILLAGE RATE FOR THE FISCAL YEAR 2012-2013 AND DIRECTING PUBLICATION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo advised that this is the first public hearing to consider and adopt Resolutions for the millage and tentative budget, and for setting the next public hearing to adopt the final millage and budget. Both resolutions set the final budget hearings for September 18, 2012 at 7:00 p.m. He explained that these items are public hearings and the

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Mayor can ask for public comment after the Town Council makes a motion and before voting on that motion.

Town Attorney Cirullo read Resolution No. 2012-11 by title, as printed above.

**Motion: Councilman Liang made a motion to adopt Resolution No. 2012-11. The motion was seconded by Councilman Jarriel.**

Mayor Browning called for public comment. There was none.

**The motion to adopt Resolution No. 2012-11 passed 5/0.**

**2. Resolution No. 2012-12- Adopting Tentative Budget**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A TENTATIVE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; 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, 2012, AND DIRECTING PUBLICATION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Town Attorney Cirullo read Resolution No. 2012-12 by title, as printed above.

Town Manager Kutney reported that staff had made all changes and modifications requested up to this time. The final solid waste rate would be approved at the September 13, 2012, meeting. Pete Reilly, Division Manager, Waste Pro, was present, and wanted to review what he had stated at the August 21<sup>st</sup> meeting. Mr. Kutney noted that he and Town Attorney Cirullo were asked to review the Waste Pro contract, and after review, believed that the Town would need to go through the procurement process, and request an RFP. The one pending item was the contract with the Sheriff's office to determine if there were any contract modifications they were going to make, and he would follow up and report back to the Town Council before the final budget hearing.

**Motion: Councilman Liang made a motion to adopt Resolution No. 2012-12. The motion was seconded by Vice Mayor Rockett.**

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Councilman Liang questioned some of the capital improvement items: the Collecting Canal Road and the traffic light figures. Mr. Kutney indicated that the figures referred represented FY12-13 estimated costs.

Vice Mayor Rockett requested information regarding the Waste Pro rates and Waste Pro contract.

Pete Reilly, Division Manager, Waste Pro and Patricia Christensen, Marketing Manager, Waste Pro, addressed the Town Council, stating that they would like to have a 5-year contract that would allow them to recoup their investment with the new carts, and provide service to residents. Ms. Christensen stated that a standard garbage contract is 5 years, and that she did not have the authority to ask for anything less at this point; Waste Pro needed to have some sort of assurance that the investment in the community would go past 2012.

Vice Mayor Rockett commented that he thought there would be the opportunity to discuss recouping costs at the end of 2013, for example, if the Town went with another vendor and wanted the carts to remain. He remarked that he had not heard any creativity on the part of Waste Pro relative to that. Ms. Christensen replied that meetings had been held with Town Manager Kutney on several occasions and that option had never come up for discussion; she could go back and discuss options with her management. Mr. Reilly noted that the intent of the offer at the last meeting was never to hold a club over the head of the Council; the offer was made to provide the Town with cost savings.

Town Attorney Cirullo pointed out that there would be a Special Town Council Meeting regarding the solid waste assessment on September 13, 2012, at which time the final assessment amount would be set; the amount could be finalized at the September 18, 2012 final budget hearing.

Ms. Christensen advised that she and Mr. Reilly would meet with Town Manager Kutney before that time and hopefully have something worked out before the meeting.

Town Attorney Cirullo explained that this was the last year of a five year contract, and the contract did not provide for renewals. It was his opinion that the Town should go out for an RFP for responses.

Ms. Christensen commented that hopefully the Town would do an RFP versus a straight bid, because that would allow the option to choose a slightly higher rate because of the service. Sometime the lowest rate was not the best rate, and you have to look at the quality of service, and the company that you are hiring and their qualifications in order to make the best decisions for your citizens

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Councilman Jarriel commented that he hoped that when an RFP was done, it could be made so that a contract could be extended for another 5 years.

