



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, January 6, 2015 - 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 Planning Consultant Jim Fleischmann
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, and Jim Rockett. Councilman Liang was not present at this time. 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

Motion: Councilman Goltzené made a motion to delete Item 9.a. from the Agenda. Motion died due to lack of a second.

Motion: Councilman Rockett made a motion to approve the Agenda, as presented. Vice-Mayor Jarriel seconded the motion. The motion passed 3/1 with Councilman Goltzené casting the dissenting vote.

2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Minutes:
 - **October 21, 2014 Regular Town Council Meeting**

Motion: Councilman Rockett made a motion to approve the Consent Agenda. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.

3. PUBLIC COMMENTS

4. PRESENTATIONS – NONE

5. COMMITTEE REPORTS – NONE

(Clerk note: For this meeting, the reading of ordinances will come before resolutions in order to keep proper protocol.)

6. ORDINANCES

- a. ORDINANCE NO. 2014-12: PUBLIC HEARING/SECOND AND FINAL 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 Attorney Cirullo read the title of Ordinance No. 2014-12 for Second and Final Reading.

Motion: Vice-Mayor Jarriel made a motion to approve Ordinance No. 2014-12 on Second and Final Reading. Councilman Rockett seconded the motion. Upon roll call vote, the motion passed 3/1 with Councilman Goltzené casting the dissenting vote.

7. **RESOLUTIONS**

a. **RESOLUTION NO. 2015-01:** *(Ballot Language)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUPPLEMENTING RESOLUTION 2014-21 TO PROVIDE THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS WITH THE BALLOT LANGUAGE FOR QUESTIONS TO BE PLACED ON THE BALLOT FOR THE MARCH 10, 2015, TOWN MUNICIPAL ELECTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo explained the premise and read the title of Resolution No. 2015-01.

Councilman Rockett made a motion to approve Resolution No. 2015-01. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 3/1 with Councilman Goltzené casting the dissenting vote.

b. **RESOLUTION NO. 2015-02:** *(Request to waive payment of real property)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, REQUESTING THE PALM BEACH COUNTY COMMISSION TO WAIVE PAYMENT BY THE TOWN FOR THE CONVEYANCE OF TITLE TO REAL PROPERTY CURRENTLY LEASED BY THE COUNTY TO THE CENTRAL PALM BEACH COUNTY CHAMBER OF COMMERCE AT THE LOXAHATCHEE GROVES PARK, TO THE TOWN AS PART OF THE TOWN'S TRANSACTION TO PURCHASE THE CHAMBER'S BUILDING CONSTRUCTED ON THE PROPERTY; PROVIDING FOR DELIVERY OF THIS RESOLUTION TO PALM BEACH COUNTY; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of Resolution No. 2015-02, and then explained the purpose.

Motion: Councilman Rockett made a motion to approve Resolution No. 2015-02. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 4/0.

Town Manager Underwood requested that Council authorize Staff to work with Palm Beach County concerning this matter.

Motion: Councilman Rockett made a motion authorizing Staff to work with Palm Beach County concerning the purchasing logistics of the Chamber of Commerce Building, located at 13901 Southern Boulevard. Councilman Goltzené seconded the motion. Upon vote, the motion passed 4/0.

- c. **RESOLUTION NO. 2015-03:** *(In support of State Road 7 Extension to Northlake Boulevard)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA EXPRESSING ITS CONTINUING SUPPORT FOR THE EXTENSION OF STATE ROAD 7 FROM OKEECHOBEE BOULEVARD TO NORTHLAKE BOULEVARD; OBJECTING TO THE POSTPONEMENT OF THE CONSTRUCTION OF THE STATE ROAD 7 EXTENSION AND URGING THAT THE EXTENSION BE CONSTRUCTED IN FISCAL YEAR 2016; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of Resolution No. 2015-03.

Mayor Browning requested a discussion of Seminole Pratt Whitney Boulevard be placed on a future agenda.

Motion: Councilman Rockett made a motion to approve Resolution No. 2015-03. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 4/0.

- d. **RESOLUTION NO. 2015-04:** *(Reconsideration of Roadway, Equestrian Trail and Greenway Committee (RETGAC) appointment).*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING RESOLUTION 2011-005, RELATING TO THE TOWN "ROADWAY, EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE" TO AMEND THE PROVISIONS RELATING TO DUTIES, MEETINGS AND PROCEDURES OF THE COMMITTEE, AND TO DESCRIBE THE ROLE OF THE COUNCIL LIAISON TO THE COMMITTEE; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of Resolution No. 2015-04.

Town Manager Underwood provided background on Resolution No. 2015-04.

Motion: Councilman Goltzené made a motion to approve Resolution No. 2015-04, with two changes. He requested to delete b.3. on Page 2, and also to allow the Town Manager to pick topics of discussion, as well as Council, to present to Board. TM shall prepare agenda and establish the meeting dates, act as secretary and attend all meetings. **Mayor Browning passed the gavel and seconded the motion.**

Councilman Rockett added suggestions for additional changes.

Town Attorney reiterated changes. Councilman Goltzené and Mayor Browning are agreeable with the changes in the motion.

Keith Harris, 2580 C Road, reported that he is currently still the Chair for the Roadway, Equestrian Trails, and Greenway Advisory Committee (RETGAC) and elaborated on the role of the Committee as it was. If Council approves this resolution, as amended, and reinstates the Committee, he will behave himself and conduct the Committee accordingly.

