



Town of
LOXAHATCHEE GROVES

Town of Loxahatchee Groves

Town Council Meeting

Tuesday, December 2, 2014 - 7:00 p.m. to 10:30 p.m.

(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)

Loxahatchee Groves Water Control District, 101 West "D" Road

Mayor David Browning (Seat 4)

Vice-Mayor Ronald D. Jarriel (Seat 1)

Councilman Tom Goltzené (Seat 5)

Councilman Ryan Liang (Seat 3)

Councilman Jim Rockett (Seat 2)

Town Manager William F. Underwood, II

Town Clerk Janet K. Whipple

Town Attorney Michael D. Cirullo, Jr.

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 Ron Jarriel, Councilmen Tom Goltzené, Ryan Liang, and Jim Rockett. Also present were Town Manager Bill Underwood, Town Attorney Mike Cirullo, and Town Clerk Janet K. Whipple.

- b. Pledge of Allegiance & Invocation – Mayor Browning
- c. Approval of Agenda

Councilman Goltzene requested he would like to add under New Business a discussion of the concept for a different method of staggering the terms of office for Town Council.

Motion: Councilman Liang made a motion to approve the amendment to the Agenda. Councilman Goltzené seconded the motion. Upon vote, the motion passed 5/0.

Motion: Councilman Liang made a motion to approve the Agenda, as amended. Councilman Goltzene seconded the motion. Upon vote, the motion passed 5/0.

2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.

Motion: Councilman Rockett made a motion to approve the Consent Agenda, as presented. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

3. PUBLIC COMMENTS

Jonathan Halpert, 15242 Scotts Place, expressed to Council that he needed their permission to do business in Town but does not have a homestead exemption.

Mayor Browning relayed that Mr. Halpert would need to speak with Town Staff.

4. PRESENTATIONS - NONE

5. COMMITTEE REPORTS

- a. Virginia Standish, Chair for the Finance Advisory & Audit Committee (FAAC), to provide the Financial Reports from July thru September, Fiscal Year 2014, and October, Fiscal Year 2015.

Virginia Standish presented the Financial Report and noted that during the FAAC meeting on Monday November 24, 2014 met and approved the Financials even though there were small adjustments that did not affect the bottom line. She suggested *Loxahatchee Groves* needs to be written on every ticket written in Town in order for the Town to receive the revenue

Motion: Councilman Rockett made a motion to accept the Financial Reports from July thru September, Fiscal Year 2014, and October, Fiscal Year 2015. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

6. RESOLUTIONS

- a. RESOLUTION NO. 2014-21: *(March 10, 2015, Municipal Election and Agreement with Palm Beach County Supervisor of Elections.)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE TO QUALIFY AND FILE FOR THE OFFICE OF TOWN COUNCIL MEMBER FOR SEATS ONE (1) AND THREE (3) PRIOR TO THE MUNICIPAL GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 10, 2015, PURSUANT TO THE TOWN CHARTER AND CHAPTERS 97 - 106, FLORIDA STATUTES; THE ELECTION FILING PERIOD OPENS PROMPTLY AT 12:00 NOON ON JANUARY 27, 2015 AND CLOSES PROMPTLY AT 12:00 NOON ON FEBRUARY 3, 2015; SETTING FILING FEES; AUTHORIZING THE TOWN CLERK TO APPOINT ELECTION BOARDS FOR ELECTION PRECINCT 6094; AUTHORIZING THE SUPERVISOR OF ELECTIONS

TO CONDUCT THE TOWN ELECTION AND APPROVING THE AGREEMENT BETWEEN THE TOWN AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR ELECTION SERVICES; AUTHORIZING THE TOWN CLERK OR DESIGNEE TO HANDLE CERTAIN ELECTION MATTERS; OPTING OUT OF EARLY VOTING; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Manager Underwood provided the reason for the Resolution, and Town Attorney Cirullo provided more information and read the title of Resolution No. 2014-21.

Vice-Mayor Jarriel made a motion to approve Resolution No. 2014-21. Councilman Liang seconded the motion. No discussion. Upon vote, the motion passed 5/0.