Mayor Browning commented that he appreciated the job Waste Pro has done, and that there had been some confusion with the options to save money; the Town could finish out its contract with Waste Pro, and then Waste Pro could provide a proposal; he did not want to change companies unless there was a real cost difference.

In response to the request of Vice Mayor Rockett regarding an explanation regarding the contingency, Bill Underwood, Managing Partner, Underwood Management Services, LLC, replied that excess funds had been transferred; money had been put into the general fund from reserves; more capital projects had been funded in this upcoming budget. Vice Mayor Rockett stated that he liked to have a contingency amount in the budget, and would like to put something back in there, and not have it reflect zero. Mr. Underwood urged him to consider the fact that there was still a significant amount of unassigned fund balance available, and as the year moved forward those funds could be used.

Discussion continued. Mr. Underwood clarified that the direction was to increase revenues by transferring \$75,000 of the fund balance and plug that into the contingency in the expense line. It was the consensus of the Town Council to do that.

Councilman Goltzene suggested that the current name of "Linear Park/Grant Match" under the Capital Improvement Program be changed to something on the subject of Greenways; something that could work into a broader category.

Mayor Browning stated that he was not against spending money to acquire some land for trails, whether there was a grant match or not. Mayor Browning opened the public hearing.

Public Comments:

Nina Corning, 2834 "E" Road: Suggested that the term "linear park" be renamed to be just Greenway.

Councilman Goltzené commented that water retention aspect of the greenway was always mentioned, and that the Florida Department of Agriculture had programs that could help the Town with greenways if they could be worked into a water retention system, and also on private property, if they agreed to retain water; there were some programs that allowed payments from the State. People may want to take advantage of putting in water control structures and receiving reimbursement from the government.

**Motion: The motion made by Councilman Liang, seconded by Vice Mayor Rocket to adopt Resolution No. 2012-12, passed 5/0.**

Discussion took place regarding Council member attendance at the September 13, 2012, Special Town Council Meeting. Town Attorney Cirullo advised that three Council members must be present in order to have a quorum. Town Manager Kutney informed that the solid waste assessment per property was \$291.57, and the Resolution would be prepared with that proposed rate per property. The current rate was \$372.73.

Town Manager Kutney explained that fiscal policies were being presented for discussion only, since the FAAC meeting had been cancelled, due to Tropical Storm Isaac. Mr. Underwood provided information on the proposed fiscal policies, explaining that the policies addressed the key elements of revenue, expenditures, debt, and investments, and set forth the guidelines that the Council would follow. The goal was to generate enough revenue to pay expenses without dipping into reserves.

**PUBLIC NOTICE/AGENDA**  
**REGULAR TOWN COUNCIL MEETING**

**1. OPENING**

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:02 p.m. Upon roll call, those present were Mayor David Browning, Vice Mayor Jim Rockett, and Council Members Tom Goltzené, Ronald Jarriel and Ryan Liang. Also present were: Bill Underwood, Managing Partner of Underwood Management, Town Manager Mark Kutney, Town Attorney Michael D. Cirullo, Jr., and Town Clerk Susan Eichhorn.

b. Pledge of Allegiance & Invocation –Mayor Browning

c. Approval of Agenda

Councilman Jarriel requested the addition of two items under New Business; Item 10.a. Discussion related to the American Red Cross; Item 10.b. Discussion related to Hyde Park Road.

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

## **2. CONSENT AGENDA**

- a. 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 Liang. The motion passed 5/0**

## **3. PRESENTATIONS – None**

Mayor Browning requested an update regarding Tropical Storm Isaac from Administrator Clete Saunier, Loxahatchee Groves Water Control District (LGWCD)

Mr. Saunier requested that he be allowed to summarize the events that had occurred during Tropical Storm Isaac. He distributed a rainfall report and a canal water level report from the past several days.

