



Town of Loxahatchee Groves  
Regular Town Council Meeting  
Tuesday, February 2, 2016 at 7:00 p.m.

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 Ronald Jarriel and Council Members Tom Goltzené and Ryan Liang. Also present was Town Manager Bill Underwood, Town Attorney Michael D. Cirullo, Jr., and Town Clerk Virginia Walton. Council Member Jim Rockett was absent.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Manager Underwood requested the addition to the consent agenda of an application for connection to PBC Water Utilities for the First Holiness Church

**Motion:** a motion to approve this addition to the consent agenda was made by Council Member Goltzené and seconded by Vice Mayor Jarriel. Motion passed 4 – 0.

Council Member Goltzené requested that item #6a be continued to the April 1, 2016 agenda.

**Motion:** a motion to continue item #6a to the 4/1/2016 agenda was made by Council Member Goltzené and seconded by Vice Mayor Jarriel. Motion passed 4 – 0.

**Motion:** a motion to approve the agenda as revised, including Addendum #1, was made by Vice Mayor Jarriel and seconded by Council Member Goltzené. Motion passed 4 – 0.

**2. PUBLIC COMMENTS**

Dennis Lipp stated, based on what had occurred during the last elections, he hoped the election process for the March 2016 elections would be handled above board.

Robin McCloud stated she lived on Folsom Road and when there was a lot of rain, someone made cuts into their land and drained the muddy water into their pond. She wanted to know who was responsible for this and how to make it stop. Mayor Browning asked Manager Underwood to make a note to check on this.

Marge Herzog announced that the Landowner's Association would be having a Candidate Forum on March 25, 2016, starting at 7:00 pm, and invited everyone to attend. She also hoped all candidates would be present.

Virginia Standish thanked all members of the various committees for volunteering their service. Also, why was 161<sup>st</sup> the only Town road that was graded weekly, while all the others are graded only once a month. The Town Council should make decisions based on all the residents and should have a consistent policy for all roads.

Keith Harris stated there seemed to be different terminology used in Loxahatchee Groves. He was accused of "bashing" someone at the last meeting. His comments were to make the point that after the last election the Town Council voted not to let people speak. His comments were not about a check issued by Council Member Rockett. He was talking about another candidate who had picked up people's absentee ballots and assisted by a council person whose son had an illegal business in Town; then the candidate, once elected, made a motion to change the zoning for the son's illegal business. The Mayor also had stated that there needed to be balance between the Water Control District and the Town. Mr. Harris stated this was a new Era and their needed to be a single government. Where was the 5 year plan or the 10 year plan by the Town? Listen to your public. (Mr. Harris's comments extended beyond the three minute time limit, but asked and was granted an extension on time.)

Todd McLendon stated he saw a lot of new faces here tonight. He was running for Council and would be happy to meeting anyone in the lobby to listen to their comments and concerns.

Ken Woods, President of PSG, stated he had drafted a letter and would make his comments from that letter. It was the intention of the Vice Mayor tonight to call for the termination of his company; and he agreed that PSG was not a suitable company for the Town based on: 1) he was not willing to jeopardize the integrity of his company and undermine the best interests of the citizens; 2) in his opinion, the only suitable company would be one that showed preferential treatment to the Vice Mayor; and 3) in his opinion, it was the intention of the Vice Mayor to bankrupt the Town and have the Water Control District take control. Mr. Woods stated he had filed a formal complaint with the Florida Election Commission and the State Attorney's Office in Tallahassee.

Nick Gordon, San Diego Drive, stated his road had potholes, flooding and no drainage. He was a firefighter and had concerns about the ability of emergency vehicles having access to the road. Why were the roads only being graded monthly? If B Road was paved all the way, would it drain into them? They would rather have their road paved.

Mark Jackson stated he wanted his road taken off the tax role and no grading at all to be done. He has taken care of it himself for years. Now the new company had graded the road, scrapped off the rock he had put down and ruined the road crown. He submitted a bill for the rock he had purchased, wanted to have the rock replaced at Town expense and no more grading. Also, to do grading on these roads just once a month was not enough.

