



Town of Loxahatchee Groves Town Council Meeting

Tuesday, December 16, 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

Town Attorney Cirullo requested the Addenda Item #1, Consent Agenda Item #2.b., be pulled for comment for himself.

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

2. CONSENT AGENDA

a. Minutes:

- **September 23, 2014** - Final Millage and Budget Town Council Meeting
- **October 7, 2014** – Regular Town Council Meeting

b. Added as Addendum #1 – RETGAC Appointment reconsideration.

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

Town Attorney Cirullo stated the information in 2.b. of the Consent Agenda was not adequate, and he recommended to Council adopt a motion for reconsideration and place it on the agenda for the January 6, 2015 Town Council Meeting.

Motion: Councilman Rockett made motion to reconsider and bring the item back for the January 6, 2015, Town Council Meeting. Vice-Mayor Jarriel seconded the motion.

Bill Louda, 1300 B Road, speaking on the reconsideration, noted when he was on the Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC) he knew he was searving at the pleasure of the Councilmember, and he does not feel this item needs to be reconsidered.

Upon vote, the motion passed 4/1, with Councilman Goltzene casting the dissenting vote.

3. PUBLIC COMMENTS

Ralph Brooks, attorney representing Suzanne Hetrick of 15105 Robert Way, brought copies of a formal administrative hearing which will be held March 3 thru March 6, 2015, at the Palm Beach County Government Building concerning the Minto density and intensity. He explained what needed to be done should the Town want to have any input on the matter.

Motion: Councilman Rockett made a motion to Receive and File the copies presented by Mr. Brooks. Vice-Mayor Jarriel seconded the motion. Upon vote the motion passed 3/0 Councilmen Goltzené and Liang abstained, and they each explained their reason why.

4. PRESENTATIONS – *NONE*

5. COMMITTEE REPORTS - *NONE*

6. RESOLUTIONS - *NONE*

7. ORDINANCES

a. ORDINANCE NO 2014-09: PUBLIC HEARING/SECOND AND FINAL READING (*Referendum Question - 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 provided background for Ordinance No. 2014-09.

Town Attorney Cirullo read the title of Ordinance No. 2014-09, noted it was a Public Hearing and would require a roll call vote.

Motion: Councilman Goltzene made a motion to approve Ordinance No. 2014-09 on second and final reading. Vice Mayor Jarriel seconded the motion. Discussion.

Council discussed the ordinance with Town Attorney Cirullo.

Mayor Browning opened the Public Hearing at 7:07 p.m.

Lawrence Corning, 2834 E Road, stated the Town started as government light and he feels now we are going in the opposite direction of the original purpose for the founding of the Town.

Mayor Browning closed Public Comments at 7:08 p.m.

Upon roll call vote, the motion was approved 3/2 with Councilman Liang and Mayor Browning casting a dissenting vote.

Motion: Councilman Rockett made a motion to reconsider the motion. Councilman Liang seconded the motion.

Councilman Goltzene voiced his concerns.

Upon roll call vote, the motion to reconsider the motion passed 3/2, with Vice-Mayor Jarriel and Councilman Goltzene casting dissenting votes.

Motion: Vice-Mayor Jarriel made a motion to again approve Ordinance No. 2014-09, on second and final reading. Councilman Goltzene seconded the motion.

Council also expressed their concerns.

Town Attorney Cirullo explained the procedures.

Council and members of the audience made additional comments.

Upon roll call vote, Ordinance No 2014-09 failed 2/3, with Mayor Browning, Councilmen Rockett and Liang casting dissenting votes.

Motion: Councilman Rockett made a motion to deny putting Ordinance No 2014-10 on the ballot. Councilman Liang seconded the motion. The motion to deny passed 3/2 with Vice-Mayor Jarriel and Councilman Goltzené casting dissenting votes.

Councilman Goltzené noted the motion had been made for Ordinance No. 2014-10 instead of 2014-09.

Motion: Councilman Rockett restated the motion to deny putting Ordinance No. 2014-09 on the ballot (not Ordinance No. 2014-10). Councilman Liang seconded the motion.

Upon roll call vote the motion passed 3/2, with Councilman Goltzené and Vice-Mayor Jarriel dissenting.

b. ORDINANCE NO.2014-10: PUBLIC HEARING/SECOND AND FINAL READING (*Referendum Question - 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 provided background for Ordinance No. 2014-10.

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

Motion: Councilman Liang made a motion to approve Ordinance No. 2014-10 on second and final reading. Vice-Mayor Jarriel seconded the motion.

Council and members of the audience made additional comments.

Upon roll call vote, the motion passed 4/1, with Councilman Goltzene casting a dissenting vote.

c. ORDINANCE NO. 2014-11: PUBLIC HEARING/SECOND AND FINAL READING (*Referendum Question - 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 reasons behind Ordinance No. 2014-11.