**Motion: Vice Mayor Rockett made a motion to receive and file the reports. The motion was seconded by Councilman Liang. The motion passed 5/0.**

Mr. Saunier stated that he had never been more proud of the LGWCD staff, and that approximately two billion gallons of water had been discharged through the LGWCD gate structures. He recommended a public service campaign that would describe what to expect during a storm like this. He reported on some of the road situations in the Town, and noted that a meeting was tentatively set up with the Federal Emergency Management Agency (FEMA) to determine what funding would be available and how to declare this a disaster area. He provided information regarding the amount of rainfall measurements.

Vice Mayor Rockett suggested that there ought to be a contingency plan in place for the future, and that discussions should take place regarding the criteria that is used for water management during such events.

Mr. Saunier replied that the South Florida Water Management District (SFWMD) regulates the LGWCD. The basins within the District had more allowable discharge than any surrounding communities; that was established by the Corps of Engineers study many years ago, and updated as they improved the systems for the storm water treatment areas. He noted that he had received an e-mail from the SFWMD regarding a round table discussion of the events of the storm, to be held on September 12, 2012.

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John Ryan, 3508 "A" Rd., commented that rainfall had been measured as 18 inches by a resident in the north end of Town. His property and that of his neighbors had turned into a lake and had flowed evenly with the canal. The culvert under 161<sup>st</sup> was a limiting factor and the culvert under Okeechobee Blvd. was another limiting factor. People needed to understand that we have to look at longer term solutions; when the County does any work on Okeechobee we need to look at getting larger culverts, or more culverts.

Dave DeMarois, LGWCD, commented that Town Manager Kutney had attended most of the EOC meetings, and agency conference calls that had been held every day, and the Town was very helpful. He thanked Town Manager Kutney and the Town staff for the tremendous job they did. He said that ten years ago this water would sit there for a minimum of two weeks.

Vice Mayor Rockett thanked Mr. DeMarois for working with the crew and helping the people of the Town.

**4. COMMITTEE REPORTS –**

- a. Finance Advisory & Audit Committee (FAAC) Report & Approval of the June 2012 Financial Report – Vice Chair Elise Ryan

Elise Ryan addressed the Town Council, noting that members of the Town Council, the LGWCD, Mark Kutney, and Frank Schiola all did a tremendous job during Isaac.

She noted that the last FAAC meeting was scheduled for Monday, Aug. 27<sup>th</sup>, but Isaac happened, and the meeting was cancelled, to be rescheduled. Tonight she was reporting on the June financials, which were approved 3/0 by the FAAC. The bank balance was 3.02 million.

Mr. Underwood advised that the Town was generally in good shape – there would be some fluctuations up and down, but nothing that would impact the Town negatively.

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

**6. ORDINANCES (1<sup>st</sup> Reading) –none**

**7. RESOLUTIONS**

a. Resolution No. 2012-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Town Attorney Cirullo read Resolution No. 2012-13 by title, as printed above.

**Motion: Vice Mayor Rockett made a motion to adopt Resolution No. 2012-13. The motion was seconded by Councilman Liang.**

Public Comment: None

**The motion passed 5/0.**

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

Town Manager Kutney provided the administrative update, noting that a number of agenda items had been moved to future Town Council meetings, as a result of Tropical Storm Isaac, and that staff would try to make each future meeting manageable. He provided a brief report on the storm, and explained that the Town website had crashed due to bandwidth issues, and the management company had decided to put up the new website. Both websites would be operating as the new website was getting the final bugs worked out. He thanked Frank Schiola and John Choquette for their efforts during Tropical Storm Isaac. He said that he had done visual inspections of the Town on Monday, and it became clear to him that the situation was getting worse and worse. On Tuesday, three teams were operating to review the situation, and get damage assessments. Damage assessment reports were forwarded to Palm Beach County, with estimates of costs. Meetings had taken place with the County. He would be meeting with FEMA to review storm issues.

