



**Town of Loxahatchee Groves**  
**Town Council/Loxahatchee Groves Water Control District**  
**Joint Workshop Meeting**  
**Tuesday, October 16, 2012 at 7:00 p.m.**  
— Central Palm Beach County Chamber of Commerce  
13901 Southern Boulevard, Loxahatchee Groves, Florida 33470

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 Eichhorn  
Town Attorney Michael D. Cirullo, Jr.

Chairman David DeMarois  
Vice Chairman Robert Snowball  
Board Supervisor John Ryan  
Board Supervisor Frank Schiola  
Board Supervisor Don Widing  
District Administrator Clete Saunier  
District Attorney Mary Viator

## Minutes

### 1. OPENING

a. Call to Order & Roll Call

The meeting was called to order at 7:00 p.m. by Mayor Browning. Upon roll call, those present were Town of Loxahatchee Groves Mayor David Browning, Vice Mayor Jim Rockett, Council Members Tom Goltzené, and Ronald Jarriel, Town of Loxahatchee Groves Attorney Michael Cirullo, Managing Partner of Underwood Management, Bill Underwood, Town Manager Mark Kutney, and Office Administrator Dennise Rodriguez. Council Member Ryan Liang arrived at the meeting at 7:10 p.m. Those present from the Loxahatchee Groves Water Control District (LGWCD) were Chairman David DeMarois, Vice Chairman Robert Snowball, Board Supervisor John Ryan,

Board Supervisor Frank Schiola, Board Supervisor Don Widing, District Administrator Clete Saunier, District Attorney Mary Viator.

- b. Pledge of Allegiance & Invocation - Mayor Browning
- c. Procedural Matters Related to Public Input

Town of Loxahatchee Groves Attorney Michael Cirullo and Town Manager Mark Kutney stated that it had been the recommendation of the Intergovernmental Coordination Committee (IGC) that the Town Council and Loxahatchee Groves Water Control District discuss all matters, and then request public input.

**The Agenda was approved as printed, through motion made by LGWCD Board Supervisor John Ryan, seconded by LGWCD Board Supervisor Frank Schiola. The motion carried unanimously.**

## **2. ITEMS TO BE DISCUSSED**

a. Discussion Items Will Include The Following:

- 1. District action required to convert perpetual Deed of Easement from Southern States Land and Timber to fee simple ownership (probably without mineral rights) – legal presentation by Town/District Attorneys.**

Town Attorney Cirullo briefly reviewed the Agenda, and stated that the focus would be on how the roads within the boundaries of the Town were dealt with. Tonight it was hoped to have a dialogue to get some sense of what overall policy direction the respective boards would suggest to be followed regarding the roads.

Town Manager Kutney advised that it was difficult for Town staff to move forward without a policy and procedure in order to ensure that the Town could adequately deal with improvements on the roadways.

LGWCD Administrator Clete Saunier stated the agenda basically contained a list of action items that had evolved from the most recent Intergovernmental Coordination Committee (IGC).

LGWCD Board Supervisor DonWiding made the suggestion that discussion center on whether the District would be dependent or independent.

Vice Mayor Rockett commented that the first issue that needed to be addressed was the roadway issue. The relationship with the LGWCD was secondary at this time. He noted that the process to change from independent to dependent was long, and that the roadways needed to be addressed first.

After discussion, it was the consensus of the Town Council and the LGWCD Board of Supervisors that discussion would take place regarding the responsibility for the roadways.

After further discussion, Town Attorney Cirullo stated that the first consensus reached was that we will move toward all the OGEM roads, regardless of whether it is a special act, being transferred to the Town. The motion would be worded to authorize the respective staffs to coordinate the transfer of the currently OGEMed roads from the District to the Town.

Attorney Cirullo stated that the respective attorneys would work on the wording of the motion and come up with a list of roads, and present it at the next meetings of the respective boards.

Mayor Browning commented that it was the intent of both boards to give the Town control of the roads to be included, and that there was agreement that the Town could design the speed humps. Town Attorney Cirullo replied that, within the design criteria, the Town could set the standards.

Vice Mayor Rockett noted that it would include North "F" Road and South "F" Road and North Road would be included. Also Collecting Canal Road would be included.

Discussion took place regarding

- a. Quiet title action (with notification to SSL&T)
- b. Any Amendment (local bill) to District enabling legislation required
- c. Relevant Florida Statutes
- d. Consider current District enabling legislation and acre assessment authority

**2. Alternative futures for LGWCD as it relates to the Town**

- a. Independent Special District
  1. With periodic assignment of OGEM/speed hump road segments to Town

2. Providing contract services to Town for all roads (District and Non-District)
  3. Continuing sharing of revenues associated with gas tax funds received by the Town
- b. Dependent Special District
1. Ad valorem tax basis for non-assigned roads and canals
  2. Acre assessment basis for non-assigned roads and canals

Bill Underwood stated that it was perfectly fine to retain an independent district focusing on canal and drainage issues; it was not necessary to be dependent. Frank Schiola agreed with Bill Underwood that there was a lot of work to do, and the Town Council would not want to go ahead and have an extra couple hours tacked on to their Town Council meetings.

Ron Jarriel agreed with Bill Underwood that it should be kept independent, and drainage was the main focus of the District. He hoped the Interlocal Agreements could be kept local, rather than with an outside contractor.

