



Town of Loxahatchee Groves
Town Council Meeting

Tuesday, October 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.)

TOWN HALL

155 F Road, Loxahatchee Groves, Florida 33470

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 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 pm. Present were Mayor David Browning, Vice Mayor Ronald D. Jarriel, and Councilmen Tom Goltzene, and Ryan Liang. Councilman Jim Rockett was absent from the meeting. Also present were Town Manager William F. Underwood, II, Town Attorney Michael D. Cirullo, Jr., and Perla D Underwood, Acting Town Clerk

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

MOTION: Councilman Goltzene made a motion to approve the Agenda. The motion was seconded by Vice Mayor Jarriel. The motion passed 4/0.

2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Minutes: April 21, 2015
- c. Minutes: August 18, 2015
- d. Minutes: September 1, 2015
- e. Minutes: September 15, 2015
- f. Approval of Water Utilities Connection Only –
Jumas Properties, LLC – 15591 40th Street North

MOTION: Vice Mayor Jarriel requested that Item 2.f be removed from the Consent Agenda, and added as Item 10.c.

Following discussion Councilman Liang made a motion to approve the Consent Agenda. The motion was Seconded by Councilman Goltzene. The motion passed, 4/0.

3. PUBLIC COMMENTS

Marge Herzog – A Road

Announced upcoming program at the Landowners Association Meeting and invited all to attend.

Dennis Lipp – North Road

Voiced displeasure on attempt to discredit management by Councilman Rockett.

Reva Harris – 161st Terrace North

Related her concerns about certain property owners blocking her ability to access her property on West A Road.

Frank Schiola – Marcella Boulevard

Complained about the lack of an American Flag at the Town Hall, and pointed out that the Town of Loxahatchee Groves is the only municipality in Palm Beach County that does not have a flag.

Vice Mayor Jarriel advised that this matter is being addressed by the Town Manager.

Councilman Jim Rockett entered the meeting at 7:07 PM

Bill Louda – E Road

Announced that he would be leaving the Town Council meeting before discussion begins on management services.

Tim Harts-Wood – Timberlane Place

Expressed his disappointment that Council continues to question management's contract even though it recently renewed the services contract.

4. PRESENTATIONS – *NONE*

5. COMMITTEE REPORTS - *NONE*

6. ORDINANCES

7. RESOLUTIONS

a. Resolution No. 2015- 32 - Municipal Election 2016 & SOE Agreement

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, CONFIRMING THE DATE, TIME AND PLACE TO QUALIFY AND FILE FOR THE OFFICE OF TOWN COUNCIL MEMBER FOR SEATS TWO (2) AND FOUR (4), ADOPTED THROUGH ORDINANCE 2015-04, PRIOR TO THE MUNICIPAL GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 15, 2016, PURSUANT TO THE TOWN CHARTER AND CHAPTERS 97 - 106, FLORIDA STATUTES; THE ELECTION FILING PERIOD OPENS PROMPTLY AT 12:00 NOON ON NOVEMBER 3, 2015 AND CLOSES PROMPTLY AT 12:00 NOON ON NOVEMBER 10, 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; PROVIDING FOR CANVASSING AND CERTIFYING RESULTS OF THE ELECTION; AUTHORIZING THE TOWN CLERK OR DESIGNEE TO HANDLE CERTAIN ELECTION MATTERS; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo explained the new language in Resolution with respect to the Presidential Preference Primary by highlighting changes from prior year resolutions as follows:

- Early voting will be included and Town will not be opting out as a result of the Presidential Preference.
- Those early voting locations will be established by PBC Supervisor of Elections.
- PBC Canvassing Board will serve as the Town's Canvassing Board, as they are required by law to canvass state and federal elections.
- Town will not be required to attend the audit, or be in attendance at SOE facility on the night of the election.
- Town Clerk to attend the logistics test.

Following a lengthy discussion with respect to the early voting process, and the role of the Town's Canvassing Board, Councilman Liang Moved, and Seconded by Vice Mayor Jarriel to adopt Resolution No. 2015-32 as read. The vote on the motion was unanimous, 5/0.

b. **Resolution No. 2015-33 – Quit Claim Deed – Re: South B Road**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE QUIT CLAIM DEED FROM THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT FOR A PORTION OF SOUTH “B” ROAD AS DESCRIBED HEREIN; PROVIDING AUTHORIZATION FOR THE RECORDING OF THE QUIT CLAIM DEED AND TO TAKE ALL ACTION NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Councilman Goltzene announced that he would not be participating and voting on this matter as he has a business relationship with the developers of this project.

Councilman Liang Moved, and Seconded by Vice Mayor Jarriel to adopt Resolution No. 2015-33 as read.

Jo Siciliano – B Road

Requested that the Town Council consider reducing the road width to 18 feet as that would provide ample space for the necessary swale as the current canal maintenance easement, canal and road are currently 75 feet rather than the 60 foot easement originally granted the LGWCD.

