



Town of Loxahatchee Groves
Regular Town Council Meeting
Tuesday, October 18, 2011 at 7:00 p.m.
Loxahatchee Groves Water Control District, 101 West "D" Road

MINUTES

1. Opening

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning and Councilmen Tom Goltzené and Jim Rockett. Also present were Town Manager Mark Kutney, Town Clerk Janice M. Moore, and Town Attorney Michael D. Cirullo, Jr.

- b. Pledge of Allegiance - Led by Mayor Browning

- c. Invocation - Given by Mayor Browning

- d. Additions and Deletions

Councilman Goltzené requested a discussion regarding meeting dates for December (Item 9c) and a discussion regarding cost recovery for the Planning & Zoning Board (Item 9d). Councilman Goltzené requested a discussion regarding canceling the December meeting, and Councilman Rockett requested a clarification for the use of the Chamber of Commerce meeting room (Item 9c). Mayor Browning requested to add an update to the Palm Beach State College (Item 9e).

- e. Approval of Agenda

Motion: Councilman Rockett moved to **approve** the Agenda as amended. Councilman Goltzené seconded the motion, which passed unanimously. **(Motion carried 3-0).**

2. Consent Agenda

- a. Approval of Minutes: October 4, 2011

Motion: Councilman Rockett moved to **approve** the Consent Agenda with the correction to page 4 of the dissenting vote. Councilman Goltzené seconded the motion, which passed unanimously. **(Motion carried 3-0).**

3. **Presentations – None**
4. **Committee Reports - None**
5. **Public Hearings – Ordinances 2nd Reading - None**
6. **Ordinances – 1st Reading – None**
7. **Resolutions**

- a. Resolution No. 2011-16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE TOWN TO CONSTRUCT A CULVERT AT 148TH TERRACE NORTH WITH THE FUNDING FROM ATTORNEYS TITLE INSURANCE FUND AND FIRST AMERICAN TITLE INSURANCE COMPANY; AUTHORIZING THE ACCEPTANCE OF THE PROPOSAL FROM WBI CONTRACTING OF PALM BEACH TO CONSTRUCT THE CULVERT AND AUTHORIZING NOT TO EXCEED \$48,913.19 TO BE PAID TO WBI FOR THE PROJECT; AUTHORIZING THE EXECUTION OF A GENERAL RELEASE IN FAVOR OF THE TITLE COMPANIES IN EXCHANGE FOR THE FUNDING FOR THE CULVERT; PROVIDING THAT UPON COMPLETION OF THE CULVERT IT SHALL BECOME TOWN PROPERTY AND REMAIN A PUBLIC STRUCTURE PROVIDING ACCESS TO THE PUBLIC ACROSS THE NORTH ROAD CANAL AT 148TH TERRACE NORTH; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Attorney Cirullo provided a detailed overview of this item and answered questions posed by the Council. George Perez, WPI, was present to answer questions. Clete Saunier, Loxahatchee Groves Water Control District, spoke about the project. Town Attorney Cirullo read the title of the resolution.

Motion: Councilman Rockett moved to **approve** Resolution No. 2011-16. Councilman Goltzené seconded the motion. **(Motion carried 3-0).**

Public Comment

John Ryan, 3508 A Road, spoke about the release of claim and collecting the paperwork from the prior owner.

Philomena Liau, 4245 148 Terrace North, spoke about funding.

8. Old Business

- a. **Renewal of Tew & Taylor, Inc. Contract for Code Enforcement Services**

Town Manager Kutney provided a detailed overview of the proposal and recommendations. Councilman Goltzené expressed concern for being \$15,000 over the current budget. He requested that the current management provide real time numbers regarding budgeting.

Councilman Goltzené suggested that when a contract was determined with hourly payments and reimbursement, the contract should include a not-to-exceed amount without allowing any change orders from Staff. Councilman Rockett noted that this could be addressed in the procurement policy revisions.

Beverly Tew, president of Tew & Taylor Inc., spoke about the contract, case load, service and costs. Councilman Rockett moved to **receive and file** the Code Enforcement Financial Report for October 16, 2011 from Ms. Tew. Councilman Goltzené seconded the motion, which passed unanimously. **(Motion carried 3-0).**

Motion: Councilman Rockett moved to **approve** a 6 (six) month contract renewal with Tew & Taylor, Inc. for code enforcement services with conditions as outlined by Town Manager Kutney. Councilman Goltzené seconded the motion.

Public Comment

Howard Voren, 1538 E Road, suggested creating a report based upon the type of complaints and hours required for budgeting purposes. He also suggested charging a minimal fee to file a code enforcement complaint.

Vote: All voted in favor of the motion. **(Motion carried 3-0).**

b. Discussion of Solid Waste Monitoring Consulting Contract – Town Manager Kutney

Town Manager Kutney provided a detailed overview of the proposal and recommendations. He answered questions posed by the Council. Councilman Rockett spoke about the outstanding issues and recommended to move forward with a twelve month renewal. Councilman Goltzené spoke about performance in relation to costs and requested a quality recommendation from the town manager. Mayor Browning questioned if the Town still needed the service and issues could be resolved with contacting the quality control department.

Motion: Councilman Rockett moved to **approve** a 12 month extension with terms of the prior contract. **Motion died for lack of a second.**

Motion: Councilman Goltzené moved to **approve** a 6 (six) month extension with terms of the prior contract and a 3 (three) month assessment from the town manager.

Public Comment

Dennis Lipp, 13402 North Road, spoke against renewing the contract and spoke positively about Waste Pro.

Cindy Lou Corum, 2942 B Road, spoke against renewing the contract.

Marge Herzog, A Road, spoke against renewing the contract and suggested the job go out for a Request for Proposal (RFP).

