

Town of Loxahatchee Groves

Special Town Council Meeting

Thursday, October 26, 2017 – 6:00 P.M.

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 6:00 pm. Present were Mayor Browning, Vice Mayor Jarriel, Council Member Liang, Council Member McLendon, Council Member DeMarois, Town Manager Underwood, Town Attorney Michael Cirullo and Town Clerk Virginia Walton.

b. Approval of Agenda

Mayor Browning requested that the agenda be revised since “Public Comments” was inadvertently left off and the public would be heard prior to Council discussion.

Motion: a motion to approve the agenda as revised was made by Council Member Liang and seconded by Vice Mayor Jarriel. Motion passed 5 – 0.

c. Public Comments

Mayor Browning stated that he wanted to apologize for inaccurate statements he made that Bergeron was dropping the ball on the roads. The additional roads from the WCD were not part of the Bergeron contract responsibility.

Don Widing, Marcella Boulevard, stated his personal opinion was that this was predictable and inevitable as there was not plan prior to taking the roads. The Manger was competent, but needed direction from the Council.

Jim Rockett, 43rd Road, stated his opinion was that the Manager was derelict and the Town Council had made decisions without costs in front of them. He felt the FAAC Committee should look at these things.

Jody Jansen, 42nd Street N; Ingrid Taskin, D Road, and Marianne Miles, North B Road, all commented on the amount of grading, poor condition of the roads and decision to take over roads.

Bill Louda, E Road, commented on the Town now being responsible for culverts as well and felt that was something that the WCD should be responsible for. If not, then there should be shared costs with them.

Phillis Maniglia, West D Road, wanted the RV Pilot Program opened up to acres with barns, but no residential homes, in order to get more money. Was against the 20 foot easement to pave for only those on the east side.

Matt Otero, Collecting Canal Road, stated he had started a petition to get the portion of Collecting Canal between C and B Road paved. Many questions were asked at these meetings, but no answers.

Jo Siciliano, B Road, stated people were dragging everything out to the road instead of just hurricane debris for free pick-up.

William Bell, 22nd Road N, stated the Town had paid the WCD to maintain the roads. There was already a problem and taking the roads only increased the problem. The changes in the Town were deviating from the original rural community concept at incorporation.

Connie Bell, 22nd Road N, stated the Town had always had the roads. She was a Board Member of the WCD and had checked and was told they had someone to grade and someone to cover disaster. Did not happen because the WCD does not have any equipment to help the Town.. She was also a member of the FAAC Committee and her opinion was this was the most unproductive group ever. The questions asked at the meetings needed answers.

Joy Campbell, Farmer's Daughter, stated her opinion that taking over the roads was a bad idea.

Nina Corning, E Road, heard about the paving and it was a good plan. They have had many storms and the roads were never this bad.

Gina Burgio, B Road, stated she had just moved here and had an equestrian business. She was appalled at the condition of the road.

Mayor Browning read a letter into the record from Ken Johnson, Collecting Canal Road.

Joyce Batcheler, E Road, said she didn't need to add to the discussion on the condition of the roads. She thanked the Council for serving. The Town voters had put them there and it was their problem to remedy. The Town was not broke, but funds designated for other projects can't be moved. One Council Member would not even allow sufficient funds to cover the roads. There was no vision to date and they needed to take in more funds in order to cover the work needed.

Victor Lehto, Collecting Canal Road, stated he lived here for 25 years and had never seen the roads so bad.

Jamie Molina, North Rd, stated he has lived here for 20 years and felt there was a big problem with management. He has worked on many road projects with the DOT and he could offer his knowledge and help.

1. Discussion and direction regarding road grading services

There was extensive discussion on grading services, rock needed for the roads, the level that the roads could be brought up to on the short term and then the long term, and the costs spent so far for emergency repairs, the costs needed just to finish the calendar year and estimated costs to make the roads passable. Council Member McLendon stated it was more than just grading. Every problem that has come up so far has been the result of poor drainage. This had to be addressed before just rock and paving. Mayor Browning agreed. The Town had paid the WCD over \$1.4 million over the years to maintain the roads, but rock had not been brought in. The roads were at least a foot lower now than years ago. This was a long term issue. Council Member DeMarois read a letter into the record stating his opinion was the Council should have put the issue of taking the roads to a referendum for the voters and had opened the Town up to a potential lawsuit. Council Member DeMarois wanted to make a motion to rescind all resolutions regarding taking the roads, let the WCD keep the road and have the Town assist them with funds. This motion failed for lack of a second. Town Attorney Cirullo reminded the Council that this was not part of the special meeting agenda and should be brought up at a different time.

