



Town of Loxahatchee Groves
Town Council Meeting
Tuesday, September 1, 2015 - 7:00 p.m. to 10:30 p.m.

TOWN HALL
155 F 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, Vacant
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 PM. Upon roll call the following members were present: Tom Goltzene, Ron Jarriel, Ryan Liang, Jim Rockett, and Mayor David Browning. Also in attendance were Town Manager Bill Underwood, Town Attorney Mike Cirullo, and Acting Town Clerk Perla Underwood.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Councilman Liang Moved, Seconded by Vice Mayor Jarriel to approve the Agenda with the following amendment: Switch the order of items 10.a and 10.b. The vote on the motion was unanimous, 5/0.

2. CONSENT AGENDA

a. Minutes: August 8, 2015

b. Invoice from Goren, Cherof, Doody & Ezrol, P.A.

- c. Set Special Town Council Meeting for September 29, 2015 (Adopting of Final Millage and Budget)

Councilman Rockett Moved, Seconded by Vice Mayor Jarriel to approve the Consent Agenda. The vote on the motion was unanimous, 5/0

3. PUBLIC COMMENTS

Henry Lewis – March Circle
Requested that March Circle be hedged.

Don Widing – 13169 Marcella Boulevard
Requested that the focus should be what is best for the Town.

Harold Murphy – Compton Road
Advised that he feels the Council is doing a good job, and residents in support.

Dennis Lipp – North Road,
Spoke on the limited number of residents that vote, attend meeting, or are involved.

Jo Sciliano – B Road
Expressed her hope that Town Council will answer for the Town on the future for the Town.

Maureen Lefkowitz – 34th Place North
Provided the Town Council with a prayer and feels that the Council works with the community.

4. PRESENTATIONS

- a. Update on World Special Olympics – Ruth Menor and Christina Cooney
Ruth Menor representing Vincermos thanked the Town Council for their support and donation for Christina Cooney’s participation in the Special Olympics. Christina won a silver, bronze, and 4th place metal.

The Town viewed a short film on Christina’s trip to the Special Olympics in Los Angeles in July 2015.

The Town Council joined with the audience in congratulating Christina on her performance at the World Special Olympics in California, and additionally, thanked Ruth Menor for the work her organization Vincermos does.

5. COMMITTEE REPORTS - None

6. RESOLUTIONS

- a. **Resolution No. 2015-26** (*Final Hearing Establishing Residential Solid Waste Fees*)

Town Manager Underwood advised that the Town had sent out letters to all

residents with respect to the proposed Solid Waste assessment for the year, and notification of the hearing date. Underwood also advised that the Town had made the necessary assessment adjustments in finalizing the assessment rolls.

Town Attorney Cirullo advised the Town Council about the hearing and what the Council can and cannot do tonight. Attorney Cirullo read Resolution No. 2015-26 by title only establishing residential solid waste fees.

Vice Mayor Jarriel advised that the Town's first priority is to save the residents the most money. Would like to stay with what the Town has previously proposed.

Upon question from Councilman Rockett, Town Manager advised that he does not have the property value increases breakdown by category (residential vs commercial). With respect to the increase on the proposed millage rate from the roll back rate, Underwood advised that was an increase of 36.8%.

Vice Mayor Jarriel advised that the increase in millage will not have a negative impact on residents when you take into account the decrease to the solid waste assessment. Vice Mayor Jarriel recommended the Town Council establish the solid waste assessment fee at \$256.37.

Vice Mayor Jarriel Moved, Seconded by Councilman Goltzene to establish the solid waste assessment fee at \$256.37. The vote on the motion was unanimous, 5/0.

b. Resolution No. 2015-29 (*Amending Budget for FY2015*)

Town Manager Underwood reviewed the fiscal year 2015 Budget Amendment with the Town Council. Underwood discussed adjustments for specific funds and the impact of the changes overall.

Councilman Liang Moved, and Seconded by Councilman Jarriel to adopt Resolution No. 2015-29 amending the Budget for FY2015 as presented. The vote on the motion was unanimous, 5/0.

7. ORDINANCES – *None*

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

- a. Agenda Item Report (AIR) - Updates on various activities and issues concerning the Town.

Town Manager Underwood reviewed funding from Minto on the traffic light for D Road, and also advised that he has not received any feedback from the South Florida Water Management District with respect to 43rd Road North.

9. OLD BUSINESS –

- a. Discussion and direction for Town Management Services – Severn Trent Letter of Withdrawal Dated: August 25, 2015

With the withdrawal of Severn Trent, Town Attorney Cirullo advised that the Town Council must decide what they will do with respect to Town Management services beginning October 1, 2015.

Councilman Goltzene Moved, Seconded by Councilman Liang to reject proposal submitted by Larry Tibbs, renew the Agreement with Underwood Management Services for an additional one (1) year term by exercising the renewal option, and authorize the Mayor to execute same.

Councilman Rockett advised that he would like the Town to contact the International City and County Managers Association (ICMA) to find out what resources they may be able to provide the Town.

Vice Mayor Jarriel advised that he was disappointed with Severn Trent's withdrawal, but at this time he would like Underwood Management Services to continue providing the Town services for the then next year.

The following residents spoke in support of retaining the current management company as follows:

Virginia Standish, representing the Landowners Association; Tim Harts-Wood – Timberland Place; Todd McClendon – 34th Place N; Laura Danoswki – E Road; and Joyce Batcheler – E Road

John Ryan – A Road

Provided the Town Council with a highlighted copy of the current Management Services Agreement with Underwood Management.