7. ORDINANCES

a. **ORDINANCE NO. 2014-08: PUBLIC HEARING/FIRST READING** (*Okeechobee Boulevard*)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE TOWN OF LOXAHATCHEE GROVES COMPREHENSIVE PLAN PURSUANT TO STATE STATUTE; TO ADD OBJECTIVE 1.17 IMPLEMENTING SECTOR PLANNING PRINCIPLES ALONG OKEECHOBEE BOULEVARD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Underwood explained that after the Planning and Zoning Board met and discussed the Okeechobee Boulevard Comprehensive Plan the decision was to request to table the Ordinance as a work in progress, and declare a moratorium so further review of the corridor can be done.

Council discussed the aspects of the ordinance and the various possibilities concerning businesses along Okeechobee Boulevard.

Town Attorney Cirullo explained that after first reading the ordinance will go to the State of Florida Department of Economic Opportunity (DEO) then the Town will have six (6) months for review of the Okeechobee Boulevard corridor.

Town Manager Underwood noted if Council tables the ordinance it will strengthen the Council's position to do a zoning in progress and adopt the moratorium.

Grace Joyce, Member of the Planning and Zoning Board (P&Z) /Local Planning Agency (LPA) explained the difference between a zoning in progress and a moratorium. A zoning in progress would allow people to come in and make application. A moratorium does not. She feels this ordinance is not quite ready to be passed, as there are many aspects to consider, so she recommends tabling the ordinance.

Town Attorney Cirullo stated a moratorium would be for a period of six (6) months and could be extended.

Council discussed the ordinance, Planning and Zoning Board recommendations, development rights, and the need for a moratorium.

Dennis Lipp, speaking as Chair of the Planning and Zoning/Local Planning Agency expressed his concerns, recommended a one (1) year moratorium, and requested Council provide the Board with Town Planning Consultant's PowerPoint Presentation for their review.

Motion: Councilman Rockett made a motion to establish a moratorium on the process approval for future land use map amendments for commercial uses for six (6) months, along the Okeechobee Boulevard corridor. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

Mayor Browning requested a break 8:01 to 8:06 p.m.

b. **ORDINANCE NO 2014-09: PUBLIC HEARING/FIRST READING** *(Charter Change Debt/Borrowing)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, TO AMEND SECTION 6, ENTITLED "BUDGET AND APPROPRIATIONS," TO DELETE SUBSECTION (6) ENTITLED "REVENUE BONDS; LEASE-PURCHASE CONTRACTS," WHICH WOULD REMOVE THE REQUIREMENT THAT CERTAIN TYPES OF BORROWING THAT EXCEED A REPAYMENT TERM OF THIRTY SIX (36) MONTHS BE APPROVED BY REFERENDUM ELECTION; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AS A SPECIAL ELECTION WITH THE TOWN'S GENERAL MUNICIPAL ELECTION ON MARCH 10, 2015, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING

FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CHARTER AND CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Underwood explained why this ordinance is needed and why it has to go to referendum.

Motion: Councilman Goltzené made a motion to approve Ordinance No. 2014-09, on first reading. Vice-Mayor Jarriel seconded the motion.

Town Attorney Cirullo read the title of Ordinance No. 2014-09.

Council discussed borrowing money at a reasonable rate, seeing improvements, possibly throwing away the Town's safety net, and money being used for government purposes only.

Members of the audience expressed their comments and concerns.

Council continued to discuss how the ordinance and the referendum would work.

Town Attorney Cirullo noted the borrowing issues could be amended once taken out of the Charter, and an ordinance could be presented to reflect the wishes of the Town Council.

Upon roll call vote the motion passed 3/2, with Councilmen Rockett and Liang casting dissenting votes.

c. ORDINANCE NO.2014-10: PUBLIC HEARING/FIRST READING

(Charter Change – Road Improvements)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM A NON-BINDING STRAW BALLOT RELATING TO ROADWAY IMPROVEMENT POLICIES BY THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AS A SPECIAL ELECTION WITH THE TOWN'S GENERAL MUNICIPAL ELECTION ON MARCH 10, 2015, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Underwood explained the purpose of Ordinance No. 2014-10.

Motion: Councilman Goltzené made a motion to approve Ordinance No. 2014-10, on first reading. Vice-Mayor Jarriel seconded the motion. Discussion.