John Ryan suggested that the District be kept independent at this time, stating that if the Town took over the whole district as a dependent district, the first complex issues would be the two tax systems and assessments. That would raise very complex issues, and he suggested that, for now, keep it the way it was.

**It was the consensus to have the District remain as an independent district.**

Don Widing stated that a better job of communicating must be done, a joint process, so that the public would know who was responsible for what, and what was the responsibility of the public as well.

3. **District handling maintenance work on both assigned District roads and non-District roads**
  - a. Per Town approved schedule and as needed/on call
  - b. Payment/reimbursement arrangements – ILA and process documentation involved.
  - c. Speed humps – design and liability issues.

Town Manager Kutney expressed that the main concern is that sometimes cities and towns inherit problems that they may not have created, such as the process of how the Town can do any kind of public works improvement, when the Town does not own the roads. It was something that still had to be looked at in this entire issue.

Councilman Jarriel raised the issue regarding the possibility of doing hedging through a grant. Mr. Kutney replied that he did not believe it could be handled through a grant, however, it could be handled through an Interlocal Agreement (ILA). He stated that he would need to research the grant issue. He noted that there were issues regarding gas tax requirements, Town policy, and the ILA. He pointed out that the Town did not own any roads, and could not do any improvements. Right now, the roads were private easements.

Mayor Browning suggested streamlining any ILAs we have.

Clete Saunier stated that he had a sample ILA, from a water control district within the County, for managing Jupiter Farms, which enumerated the times per year that grading and mowing would take place, for "x" number of dollars paid in quarterly installments. The invoice to the County stated "quarterly payment", and was one fourth of the total amount, without back-up documentation. He suggested that type of ILA could be pursued.

Attorney Cirullo requested that a copy of that document be provided for review.

Mayor Browning stated that an RFP could be put out, allowing the District to compete.

John Ryan noted that The jobs were defined by the amount of time involved, and suggested that would be fairly easy to document. Simplify things with an RFP, so that the Town would have a basis to get the work done. This would be a way to evaluate the District as opposed to some other contractor.

Clete Saunier suggested that the RFP include hedging and grading.

Bill Underwood clarified that the Town and District were moving forward with the existing ILA as it is, and what we are talking about is a future ILA, so that the guidance provided thus far to the District will be that that is incorporated to finish out the year just ended.

### **3. PUBLIC COMMENT**

Lung Chiu, 3270 "B" Road, commented regarding the billings from the Loxahatchee Groves Water Control District.

Howard Voren, 1538 "E" Road, congratulated everyone who worked so productively this evening, and expressed personal disappointment regarding acquisition of the roads without the mineral rights. He suggested that this was something to be looked into.

### **4. WRAP-UP/CLOSING COMMENTS**

**Frank Schiola:** Congratulated everyone here on a phenomenal job.

**Councilman Goltzené:** Thanked everyone for participating.

**Don Widing:** We need to set another date for discussion, and keep going.

**Councilman Liang:** Keep the progress going, and keep focused.

**Robert Snowball:** Thanked everyone for coming.

**Councilman Jarriel:** The County made repairs between Folsom and Red Barn on Okeechobee Blvd. He credited both the Town and the District for following up, and for the residents that called. The County was starting on the drainage ditch on the south side of Okeechobee Blvd., and it looked good. If we work together, we can make things happen for Loxahatchee Groves. Thanked everyone for coming.

**John Ryan:** Thanked everyone for coming and getting the job done.

**Vice Mayor Rockett:** Thanked everyone for coming.

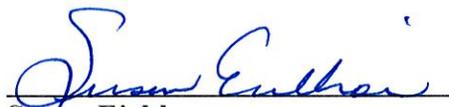
**David DeMarois:** Thanked everyone for coming.

**Mayor Browning:** Thanked everyone for coming.

Mr. Kutney noted that at the last Town Council meeting on October 2, 2012, a shade meeting on Nov. 6, 2012, had been arranged, however, because of some attendance conflicts he would like to have the date changed to November 12, 2012. at 5:30 p.m. Also, he requested cancelling the November 6, 2012, Town Council meeting, since it was national election day; all those items on the November 6, 2012, agenda would be added to the agenda for the November 20, 2012, Town Council meeting.

**5. ADJOURNMENT**

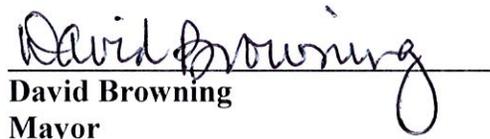
There being no further business, The Joint Workshop Meeting between the Town of Loxahatchee Groves and the Loxahatchee Groves Water Control District, held on October 16, 2012, was adjourned at 9:00 p.m.



**Susan Eichhorn  
Town Clerk,**

**(TOWN SEAL)**

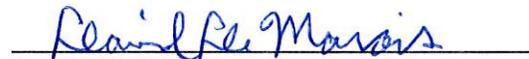
**TOWN OF LOXAHATCHEE GROVES**



**David Browning  
Mayor**

**Date:** 11-20-2012

**LOXAHATCHEE GROVES WATER  
CONTROL DISTRICT**

  
**David DeMarois  
Chairman**

**Date:** December 11, 2012

**These minutes were approved by the  
Town Council on Tuesday, November 20, 2012**