The vote on the motion to adopt Resolution No. 2015-33 was unanimously adopted, 4/0 with Councilman Goltzene abstaining from voting on this matter.

c. **Resolution No. 2015-34 – Opposing GL Homes Land Use Change**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, OPPOSING GL HOMES’ REQUEST FOR A LAND USE CHANGE TO ITS 4,900 ACRE PARCEL OF LAND LOCATED WEST OF THE ACREAGE; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager advised Town Council on the topic that was considered at the recent meeting held at Village of Royal Palm Beach with respect to GL Homes Land Use Change, and the Resolution proposed was presented for consideration.

Motion: Vice Mayor Jarriel Moved, and Seconded by Councilman Goltzene to adopt the Resolution. During discussion, Mayor Browning advised the size of this development would expansion of the area’s road systems.

Dennis Lipp – North Road

Requested that copies of the Resolution also be send to Mr. Lorenzo DeGamo, Palm Beach County Planning Agency, as there will be two hearings before the Palm Beach County Planning & Zoning Board. He also pointed out that Jupiter and Tequesta are working

together to make US 1 through their Towns two lanes, and feels the Town should use this as a model in an attempt to keep Okeechobee Boulevard within the Town limits a two lane road.

Bill Louda – E Road

Volunteered to personally deliver a copy of the Resolution to Commissioner McKinley at their upcoming meeting on October 14.

The vote on the motion was unanimous, 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 advised the Town Council that the Town Attorney's extension expires on August 15, 2015, and requested Town Council direction on extending the Town Attorney services at this time.

Councilman Goltzene expressed his desire to keep the Town's legal counsel, Goren Cherof Doody & Ezrol. He asked the Town Attorney about his willingness to stay on as the Town's Attorney.

Upon question from Mayor Browning, Town Attorney Cirullo advised that the firm will remain until such time as the Town selects new representation. With respect to his firm's reconsideration to stay, he advised that he will need to take it back to the firm for their decision.

Councilman Liang would like to see the extension through the end of the year.

Motion: Councilman Goltzene Moved, and Seconded by Vice Mayor Jarriel to have the Town's counsel continue to perform legal functions until the Town selects new legal representation. The vote on the motion was passed unanimously, 5/0.

With respect to Goren Cherof Doody and Ezrol continuing their services to the Town, Mayor Browning stated that it would be necessary to ask the firm their position to reconsider staying, and would request the Council encourage them to remain as the Town's legal representatives.

Motion: Councilman Goltzene Moved to ask GCD&E to continue to perform the legal function on behalf of the Town. Councilman Liang Seconded the motion. Town Manager Underwood suggested that if the firm rescinds their letter of resignation, then staff can contact proposers advising that the Town is withdrawing its Request for Letters of Interest for municipal legal services.

Town Manager also detailed the following activities since the last meeting:

- Town Clerk Virginia Walton begins on October 13. He advised that Ms. Walton is the current City Clerk at the Village of Palm Springs.

- Prepared a letter to PBC Commissioner McKinley with respect to calming devices on Folsom Road.
- Office of Inspector General has included Loxahatchee Groves in its 2016 Fiscal Audit Plan.
- Loxahatchee Groves is one of two municipalities in Palm Beach County with the lowest millage rates for the upcoming year.
- Addressed both the PILOT and Contribution for the D Road improvements with Ms. Simmons, representing Big Dog.
- Waiting the final surveys on 6th court north and met with Red Clover Nursery and they express support in favor to meet trail requirements if necessary.
- Simmon & White is still working with cost differential and plan with respect to MINTO contribution for the traffic lights.
- Working Group on the RV Trailers – New Horse season

Underwood advised that the working group has come up with positive suggestions on how to handle the matter, and Attorney suggested the matter can be addressed adopting a zoning in progress on this matter.

Motion: Councilman Liang Moved, Seconded by Councilman Rockett to adopt a zoning in progress that will get steps in place, and propose changes in ULDG going into the future.

Attorney Cirullo to provide a resolution to include the rules formulated by the Town Manager and the working group for town council consideration for RV and camping trailers used during the horse season at the next meeting. Vice Mayor Jarriel stated that this would only be a temporary fix, and time frame will be provided by the Town Council.

Frank Schiola – Marcella Boulevard

Explained that this is a hot topic throughout the town. Is against doing something without the ability of the public to attend the Manager's meeting with the working group. Vice Mayor Jarriel advised that the Manager reached out to residents for input in an attempt to bring forward a solution for Council consideration.

Councilman Goltzene agreed with Vice Mayor Jarriel, but pointed out that the deplorable conditions that many folks that work in Town live in throughout the community year around that have nothing to do with the equestrian season.

Keith Harris – C Road

Any town action starts with a single step. Manager took steps to listen to a small group on their views. Expressed his thanks to Vice Mayor Jarriel on this thoughts, and is confident that those against will have the opportunity to share their opinions.

Jo Siciliano – B Road

Felt that this policy would allow the generate revenues, and identify those not in compliance.

Councilman Liang expressed his concern that the meetings of the Manager and residents should have been publically noticed.

Mayor Browning explained that the Town Council's committees are different than getting a group that has no power, no authority, and comes together only to provide the Manager with input.