**Motion:** a motion to receive and file the bill was made by Vice Mayor Jarriel and seconded by Council Member Goltzené. Motion passed 4 – 0.

Cletus Keaton read a letter into the record requesting a response from his previous request that the Town Council instruct the Town Manager and Attorney have the Attorney General's Office clarify three issues: 1) Bona Fi Ag Exempt statute as it related to land clearing; 2) extend of Town's Management having authority to qualify land as Bona Fi Ag Exempt; and 3) address method the County uses for qualifying land as Bona Fi Ag Exempt. He clarified that the intent of his last letter as written was that someone was either negligent or complicit for his request to go unanswered and would suggest a possible ethics issue. He wanted to know when light commercial had been allowed on his road. His neighbor had started a business and was encroaching on the 15 foot setback required.

**Motion:** a motion to received and file the letter was made by Council Member Goltzené and seconded by Council Member Liang. Motion passed 4 – 0.

a. Council Response to Public Comments

Mayor Browning asked Mr. Keaton if he had filed a complaint against his neighbor. Mr. Keaton responded he had not. He felt the Town Management had not addressed the right driveway. The dedicated easement ended there, but was told it went all the way thru. He had gotten the paperwork signed, but was too late to file.

Council Member Goltzené responded to Mr. Jackson's comment that the Town had asked and received the Attorney General Opinion and that opinion was what they were basing the responses on. The Town does not decide who is Ag Exempt; the County Property Appraiser does. It is true there are two sets of rules, but those rules are made in Tallahassee and the Towns just have to go by them. Regarding roads, Council Member Goltzené agreed that just pushing the dirt around is not helping and the roads needed to be paved. Once the District turns the roads over to the Town, the Town could do just that; however, they were not allowed to spend public funds on private roads.

Regarding Mr. Harris' Lipp's comments, Vice Mayor Jarriel stated he was a Vietnam Vet and no one can stop his first amendment rights to campaign for whomever he feels is the best for this Town. Also, Vice Mayor Jarriel felt that Mr. Harris had lied for the last month because he knew that the investigation into ballot fraud had been closed in November due to not enough evidence. Mr. Harris responded that the case had been re-opened in January 2016. Vice Mayor Jarriel stated he would check on that. Regarding Robin McCloud's comments, they were working on trying to get Collecting Canal turned over from the Water Control District. It needs to be paved and culverts and basin installed. Regarding Virginia Standish's comments about grading only once a month, the contract reads "once a month or whenever needed". The rain does impact what work was done. It has to do with money. Regarding 161<sup>st</sup>, it is two miles long with 57 five acre residents and has a lot of use as a pass-thru street. It is no longer being done once a week with the new contractor.

Regarding the two letters to the Town Council from Mr. Woods calling him a liar, he would discuss this company more during his Council Comments, but he would like to have Mr. Woods take a lie detector test to prove who was telling the truth and who was not. Regarding San Diego Drive, this was the nastiest road in Town and records show the last time it was graded was January 1<sup>st</sup>. The Town Manager tried to help and he hoped theirs would be top of the list for the new company. They needed to drop three loads of fill and also follow with a water truck and roller. Regarding Mr. Jackson's comments, he had seen the road torn up and had asked the Manager not to grade because they had known for years that he had always done his own road.

Keaton's comments, he knew the situation where the neighbor had put a double wide trailer and 48 stalls on the five acre property and was dumping manure in a dumpster right on the property line by Mr. Keaton. Vice Mayor Jarriel agreed that he should file a nuisance complaint, but reminded him that there was a one year deadline.

Mayor Browning responded to some statements that had been made by Mr. Harris regarding alleged previous statements by Mayor Browning that the Town would never have been incorporated if not for the Water Control District, and Mr. Harris felt that the Mayor put the Water District interests first. Mayor Browning stated that he had resigned from the District to run for the Town Council because he believed in the Town, but he knew at that time that the two entities had to co-exist. Mayor Browning added that it was now time for the District to be secondary and the Town to take responsibility for the roads. Regarding the grading issues, there had been a major water event the past two weeks which had severely impacted the condition of the roads. The Water Control District had been contacted to assist but was not interested in helping. The Town was trying new things to resolve the road condition issues, and were willing to spend some money to do so, but not unless the Town owned the roads.