Upon roll call vote the motion passed 4/0.

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 the information in his report.

9. OLD BUSINESS

- a. Consideration for removal of Keith Harris from the Roadway, Equestrian Trail and Greenway Advisory Committee (RETGAC).

Town Attorney Cirullo explained the situation to Council, however, Councilman Liang was not present this evening, and Mr. Harris was his appointee to the RETGAC. This removal request was founded on a complaint which was asked to be brought before the Council.

Town Attorney explained the removal has to be a Council decision as the Board/Committee Members serve at the pleasure of the Town Council.

Motion: Councilman Rockett made a motion to remove Keith Harris from the Roadway, Equestrian Trails, and Greenway Advisory Committee (RETGAC). Vice-Mayor Jarriel seconded the motion.

Councilman Goltzené expressed his concerns concerning the dismissal of Mr. Harris from the RETGAC.

Jeff Kurtz, attorney representing Keith Harris, wanted to know what Mr. Harris did that was so embarrassing.

Motion: Councilman Rockett made a motion to accept *Receive and File* documents presented by Mr. Kurtz. Vice-Mayor Jarriel seconded the motion. Upon vote the motion passed 4/0.

Councilman Goltzené left the dais at 8:42 p.m.

Mr. Kurtz continued with his presentation, and noted since Councilman Liang was not present he did not know what his concerns were against Mr. Harris.

Jo Siciliano and Laura Danowski, both RETGAC Board Members expressed their concerns over the removal of Mr. Harris from the Board, and felt as this action was unjustified.

Upon vote, the motion to remove Keith Harris from the RETGAC, received a 2/2 vote and it did not pass.

Town Attorney Cirullo stated the process will have to start over, and Council will have to make the decision.

Council made comments concerning the incident.

10. NEW BUSINESS

- a. Consideration of request for removal of 200-foot portion of West D Road on the Loxahatchee Groves Water Control District's property from the Town of Loxahatchee Groves' Gas Tax Map in order to satisfy the September 12, 2014 Code Compliance Affidavit of Complaint issued by the Town.

Town Manager Underwood explained the reason behind the request, and noted page 3 was missing..

Motion: Councilman Rockett made a motion to authorize the Town Attorney and Town Staff to work with the Loxahatchee Groves Water Control District (LGWCD) in order to resolve the situation. Councilman Goltzené seconded the motion.

Keith Harris provided his opinion on the traffic that will be unsafe. He noted the residents need access to our only commercial area and requested the district move their fence back 30 feet, so that the commercial area and post office can be accessed safely.

Town Attorney Cirullo will come back with a recommendation.

Upon vote, the motion passed 4/0.

- b. Consideration to request the District Board of Supervisors of the Loxahatchee Groves Water Control District (LGWCD) to authorize the transfer of B Road to the Town of Loxahatchee Groves; once the Easement Map is completed and recorded, but prior to the commencement of any resurfacing work.

Town Manager Underwood noted the Town needs to send a request to the LGWCD for all the B Road negotiations to be done.

Town Attorney Cirullo stated B Road needs to be conveyed to the Town, and noted if the agreement gets approved someone else will pay.

Motion: Councilman Rockett made a motion to request the transfer of B Road to the Town once the easement map is completed. Vice-Mayor Jarriel seconded the motion. The motion passed 3/0, as Council Goltzene abstained from voting.

11. CLOSING COMMENTS

a. Public

Phyllis Maniglia, 359 West D Road, reported there were no “No Fireworks” signs up in Loxahatchee Groves for New Year’s Eve. There were a lot of fireworks and a lot of horses were frightened due to the noise.

Joyce Batcheler, 760 E Road, stated she has not attended a Council Meeting in a long time because of all the mudslinging. Everyone has the right to speak. She has been here for twenty-two (22) years and the same trail issues are still being discussed. She spoke in favor of Keith Harris, and stated everybody should benefit from the Town, and the residents need to find a way to get along.

b. Town Attorney

Town Attorney Cirullo wished everyone a Happy New Year.

c. Town Council Members

Councilman Goltzene commented he was glad to see so many equestrians in support of Keith Harris, and hopes they come back.

Vice-Mayor Jarriel thanked everyone for coming and to be safe going home.

Councilman Rockett thanked everyone for coming.

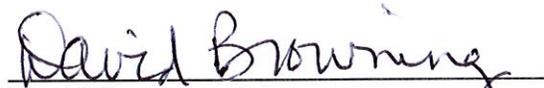
Mayor Browning hopes that the Town is seeing the light at the end of the tunnel, and will be able to fulfill the dreams that the residents have had for a long time. He thanked everyone for coming and wished them a Happy New Year.

12. ADJOURNMENT

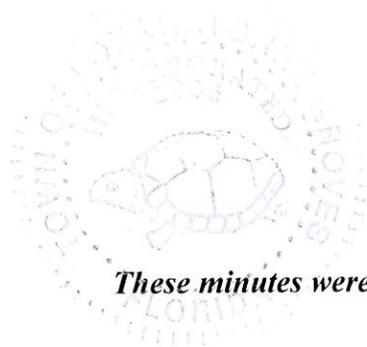
There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 8:14 p.m.



Janet K. Whipple, Town Clerk



David Browning, Mayor



These minutes were approved during the April 7, 2015 Town Council Meeting.