Greg Tindall – A Road

Spoke about a learning curve with a new management team and recommended the Town Council consider hiring a financial consultant to implement the Town's financial software.

Councilman Rockett advised that his reasons for new management were a result of several factors:

1. Unfair treatment of the Town's Solid Waste Monitor Frank Schiola by the Town Manager.
2. Postponement last week of the FAAC meeting by the Town Manager.
3. Unauthorized reimbursement of Waste Pro fines by the Town Manager.

Following discussion, the vote on the motion to renew the Agreement with Underwood Management Services by exercising the one year renewal option and, authorizing the Mayor to execute the amendment to the Agreement passed, 4/1. Councilman Rockett voted against the motion.

b. Discussion and direction for selecting Town Attorney

Town Manager requested that the Town authorize staff to prepare a Letter of Interest for municipal legal services. Underwood explained that each applicant would be interviewed individually by each Town Council member, with a selection later made by the Council. Final selection of the candidate will be made before the legal fee portion of submission is unsealed. Underwood also suggested that after the Town Council make's its selection a third party attorney be used to draft the agreement with the Town Council selected candidate.

Following discussion, the Town Council authorized the Town Manager to proceed as recommended.

10. NEW BUSINESS

a. Authorization to terminate Agreement with Palm Beach County – Land Development Review

Town Manager Underwood requested the Town Council authorization to terminate agreement with Palm Beach County for land development review. Underwood advised that after consultation with the County, the County is in agreement to cancel the agreement because of the differences in the Town ULDC and the County Code.

Councilman Liang Moved, Seconded by Vice Mayor Jarriel to authorize the Town Manager to send letter to PBC requesting termination of the Agreement. The vote on the motion was unanimous, 5/0.

b. Discussion and direction regarding performing code enforcement services

Town Manger Underwood requested direction from Town Council with respect to direction regarding performance of code enforcement services following the letter of intent to not renew from Bev Tew her contract with for Code Enforcement Services that expires on September 30, 2015.

Joanne Keller, PBC Director of Land Development was in attendance at the meeting.

Vice Mayor Jarriel Moved, and Seconded by Councilman Liang to instruct Town Manager Underwood to prepare an RFP for Code Enforcement Services. The vote on the motion was unanimous, 5/0.

11. COUNCIL REPORTS

Vice-Mayor Jarriel:

1. Discussion and direction on payment due to the LGWCD for services rendered on grading Town road outstanding bills.

Vice Mayor Jarriel required that all outstanding district billings for Town Road

maintenance by September 11, 2015. Following discussion, Vice Mayor Jarriel Moved, and Seconded by Councilman Rockett to instruct staff to issue a check for the outstanding district bills for Town Road maintenance. The vote on the motion was 4/1, with Councilman Goltzene voting against.

Fred Scheifer – Paradise Lane

Requested Town Council improve Flamingo and Paradise Lanes by putting OGEM on 22nd Road North off of C Road.

Vice Mayor requested weekly grading of 22nd Road, and schedule rock material for both Paradise and Flamingo. The Town Council unanimously agreed to grading and the ordering rock material for Flamingo and Paradise.

Also speaking on the matter was John Ryan – A Road; and Karen Piesley – D Road.

2. Maintenance easement Red Clover Nursery (B Road and 6th Court North).

Councilman Goltzene announced he was unable to participate in discussion, and voting on this matter as he has a relationship with the developers on the B Road project.

Vice Mayor Jarriel would like the Town to meet with Red Clover with respect to obtaining an easement on 6th Court North. Additionally, would like the Town Manager and LGWCD Administrator to meet with the Developers to provide the Town with fill for district canal berms.

Vice Mayor Jarriel Moved, and Seconded by Councilman Rockett to approve discussion with Red Clover. Mayor advised that in the past the Town could work on a square foot charge for the easement. The vote on the motion passed unanimously, 4/0. Councilman Goltzene declared a voting conflict and abstained.

3. Town Attorney Termination Extension from 30 to 60 days

Vice Mayor Jarriel requested Town Attorney Cirullo extend his notice of termination from 30 to 60 days to guarantee a smooth transition. Cirullo advised that he and the firm would extend the notice of termination as requested.

4. CLOSING COMMENTS

a. Public

Dennis Lipp – North Road

Requested that the Town resolve all “HOLDS” on existing code enforcement cases before the current provider’s contract expires.

He also reminded the audience and Council that a voter fraud was committed in the Town’s latest election.

Councilman Rockett reminded Mr. Lipp that voter fraud is an allegation, and

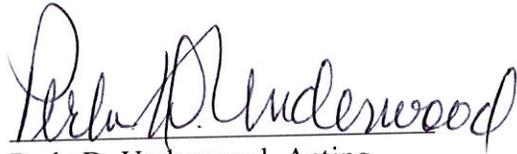
Town Manager to work with the developer to ensure use of a flag man during construction of B Road. The vote on the motion was approved, 4/0 with Councilman Goltzene abstaining.

Maureen Leftowitz - 34th Place N
Acknowledged and agreed with Dennis Lipp with respect to the election matter, and would like the process to proceed.

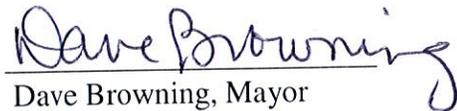
- b. Town Attorney
- c. Town Council Members

5. **ADJOURNMENT**

There being no further business to come before the Town Council, Mayor Browning declared the meeting adjourned at 9:20 PM.



Perla D. Underwood, Acting
Town Clerk



Dave Browning, Mayor