### **3. CONSENT AGENDA**

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: January 19, 2016 Town Council Meeting
- b. Invoice for Goren, Cherof, Doody & Ezrol, P.A.
- c. Ratify Pavement Marking for Speed Humps
- d. Approval of Connection to Palm Beach County Water Utilities Department for First Holiness Church of the Living God Inc.

**Motion:** a motion to approve the consent agenda, as revised, was made by Council Member Goltzené and seconded by Vice Mayor Jarriel. Motion passed 4 – 0.

### **4. PRESENTATIONS**

- a. State Attorney Dave Aronberg – 15<sup>th</sup> Judicial Circuit, Palm Beach County – **this item was pulled from agenda under Addendum #1**
- b. Diane Suave, Palm Beach County Animal Care and Control

Ms. Suave introduced herself and gave a brief outline of the programs and areas that Animal Care and Control is responsible for. There was a question and answer period with the audience concerning areas involving feral cats, neutering programs, horses, cows, pigs, and briefly on the slaughtering issues currently going to trial. Council thanked Ms. Suave for coming and stated anyone wanting further information on any programs could meet with Ms. Suave in the lobby.

- c. Darlene Malaney, State Representative for the Government Finance Officers Association (GOAF) will present the Certificate of Achievement for Excellence in Financial Reporting Award for the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ending 2014

to the Town of Loxahatchee Groves.

Ms. Malaney explained that the GFOA had been in existence since 1907 and stressed high quality financial reporting as its goal. There were only 3700 municipalities in all of the United States and Canada, and only 255 in all of Florida, who had attained this Certificate of Achievement for Excellence. This was the ninth year in a row that Loxahatchee Groves, which was a major accomplishment. Ms. Malaney credited Perla Underwood for this year's award and presented her with the plaque honoring this accomplishment.

d. Palm Beach County Fire-Rescue Annual Report – October 2, 2014 – September 30, 2015

Battalion Chief Mike Arena gave a powerpoint presentation for the yearly statistics for Fire-Rescue activities in Loxahatchee Groves, as well as outlining the equipment used and available from surrounding stations and the ongoing training of Fire-Rescue personnel. Battalion Chief Arena answered questions from the Council and from the audience of residents.

## 5. COMMITTEE REPORTS

a. Finance Advisory and Audit Committee (FAAC) Report  
Anita Kane, Chair

Ms. Kane stated the Committee had welcomed a new member who had vast experience and would be a wonderful addition. The Committee reviewed the financial reports for October, November and December and recommended approval. Ms. Kane stated the Committee also looked at the financial related policies and procedures and found some to be contradictory. They would be working on recommendations for more practical and efficient policies and procedures in the near future. The Committee also looked at one option for investment of excess Town funds; but they wanted to look at other options prior to making any recommendations in a presentation for the March 1, 2016 agenda.

**Motion:** a motion to accept the report from the FAAC Committee was made by Council Member Goltzené and seconded by Vice Mayor Jarriel. Motion passed 4 – 0.

## 6. RESOLUTIONS

a. RESOLUTION NO. 2016-07 (Agreement) – **this item was continued until the April 5, 2016 agenda**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND UNDERWOOD MANAGEMENT SERVICES GROUP, LLC; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

b. RESOLUTION NO. 2016-08 (Speed Limits)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, EXPRESSING THE DESIRE AND INTENT OF THE TOWN

COUNCIL TO REDUCE THE SPEED LIMIT OF OKEECHOBEE BOULEVARD WITHIN THE MUNICIPAL LIMITS OF THE TOWN FROM FORTY-FIVE (45) MILES PER HOUR; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo advised the Council that this ordinance was to express the intent of the Town to begin the process of a study to see the feasibility of lowering the speed limit; authorize the Manager and Attorney to communicate with Palm Beach County and the FDOT, and then bring back the findings of the study and meetings so that the Council could make a decision. There were no Council comments or public comments on this item.

**Motion:** a motion to approve the resolution was made by Council Member Goltzené and seconded by Council Member Liang. Motion passed 4 – 0.