Town Manager Underwood stated the Town had spent \$600,000 for the last eighteen months of bringing the Town roads up to standard. It was estimated that \$500,000 to \$600,000 would be needed each year, with \$300,000 for the balance of this year. The hurricane has hampered the Town's funds and it make take years to get reimbursement. The fee to SWA was not even known yet. The ad valorem taxes to the Town would not be available for this issue. Every dollar of ad valorem taxes would go to pay the new Sheriff's contract.

Manager Underwood added that he was presently just handling crises and needed to get a grading contractor on board to handle the additional roads not part of the Bergeron contract, rather than continue to handle these issues through emergency means. The only way to fund these issues on a continuing basis was by non-ad valorem taxes or special assessments, which required a Town Policy.

Vice Mayor Jarriel stated he had a plan. Bergeron had done an outstanding job but had their hands tied by management. Bergeron had indicated their intention to give 90 day notice to terminate contract. Vice Mayor Jarriel wanted to ask Bergeron to continue to honor their contract for the roads assigned to them and have MJC brought on to handle the additional new roads. Prioritize all the roads and do as much as the Town can with the worst roads first.

Paul Coleman, 6th Court N, stated bringing the roads up and then not having the funds to maintain them was not a good plan. Also, who decided which roads would get the work.

Town Attorney Cirullo stated he would need to check the Town procurement policy section on waiving the bid process under certain circumstances. There was more discussion on the quoted costs for rock and grading and which roads were most in need. Town Attorney Cirullo stated that emergency purchases could be made using the section of the procurement policy, and then have the expenditures ratified at the next council meeting. This would cure the emergency problems on a short term basis. On a long term basis for maintenance and ongoing road work, the Town would need to go out to bid again. The road grading bids had all been rejected, but the Council had not voted to re-bid.

Motion: a motion to authorize the Town Manager to continue using the emergency procurement provision section for the necessary repairs and grading on the newer roads based on the assessment of MJC, with authority to hire additional grading contractors as needed, and further to authorize an RFP for routine maintenance, was made by Vice Mayor Jarriel and seconded by Council Member DeMarois. Motion passed 5 – 0.

Manager Underwood stated he wanted some clarification on the funds available since he has not seen an assessment from MJC as yet; but thought they would probably be at the same level as the Bergeron assessment, or should he grade, keep smooth and then repair holes. Mayor Browning stated to make sure the costs were divided equally between Bergeron and the new contractor.

Mayor Browning called a short break at 8:03pm. The meeting reconvened at 8:10pm.

Brian Thomason, Bergeron Developments, stated they were still under contract with the Town, but haven't graded since the August assessment. They usually graded before each pass, but not always at face value due to funding. They had brought the roads to a maintainable level, but the funding for rock was cut. They did not know about the Bid going out; and upon finding out had given their 90 day notice. They had stated they would grade after the final storm debris clean up, but MJC came in anyway. Bergeron agrees to maintain their roads for the next 90 days; however, it appeared that the money would run out after being used on the district roads and there would be no funds for the Town Roads. The Council all agreed that Bergeron had done a great job and hoped they would bid again in the future on other Town projects.

Connie Bell, 22nd Road N, stated the Town did not have two sets of road and there should not be different rules for different roads. This is an example of why she had recommended that the new millage rate be approved at the proposed 2.6, instead of what it was reduced to. She agreed they needed to do drainage and maintenance.

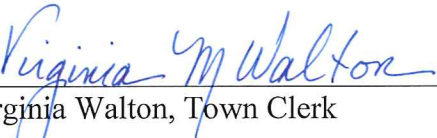
Marianne Miles, B Road, and Bill Louda, E Road, had further comments on the roads and the lack of funding for the trails.

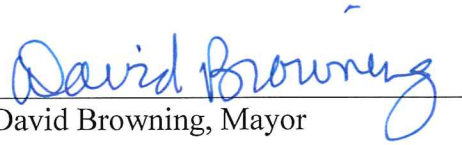
Mary McNicholas, Raymond Drive, asked that the Council assure that some of the funding be set aside for Bergeron to maintain the roads they have improved.

There was discussion between Council and Manager on where to find the funds for road repairs, rock and maintenance. Raising taxes next year or doing a special assessment were discussed. Mayor Browning asked if the assessment could be collected this year. Town Attorney Cirullo responded that a direct billing could be done this year and placed on the tax bill next year. Council Member Liang commented that they know the immediate problem and had voted on that; but this should be a discussion item on every upcoming agenda until a long term solution was reached. Consensus of Council was to agree. Manager Underwood stated they would need to make a decision on the assessment at the next meeting. Todd suggested stopping the subsidy on the garbage assessment to acquire more funding for the Town. Again to be discussed further at next meeting.

2. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 9:00 pm.


Virginia Walton, Town Clerk


David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, NOVEMBER 7 2017.