Doreen Baxter, North Road, spoke against renewing the contract.

Howard Voren, 1538 E Road, suggested "growing" the job by extending Mr. Frank Schiola's responsibilities.

John Ryan, 3508 A Road, spoke about getting the town in a positive and constructed mode and about the focus on the town's needs.

Frank Schiola, solid waste monitoring consultant, spoke about past accusations by residents and his service to the Town.

Elise Ryan, 3508 A Road, spoke about comments made at past council meeting involving Mr. Lipp and made reference to a 2010 letter. Mr. Lipp noted that the \$1,000 increase to Former Town Manager Frank Spence was to pay Mr. Schiola and that the will of the Council was to keep things as is.

Councilman Rockett noted that an unsolicited positive comment was received from a resident.

Vote: All voted in favor of the motion. **(Motion carried 3-0).**

Mayor Browning announced a 5 (five) minute recess at 8:10 p.m. The meeting was reconvened at 8:15 p.m.

9. New Business

- a. Preliminary Discussion of Small-Scale Future Land Use Map Amendment (Day Property - SW Corner of Okeechobee Blvd. & Folsom Road)

Kerry Kilday, Urban Design Kilday Studios, and agent for the owner, provided an update of the application and property. He noted that advertising was being scheduled for the month of December for the Planning and Zoning (P&Z) Board. Councilman Rockett suggested scheduling a workshop for public input prior to the P&Z Board and Town Council meetings. Councilman Goltzené suggested the Planning & Zoning Board schedule the workshop for public input without any influence from the Town Council. Mr. Kilday requested a 5 (five) minute presentation in the workshop. By consensus, the Town Council agreed for Mr. Kilday to make his presentation at the November 1st meeting.

b. Review of Procurement Policies

Councilman Rockett noted that the procurement policies were adopted in 2008 and spoke about some of the changes he would like to implement. He requested to meet with Town Manager Kutney to create a draft with changes, get input from the Finance Advisory and Audit Committee, and present it to the Council. The Council spoke about various possible changes. By consensus, the Town Council **agreed** for Councilman Rockett to move forward with drafting changes to the procurement policies.

Public Comment

Doreen Baxter, North Road, requested a reference to the ordinance number on the website and on the agenda.

c. Meeting Dates for December

Motion: Councilman Goltzené moved to cancel the December 20th meeting. Councilman Rockett seconded the motion, which passed unanimously. (**Motion carried 3-0**).

d. Discussion Regarding Cost Recovery for the Planning & Zoning Board

Councilman Goltzené requested that unless an expense was being charged to the applicant, the town manager should bring the item to the Council, and the Town should try to recover the expense. He asked that all expenses related be paid by the applicant. City Attorney Cirullo noted that a cost recovery ordinance was in place and spoke about the challenge for recovery costs for code enforcement.

e. Palm Beach State College Update

City Attorney Cirullo provided a detailed overview of a meeting that he had recently attended. He suggested a November 15th interactive workshop with the Town Council, the Palm Beach State College Board of Trustees, the P&Z Board, and public participation for the purpose of presenting a revised site design. Councilman Goltzené suggested inviting the members of the Roadway, Equestrian Trails & Greenway Advisory Committee. He expressed concern for the endangered species.

Motion: Councilman Rockett moved to **authorize** the organization of a workshop on November 15th at 7:00 p.m. with a location to be determined. Councilman Goltzené seconded the motion.

John Ryan, 3508 A Road, suggested the Town Council to remind them to place 4 (four) single family homes on the front.

Vote: Motion carried 3-0.

10. Administrative Update

Town Manager Kutney reported about the negotiation of the lease agreement for office space. He noted that the \$1,000 would include the use of all 5 (five) rooms with provision that if the landlord acquired a prospective tenant, Town Management would vacate the room, but the lease would drop down back to \$801.87. By consensus, the Town Council **authorized** the lease agreement starting November 1st.

Town Manager Kutney read a letter into the record from Underwood Services Management regarding the town's website and email. A copy is here attached to these minutes. He reported that he had met with the Palm Beach County Office of Inspector General and informed them on the matter.

Mr. Saunier, Loxahatchee Groves Water Control District, advised the Town Council that the Board of Supervisor approved 5 (five) parking spaces for its use during meetings.

By consensus, the Town Council **agreed** to have Town Manager Kutney move forward regarding the security of the town's website and email.

11. Closing Comments

a. Public Comments

Dennis Lipp, P&Z chair, asked the staff to create a current status of projects as approved. Councilman Rockett suggested presenting it the Town Council and P&Z in January. Town Manager Kutney noted that he would follow-up with Chair Lipp. Mayor Browning suggested calling the applicants and giving them notice.

Dennis Lipp, 13402 North Road, requested a continuation of the town manager's bucket list on the agenda. It was agreed for the town manager to present the old list to the Town Council for its determination of whether to keep or delete those items.

Marge Herzog, A Road, announced an October 27th Loxahatchee Groves Landowners Association meeting featuring a code enforcement representative speaking about processes and procedures. She inquired if after the 6 (six) month renewal for waste monitoring ended, would the Town advertise for an RFP.

b. Town Attorney Comments - *None*

c. Town Council Member Comments

Councilman Rockett thanked everyone for attending the meeting.

Councilman Goltzené thanked everyone for attending the meeting.

Mayor Browning thanked everyone for attending the meeting.

d. Adjournment

Councilman Rockett moved to **adjourn** the meeting at 9:40p.m. Councilman Goltzené seconded the motion, which passed unanimously. **(Motion carried 3-0).**

**These minutes were approved by the
Town Council on Tuesday, November 1, 2011.**


Janice M. Moore, Town Clerk


Mayor David Browning

SEAL