## 7. ORDINANCES

### a. ORDINANCE NO. 2016-01 (First Reading - Council Compensation)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2013-01 TO INCREASE THE COMPENSATION FOR COUNCILMEMBERS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo stated this ordinance was brought forward at the request of Council at the last meeting. The second reading and adoption would require a super majority of four votes. Once adopted, it would not take effect until after the current election cycle, on May 1, 2016, unless there was a run-off election. In that case, it would take effect after the run-off election cycle. There were no Council comments or public comments on this item.

**Motion:** a motion to approve the ordinance on first reading was made by Vice Mayor Jarriel and seconded by Council Member Liang. Motion passed 4 – 0.

## 8. MANAGER'S REPORT – Town Manager Underwood

### a. Agenda Item Report – Updates on various activities and issues concerning the Town

Manager Underwood advised the Council that WBI would be finished shortly with 6<sup>th</sup> Court North and it looked very nice. Regarding 6<sup>th</sup> Court North nursery, a survey was needed to expand the trail. He was implementing the culvert policy and noted there were three or four on “B” Road, as well as the culvert on “C” Road that collapsed. On this one, the power pole and culvert were side by side.

Council Member Goltzené wanted to know why the District wasn't responsible for this repair since their report shows they are still collecting assessments for “C” Road, as well as for “F” Road. They were pennywise & pound foolish if they didn't do this culvert work while the surface was off the road. Also the canals are caving in. This is not a problem the Town created,

but will probably be the Town that has to fix. The District doesn't do what they should. We need to stop pushing dirt and put down a surface that will last.

Vice Mayor Jarriel stated the Town was trying to get the roads. Regarding "C" Road, that work was finalized by the resident. Vice Mayor Jarriel stated the cost to repair quoted by PSG was over 30,000, plus the cost of PBSO and the barricades. This should have been handled in a few hours, not days. In addition, the pole and the culvert were not side by side, but had a four to five foot difference. Vice Mayor Jarriel didn't like the Water District being condemned because he felt they were doing a good job. He was afraid that if the Town got the roads, they would not be able to handle it. Vice Mayor Jarriel stated the Water District had funds in the bank to replace culverts on OGEMED roads, and hopefully "B" Road would be done before the hurricane season. Manager Underwood added that we needed to survey the existing EGEMED roads and advise the Water District which ones to replace. Vice Mayor Jarriel reminded the Council that the Charter does not allow the Town to borrow money and they couldn't get grants if there was no money to cover their portion. Council Member Goltzené responded that the Town had cash in the bank now for milling the Town roads. Manager Underwood was asked to verify if that was correct and let Council know.

**Motion:** a motion to direct the Town Manager to bring back a plan for paving all the Town roads was made by Vice Mayor Jarriel and seconded by Council Member Goltzené. Motion passed 4 – 0.

Manager Underwood asked the Council if they wanted to agree to weekly grading until the road problem was fixed. Direction was to find out about additional costs involved and bring back to Council.

Manager Underwood advised the Council that the signs had been received and about half had been installed. There was a test asphalt milling that was done on East Citrus. They had found other locations where this was used and it had stood up well. There was no action on 43<sup>rd</sup> Street with SFWMD; there had only been two complaints about illegal dumping this past year; the debris monitoring bid was out, with a bid opening date of 2/10/2016; and he had a new name to pursue for a possible code enforcement officer.

Manager Underwood responded to questions from Council about the painting of the speed humps. The cost so far was approximately \$40,000. Council thought this was excessive, and suggested getting quotes to see if this would save some money. The current speed humps were 500 feet apart, but on "B" Road it had been decided that they would be 1,000 feet apart. There was also discussion about having signs on high poles warning of the speed hump locations. Manager Underwood reminded Council that the striping had been part of the existing bid and thermoplastic paint had been used. They could not go back out to bid because they already had an existing bid, and Bergeron's quote had been much higher.

**Motion:** a motion to cease all painting of speed humps until further notice was made by Council Member Goltzené and seconded by Vice Mayor Jarriel. Motion passed 4 – 0.