Frank Schiola reported that many culverts had been blocked and he was able to get some of those freed. The rains kept on coming. The culverts were cleared whether they were District or Town. Trees that were down were removed and put to the side of the road. The culvert on Compton Road had collapsed and it will need to be addressed. Hyde Park Road had an issue where the

trees are starting to come up out of the ground because of ground saturation. Pete Reilly of Waste Pro will issue a letter, because there was a problem providing service in that area. Also, information would be provided regarding fire trucks not being able to get into those areas. He remarked that our local contractors were right there when we needed them; he recognized Jorge Perez and Johnny Choquette for their quick action.

Town Manager Kutney reiterated thanks to Jorge Perez and Johnny Choquette; also thanked Waste Pro, the staff of LGWCD, as well as his own staff. Tomorrow would be a very important step in meeting with FEMA.

## **9. OLD BUSINESS - None**

## **10. NEW BUSINESS**

### **a. Discussion Related to American Red Cross – Councilman Jarriel**

Councilman Jarriel stated that the American Red Cross unit did an outstanding job in the Town. They stayed from start to finish. He suggested that the Town make a donation to that unit of the American Red Cross.

**Motion: Councilman Jarriel made a motion to donate to \$500 to that unit of the American Red Cross from the Town's donation fund. The motion was seconded by Vice Mayor Rockett. The motion passed 5/0.**

### **b. Discussion Related to Hyde Park Road – Councilman Jarriel**

Councilman Jarriel suggested that Town Manager Kutney notify the LGWCD that Hyde Park Road needed to get hedged. The road also needed to be opened up for trash and fire services. He suggested that the culvert on Tangerine Drive be reviewed, and discussed the berm on Southern Blvd; he suggested that discussion take place with South Florida Water Management regarding obtaining a permit to put a culvert in to allow water to drain. He suggested that the Post Office could keep from being flooded if an engineer assessed the situation.

Councilman Goltzené referred to a culvert repair that was never done because of some bureaucratic reasons and now had completely washed out; if it had been taken care of two years ago, there would not have been that problem.

c. **Waste Pro – Jarriel**

**11. CLOSING COMMENTS**

a. Public

Frank Schiola, 13434 Marcella Blvd., commented that Waste Pro did bring a dumpster up to “F” Road and Okeechobee Blvd., so that people could bring their garbage up there; Solid Waste was supposed to give that information out to the media, but was not able to do that. The word was passed along through Town blogs and people were able to use it. The Town needs to collect e-mails so that blast e-mails could be sent out with information. He identified problems where there were culvert issues; they need extensions added on to them so that does not happen again. There are places that need to be addressed and Mr. Kutney and I have discussed how to move forward. Stressed that Town and District staff were on board and were not worried about jurisdictional issues. We really did not rely on the County for anything. We were able to prevail and drain the water quickly. There are some issues that need to be addressed in certain neighborhoods. He recognized that the Council members were out assessing the damage.

John Ryan, 3508 A Rd.: Commented with thanks for the American Red Cross; noted that there was quite a bit of vegetation to pick up and wondered if Waste Pro could do a little extra vegetation pick up; supports Town having a blast e-mail process in place.

Philomenia Liu, 4245 148<sup>th</sup> Terrace, North: Commented that “A” Road was very much under water. She requested that the road be filled.

Elise Ryan, 3508 “A” Rd.: Commented regarding the situation north of Okeechobee – she has been here for 13 years and had never seen this level of flooding. Everyone has taken a very significant hit to their nursery business. Questions why the water did not drain She suspects that it may have had something to do with South Florida Water Management (SFWMD); the water is now draining into the storm water treatment area, and that gate was closed during the storm. She hoped that we would get with SFWMD and see if we can come up with some plan so that we don’t get this level of water. Container plants cannot tolerate having standing water in their roots without dying.

Nina Corning, 2834 “E” Rd.: Commented that information should be put on the website rather than emails, so that everyone can get information in one place. Asked if there was anything further that could be done regarding Mosquito Control. Questioned how the storm water flowed; North Road canal was filled, and “E” Road was quite high and water didn’t seem to be moving at all until the other side of Okeechobee. Questioned why neighboring municipalities did not flood. Suggested looking at water retention and keeping more water on various sites.