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

Motion: Councilman Rockett made a motion to approve Ordinance No. 2014-11 on second and final reading. Councilman Liang seconded the motion. Upon roll call vote, the motion passed 4/1, with Councilman Goltzene casting a dissenting vote.

d. **ORDINANCE NO. 2014-12: PUBLIC HEARING/FIRST READING**
(Referendum Question – Non-Binding Straw Ballot question related to willingness of voters to pay, if necessary, for 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 WILLINGNESS OF VOTERS TO PAY ADDITIONAL TAXES, SPECIAL ASSESSMENTS OR OTHER FEES FOR ROADWAY IMPROVEMENTS 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 provided background for Ordinance No. 2014-12.

Town Attorney Cirullo read the title for Ordinance No. 2014-12.

Motion: Vice-Mayor Jarriel made a motion to approve Ordinance No. 2014-12 on first reading. Councilman Liang seconded the motion. Discussion.

Council discussed the terminologies, within the ordinance, they wanted to address.

Town Attorney Cirullo needed a consensus on Council's decision, as the word count is limited.

Members of the audience provided their opinion on various aspects of the ordinance.

Mayor does not see this as a march toward paving

Mike restated question – listen on recording he can put in public dirt roads

Upon roll call vote, the motion passed 4/1, with Councilman Goltzené casting the dissenting vote.

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.

Motion: Councilman Liang made a motion to *Receive and File* documents from Town Manager Underwood. Councilman Rockett seconded the motion. Upon vote, the motion passed 5/0.

b. Palm Beach County Sheriff's Office (PBSO), District 15, Monthly Report for November, 2014.

9. OLD BUSINESS - *NONE*

10. NEW BUSINESS

a. Consideration to instruct staff to work with Minto for the collaboration in the development of the Okeechobee Boulevard Corridor Master Plan.

Councilman Goltzene recused himself and left the dais at 8:15 p.m., noting he will come by Town Hall to sign the ordinances and wished everyone a Merry Christmas.

Councilman Liang also recused himself.

Town Manager Underwood explained what Minto would provide to the Town. He requested Council approve for Staff to bring back a funding mechanism for Okeechobee Boulevard and take Minto up on their offer.

Members of the audience spoke on their concerns for the Minto project and how it might affect the Town.

Don Hearing, Cotleur Hearing, and representing the Minto communities, stated they had heard of a need and offered to volunteer their expertise. This proposal is not a conspiracy theory, and they would like to collaborate with integrity, as Minto is going to be part of the community.

Per Mayor Browning's request, Council commented on Minto's participation and collaboration with the Town.

Motion: Vice-Mayor Jarriel made a motion to allow Minto to assist the Town when coming up with a road design. Motion died for lack of second.

11. CLOSING COMMENTS

a. Public

Bill Louda, 1300 B Road, thinks Councilmen Goltzené and Liang should recuse themselves for from anything concerning road issues.

Marge Herzog, 966 A Road, concerning grant money, the Town has to be active. Also, Bill Hammond fell and broke his back and will be having surgery in Stuart. The Land Owners Association will be having a Pot Luck Dinner on Thursday, December 18, 2014.

Lawrence Corning, 2834 E Road, stated Mecca Farms and Scripps Development passed and feels these other developments will pass as well. Our shields are locked and we are only going to get stronger. Others will come and we need to raise a lot of money.

b. Town Attorney

Town Attorney Cirullo wished everyone Happy Holidays and safe travels, looks forward to seeing everyone next year, and Merry Christmas and Happy New Year.

b. Town Council Members

Councilman Liang Happy Holiday to everyone and extended his thanks to all the well wishes for his Mom who fell and broke her kneecap.

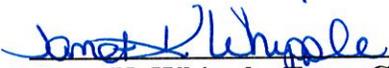
Vice-Mayor Jarriel noted that as of December 22nd he will be celebrating his 42nd wedding anniversary with his wife Sharon. He wished everyone Merry Christmas.

Councilman Rockett spoke of the Western Communities Council meeting on December 10th discussing the State Road 7 Extension, and reported the findings. Councilman Rocket had asked that the Town support the State Road 7 Extension to Northlake Boulevard, and Palm Beach County's Resolution No 2015-001. He then wished everyone Merry Christmas and a Happy New Year and thanked them for coming.

Mayor Browning thanked everyone for coming, and noted he was sad that Ann and Bill Parker sold their property. He then thanked everyone for coming and wished them a Merry Christmas.

12. ADJOURNMENT

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 9:00 p.m.



Janet K. Whipple, Town Clerk



David Browning, Mayor

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