Mayor Browning called a break in the meeting at 9:00 pm. Meeting reconvened at 9:10 PM

## **9. OLD BUSINESS – non scheduled**

## 10. NEW BUSINESS

- a. Approval to the Town of a Loxahatchee Groves Water Control District Non-Exclusive Perpetual Use Permit to Use, Construct and Maintain certain Public Recreational Trails with the District Easements. – This item was pulled from the agenda under Addendum #1 because no maps had been provided.
- b. Approval to Reimburse the Water Control District in the amount of \$9,606.75 to install a drainage catch basin and culvert, and make pavement repairs, to the northeast corner of South “F” Road and 6<sup>th</sup> Court North, which are District Roads.

Manager Underwood advised the Council that if approved the funds would have to come out of the Transportation Fund and additional funds out of the Special Projects Fund. Vice Mayor Jarriel stated this should be approved because this would be part of our trails. Council Member Goltzené stated the Town should not pay for any repairs to a road until that road was turned over to the Town. Other basins and culverts have been installed and the District has paid for them. Why must the Town pay for this one. Council Member Goltzené stated he had the Water District report and it stated that the District maintains F Road and also North Road. The Town had paid to pave these roads three years ago and they still have not been turned over.

**Motion:** Council Member Goltzené called for a motion to pay for this repair only after the road was turned over to the Town. Vice Mayor Jarriel seconded the motion, but only for discussion purposes.

Vice Mayor Jarriel again stated this should be approved because the request has already been made to the Water District to turn all the roads over and this was going to be part of the trails. Council Member Goltzené responded that the District has been dragging their feet for a long time turning over the roads. As far as the horse trails, the horses would be on the road, not on a trail, because the residents don’t want to give up footage for the necessary easements.

Dennis Lipp stated the culvert on Collecting Canal had also been done, and one at the Vet Clinic, but was not sure who paid for that one. Vice Mayor Jarriel responded that the District had paid. Mr. Lipp stated he agreed with Council Member Goltzené that the Town should hold off until the road was turned over. The Town needed to spend wisely.

John Ryan stated there were several roads the District had told the Town they wanted to turn over, but told the Town their engineer had to do a maintenance map for the “gaps” before they could do anything. Also, the District does not repair any culverts under OGEMED roads. The property owner pays for that repair.

Vice Mayor Jarriel was concerned that if they waited, the bid pricing might change.

**Motion:** the Mayor called for a vote on the motion on the floor. Motion failed with 2 – 2 vote. Item failed.

- c. Authorization to Establish Speed Limit Policy for Loxahatchee Groves roads

Manager Underwood advised the Council that the Town Charter set the speed limit for all Town roads at 30mph, and signs were being installed on roads accordingly. There have been

numerous citizens complaining that they had short road segments and they had been enforcing lower speed limits to protect the children playing on the streets. A new ordinance was needed to change this to multiple limits based on the streets necessities, after meeting with the FDOT and the County to see what could be done.

**Motion:** a motion to authorize the Manager to begin this process was made by Vice Mayor Jarriel and seconded by Council Member Goltzené. Motion passed 4 – 0.

## **11. COUNCIL REPORTS**

### a. Vice Mayor Ron Jarriel

#### 1. Discussion Relative site clearing (Clear Cut), and residential structures on agriculture classified properties (continued from 12/1/15, 1/5/16 and 1/19/16 agendas)

Vice Mayor Jarriel stated this issued needed to be addressed or all the trees will be gone. The property owners are trying to justify what they are doing by claiming Bona Fi Ag. They come to Town Hall claiming Bona Fi Ag, but not proving it with the correct paperwork. Council Member Goltzené responded that there have been complaints to the Town, but some of what is being done is good and some is bad. There have been a lot of pines cut down. It is a fact that the equestrian and nursery properties want the openness. If you want Ag, then this is the unintended consequences of that. It comes down to the Palm Beach County designation and the real issue is the Attorney General Opinion that the Town is bound by. Mayor Browning stated the one thing they tried to do in the original Town Documents was to protect the tree canopies. Council Member Liang added that even if the property has an Ag exemption, they were not exempt from Mitigation.