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Councilman Jarriel: Commented that he rode through Royal Palm Beach and there were water problems there too; their main canal was on the west side of Royal Palm Beach and went straight into Southern Blvd where they have a pump station. Some areas of LaMancha had been under water. One of our major problems was the reserve part where there were half a dozen places where there was a waterfall. We have a berm mostly around that perimeter and we will have to extend that berm to hold more water. Both Royal Palm Beach and Wellington had water problems.

Nina Corning 2834 "E" Rd.: Commented that on Collecting Canal a lot of the bank washed out. With commercial coming in; the college coming in – she suggested that the Town may want to look into Riprap usage for water drainage when the Town brings in commercial.

Mayor Browning replied that all of the projects have to hold their own drainage water.

Sharyn Browning, 3056 "D" Rd.: Recommended that an area map be put in a high priority place on the Town website, so that people know the Town location – apparently some of the reporters in the Post still didn't know the difference between the Town and other areas.

d. Town Attorney

Town Attorney Cirullo advised that the conversation easements and declarations of restrictive covenants from Palm Beach County to the Town, which had been discussed several months ago, had been approved by the County Commission and the paperwork would be submitted to him.

Councilman Jarriel commented regarding another piece of property that he understood was owned by Palm Beach County. He explained that when the Medical Plaza being built on Southern and "F" Road, received its permit, the County supposedly got a certain amount of property from them to use for a park or something. He requested that the Town Attorney check into that, to determine if the County also wished to give that piece of property to the Town of Loxahatchee Groves. Town Attorney Cirullo advised that he would look into that.

c. Town Council Members

**Councilman Goltzene:** Concerned for all of the folks who had problems in the flood. Compliments Town and District staff, especially Frank Schiola, who did a great job.

**Councilman Jarriel:** The Town and District worked very well together. Thanked everyone, especially John Choquette, Jorge Perez, Frank Schiola; liked that the contractors were local; mentioned young man whose truck went into canal. Noted that some of the banks of the roads had been washing into the canals. Some of the problems on the OGEM roads were that the

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berms were falling into the roads; some of that was caused by some of the people driving too fast; suggests educating residents and other people to drive slow through two feet of water; liked that the OGEM roads allowed water to flow into the canal; thanked everyone for coming

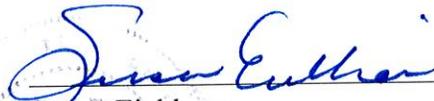
**Councilman Liang:** Hoped everyone fared all right, and thanked everyone who helped out.

**Vice Mayor Rockett:** Thanked everyone for coming. Thanked Frank Schiola. Commented regarding the fact that the speed humps on "C" road could be seen under the water, and thus indicated the roadway. Always interesting to see how a Town comes together and operates.

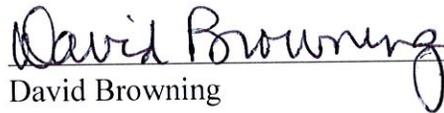
**Mayor Browning:** Thanked Frank Schiola. Thanked Jorge Perez and John Choquette; good joint effort between Town and District. Friends and neighbors and people in our church helped us with our house, which had 5 inches of water in it; thankful for all of that; thanked everyone for coming.

## 12. ADJOURNMENT

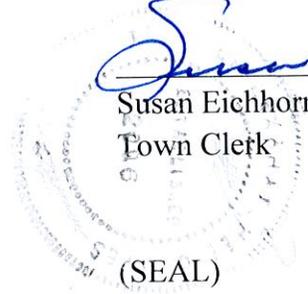
There being no further business, the Town Council Meeting of September 4, 2012, was adjourned at 9:40 p.m.



Susan Eichhorn  
Town Clerk



David Browning  
Mayor



(SEAL)

**These minutes were approved by the  
Town Council on Tuesday, October 2, 2012**