Town Attorney Cirullo read the title of Ordinance No. 2014-10.

Council discussed adding to the question, whether the residents would support increased taxes, the need for payment by residents, how the straw vote would help Council determine the method of payment, and who would maintained the roads once paved.

Members of the audience voiced their opinion on the ordinance, the need for a road policy.

Town Attorney Cirullo will discuss the framing of the second question for the next Town Council Meeting.

Upon roll call vote, the motion passed 5/0.

d. **ORDINANCE NO. 2014-11: PUBLIC HEARING/FIRST READING**
(Charter Change - Election Criteria)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 7, ENTITLED "ELECTIONS," TO REMOVE SECTION 7 WHICH RELATES TO ELECTION PROCEDURES, FROM THE CHARTER, AND CONVERT THEM INTO AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AS A SPECIAL ELECTION WITH THE TOWN'S GENERAL MUNICIPAL ELECTION ON MARCH 10, 2015, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING THAT SHOULD THE AMENDMENT BE APPROVED BY THE ELECTORATE OF THE TOWN, THE ELECTION PROVISIONS OF SECTION 7 OF THE TOWN CHARTER SHALL BE AN ORDINANCE OF THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CHARTER AND CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Underwood explained the request to take the Election Criteria out of the Town Charter.

Motion: Councilman Goltzene made a motion to approve Ordinance No. 2014-11 on first reading. Councilman Liang seconded the motion.

Town Attorney Cirullo read the title of Ordinance No. 2014-11.

Upon roll call vote, the motion passed 5/0.

Town Attorney Cirullo requested directions for the second road question concerning methods of payment.

Council discussed the alternatives.

Motion: Councilman Liang made a motion to direct the Town Attorney to draft the second road question concerning means of payment. Councilman Rockett seconded the motion. Upon vote, the motion passed 5/0.

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

- a. **AGENDA ITEM REPORT (AIR)** - Updates on various activities and issues concerning the Town.

Town Manager Underwood provided his Manager's Report.

Council asked questions of Town Manager Underwood, concerning his report.

Motion: Councilman Goltzené made a motion to send a letter, for the Mayor's signature, stating the Town is on record supporting the extension of Seminole Pratt Whitney Road through to the Bee Line Highway, and approving the deletion of State Road 7 (US441) construction through to the Bee Line Highway. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

9. OLD BUSINESS

- a. Consideration for Recommendations of Municipal Financial System Software SaaS Proposal.

Town Manager Underwood provided background, and noted staff recommends the Blackbaud Solutions System. He reported the terms, cost for startup, and the need for authorization authorizing the Town Attorney to draft an agreement.

Motion: Councilman Goltzene made a motion to proceed with the Blackbaud Solutions Systems Agreement. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

10. NEW BUSINESS - NONE

Amendment to agenda: 10.a. Councilman Goltzene requested that an additional referendum be proposed to allow for different Council term limits.

Town Attorney Cirullo stated this would constitute another charter referendum.

Council discussed the pros and cons of establishing different Council term limits, as well as, district seats.

11. CLOSING COMMENTS

a. Public

Marge Herzog, 966 A Road, reminded Council of the Land Owners Association Pot Luck Supper on December 18, 2014, at the Palms West Presbyterian Church; bring a covered dish, and a \$5.00 grab bag. Also there will be a candidate forum in February, and it would be a good idea to have someone representing the Town attend to explain the referenda that will be going on the ballot.

b. Town Attorney

Town Attorney Cirullo stated "Go Gators".

c. Town Council Members

Councilman Goltzené had nothing else to report.

Vice-Mayor Jarriel wanted everyone to be safe and thanked them for coming to the meeting.

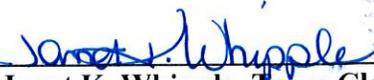
Councilman Liang thanked everyone for coming.

Councilman Rockett also thanked everyone for coming.

Mayor Browning also extended his appreciation.

12. ADJOURNMENT

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 9:34 p.m.


Janet K. Whipple, Town Clerk


David Browning, Mayor

These minutes were approved during the February 17, 2015, Town Council Meeting.