Dennis Lipp stated he had spoken with Planner Jim Fleischmann about this issue and Mr. Fleischmann stated one resolution could be that instead of Ag Residential, change any non-grandfathered properties to Rural Residential “RR”. Then property owners would have to come to the Town for a land use or zoning change.

Cletus Keaton stated there was nothing wrong with the Bona Fi Ag classification. Mr. Keaton submitted a letter to be made part of the official records. The Town was using a wrong interpretation of the Attorney General’s Opinion. The County classification of Bona Fi Ag should not be a “gonna be” issue, but a properly approved use as stated in Florida Statutes 193.461.

Nina Corning stated they can’t take away the Bona Fi Ag. Rural Residential would destroy the nature of this Town. We didn’t move here for this.

Town Attorney Cirullo asked if the Council wanted to make a motion to have the Manager and Attorney speak with Mr. Fleischmann and look into this matter. Council consensus was not in favor of going further with the possible change.

#### 2. Discussion Relative to site distance and drainage at intersection of E Road and Collecting Canal Road (continued from 12/1/15, 1/5/16 and 1/19/16 agendas)

Vice Mayor Jarriel stated he would not spend a lot of time on this item tonight, other than to state there was definitely a drainage problem. Also, the property owner had been sent three notices to cut the hedges on their property and the notices are being ignored.

3. Discussion and direction for GelTech Solutions Dust Control Pilot Program (continued from 1/19/16 agenda and was continued again to the 2/16/2016 agenda as request of Vice Mayor Jarriel)

**Motion:** there was a motion to extend the meeting by 10 minutes made by Council Member Liang and seconded by Council Member Goltzené. Motion passed 4 – 0.

**ADD:** 4. Discussion and direction on PSG contract this item was added under Addendum #1

Vice Mayor Jarriel stated that Mr. Wood, earlier in the evening, stated that he wanted to be terminated, so the solution was simple. The letters that were sent by Mr. Wood were lies. The contract was not complied to and his company came in with smaller equipment that the bid called for.

Town Attorney Cirullo advised the Council that the contract could be terminated on the basis of two options: 1) for cause, which required written notice, the contractor's opportunity to cure the cause; and then if not cured, to terminate; or 2) for convenience, which would require a Town resolution brought back at the next meeting.

Mayor Browning added that at least the contracts gave the Town the ability to activate either PSG or Bergeron. Manager Underwood stated that Bergeron had already been activated and would be starting tomorrow.

Vice Mayor Jarriel stated he was upset that the contractor had tried to blame the weather and abused the residents.

**Motion:** a motion was made by Vice Mayor Jarriel to terminate PSG with cause. Motion was seconded by Council Member Goltzené, but only for discussion purposes.

Council Members had in depth discussion on how to avoid a lawsuit by meeting the terms of the contracts, while continuing to address the needs of the residents on getting the roads in good condition. Town Attorney Cirullo explained the legal ramifications of each suggestion brought out during the discussions.

**Motion:** Vice Mayor Jarriel changed his motion to direct the Attorney to prepare a resolution for termination of the PSG contract, based on convenience, for the next Council Meeting; unless PSG had chosen to quit prior to that meeting. The motion was seconded by Council Member Goltzené. Motion passed 4 – 0.

Mayor Browning explained that the Town was required to go out to bid, and had to choose the low bidder. He was disappointed with the job, but had tried to stay out of the way so as not to interfere with the contract. The Town was now moving ahead with Bergeron.

Ruth Menor suggested when writing contracts there should be clear specifications on equipment, and how was it decided who needed more fill than others. The problem was the

Town is growing and now had more seasonable and horse oriented people. This causes more traffic on Town roads, which causes more wear on them. The Town needs to embrace this reality and deal accordingly.

Darlene Snowball stated she does procurement work for another municipality and knows contracts very well. This probably should have been a Request for Bid rather than Request for Proposals. In order to lessen chance of a lawsuit, the Town would need to send three certified non-responsive letters; and then when vendor did not respond, they could terminate without being sued.

Brian Thomason, Bergeron representative, stated that they needed some clarification on the work authorization they had received prior to starting work tomorrow. Also as a note, the termination clause in both agreements allowed the Manager the ability to terminate. When they started work tomorrow, would they be doing milling, was San Diego have milling or rock? They needed clarification on the materials to be used. Since milling was not in the bid, the terms would have to be negotiated. Also, Bergeron was asking for a firm commitment from the Town. The work order said Phase I – one time. What does that mean? They don't want to start, then stop and then have to come back and clean up someone else's work.

**Motion:** there was a motion to extend the meeting an additional 10 minutes made by Council Member Goltzené and seconded by Vice Mayor Jarriel. Motion passed 4 – 0.

Manager Underwood explained that they heard the conversation tonight and the Town did not know what was happening with PSG; therefore, could not give a long term commitment at this time. Council Member Goltzené added that they needed to follow the stages outlined by the Attorney; and after that if changes were needed in the contact, they could be dealt with then. Vice Mayor Jarriel asked if Bergeron would be doing one grade on all the roads. Town Attorney Cirullo stated Manager Underwood could discuss and work this out with Bergeron at the meeting in the morning.

## **12. CLOSING COMMENTS**

### a. Public

Tonya Raffali (her comments was mistakenly made during 11a and moved here for continuity) stated there was a problem with water on her property on Hyde Park Road. She lived on the crux of Hyde Park and 6<sup>th</sup> Court. Her property is now flooded. She has lived there for a long time and the rains have never done his before. Ms. Raffali wanted to know what had been done to create this problem.

Thais Gonzalez wanted to clarify that what the Property Appraiser gives was an Ag classification, not an exemption as defined in Florida Statutes 604.54. Also, why does the Town's ULDC allow adult entertainment?

Mayor Browning stated he had comment cards from Lisa Long, Fred Schriefer and Roberta Schriefer; however, they had already left the meeting. All three comments were on flooding and drainage issues for 22<sup>nd</sup> Road North, and could the road be paved.

Jorge Perez wanted clarification on the Town taking over the District roads. Were they taking the roads “as is”? He knows the roads and what happened on C Road will happen again on others. The Town needs to have a clear path and have an inspection done prior to accepting the roads. Also code enforcement was needed, and if necessary use Palm Beach County.

Pierre Litzenberg stated that there were some archived plat maps he wanted to donate to the Town. Council welcomed the donation and asked Mr. Litzenberg to contact the Town Clerk.

Mark Jackson stated he had been taking care of grading 8<sup>th</sup> Place North for many years and no one was supposed to go there; however, the new company must not have been told and did grade the road, but they messed it up. He wanted his materials replaced and his road left alone. Council asked Mr. Jackson to get with the Manager to resolve this.

Cletus Keaton wanted to know how to make a complaint. If he came to ask questions in the Manager’s Office, since it was a public building, could he record the comments made? Town Attorney Cirullo stated no one could be recorded unless their permission was given.

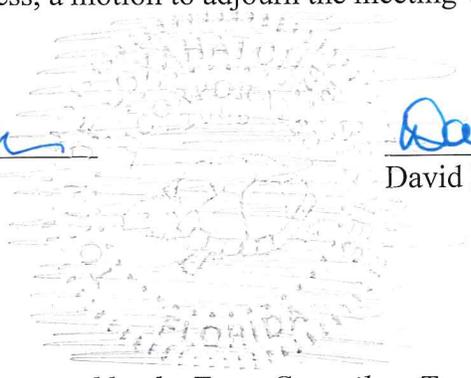
Nina Corning wanted to know what materials would be used for the roads. Sometimes the rocks are too big and sometimes material was used that was too dusty. Also for the Grant for horse trails, they would need formal meetings and minutes taken of the meetings.

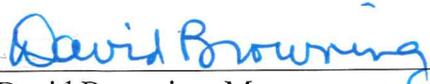
- b. Town Attorney - no comments
- c. Town Council Members – no comments

**12. ADJOURNMENT**

Hearing no further business, a motion to adjourn the meeting was made at 10:55 PM.

  
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Virginia Walton, Town Clerk



  
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David Browning, Mayor

*These minutes were approved by the Town Council on Tuesday, February 2, 2016.*