The vote on the motion to authorize the Town Attorney to draft a Resolution for consideration passed, 5/0.

- Advised that culvert has failed under west C Road at Timberlane Place, and met with the residents, and LGWCD Administrator Yohe. Will will work with the LGWCD to come up with a solution to this matter.

Councilman Goltzene asked if the Town would consider limiting the number of meetings for November and December. Requested that a Town Council meeting calendar be placed on the next Agenda for discussion and action.

- RFP for public works services for mowing, hedging, grading, watering etc. Provided to OIG for comment and engineers for comments and the Town Attorney.
- Property Appraiser reduced the value of \$1.5 million through Value Adjustment Board with a total impact of \$2100.00

9. OLD BUSINESS – NONE

10. NEW BUSINESS

- a. Approval of ILA for Temporary Emergency Maintenance Services Agreement with LGWCD – Emergency watering, hedging, signage replacement, and repair of Town Roads.

Motion: Vice Mayor Jarriel Moved, and Seconded by Councilman Liang to approve the ILA for Temporary Emergency Maintenance Services. The vote on the motion passed, 4/1. Councilman Goltzene voted no on the motion.

- b. Approval of ILA for Temporary Grading and Repair Services and Supply of Base Rock

and Asphalt Material for Town Roads with LGWCD

Town Manager Underwood advised that cost per mile remains same, but road material expenses will increase.

Motion: Vice Mayor Moved, and Seconded by Councilman Liang to approve the ILA for temporary grading and repair services, and supply of base rock and asphalt materials for Town Roads

The vote on the motion passed, 5/0.

- c. Approval of Water Utilities Connection Only – Jumas Properties, LLC
15591 40th Street North

Town Manager advised that Jumas Properties is requesting a water connection across north road at his expense.

Motion: Councilman Liang Moved, and Seconded by Vice Mayor Jarriel to approve the connection as requested. The vote passed, 5/0.

11. COUNCIL REPORTS

Vice Mayor Ron Jarriel –

- 1. Discussion Relative to Draft Referendum Ballot Language – Town Charter Revision for Debt

Vice Mayor Jarriel advised that he would like to see a Referendum Ballot question be included in the March election that would allow the Town to borrow money for road improvements.

Councilman Rockett would like Town residents to retain the right to vote on each matter (identify the item). He would not like to see that right taken from the citizens. a

Councilman Liang agreed that specific projects must be identified for consideration by the Town's citizens.

Councilman Goltzene feels that a properly written referendum giving Town Council power to borrow a limited amount and structured on how it will be paid should be considered. Attorney Cirullo would recommend not making a decision tonight. Advised that pledged reevenue borrowing does not need to go through referendum.

John Ryan – A Road

Advised about state requirements on General Obligation bonds.

Mayor Browning expressed his belief that improvements should be a joint effort on the

part of the Town and residents alike. People on roads should vote for improvements or not, and the Town will supplement the expenditure.

Council was advised that the deadline for ballot question is December 15, 2015.

Motion: Vice Mayor Jarriel requested that the Attorney draft an ordinance for consideration similar to the ballot language that was approved last year for the next meeting. Councilman Goltzene Seconded the motion. The vote on the motion failed, 2/3 with Mayor Browning, and Councilmen Liang and Rockett voting against.

Councilman Rockett requested Town Manager provide a management report outlining what steps Town can take with respect to debt.

Councilman Goltzene excused himself from the Town Council meeting at 10:00 PM.

2. Discussion and Direction Relating to Intergovernmental Committee IGC

Vice Mayor Jarriel requested direction from Town Council to reconvene the IGC meetings.

Motion: Vice Mayor Jarriel Moved, and Seconded by Councilman Rockett to reconvene at the direction of the Town Council. The vote on the motion was 4/0.

Councilman Jim Rockett –

1. Discussion Relative to Town Management Contract Review – Duties and Responsibility

Councilman Rockett raised the following items relating to the Management Services Contract:

- Recommended Town Manager evaluation be done each May to include a Financial Report (audit report), and Manager to provide an administrative report as well.
- Would like all competitively bids for services to be reviewed by Financial Committee and Attorney prior to approval by Town Council.
- Would like Manager to prepare an Punch list within 24 hours following a Town Council meeting for submission to Town Council.

Following a lengthy discussion, the Town Council generally agreed to schedule a meeting for January to discuss and make necessary changes to the Town Management Services Agreement, and requested the Town Manager to provide recommendations on changes to the existing contract.

2. Discussion of Reimbursement of Waste Pro Fine Assessment

Councilman Rockett provided a brief review of the report he previously provided Town Council with respect to reimbursements of fines to Waste Pro Fines by management. Following discussion by Town Council, no action was taken on the matter.

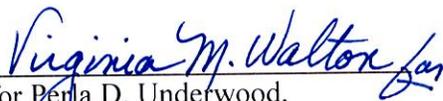
12. CLOSING COMMENTS

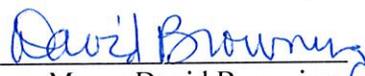
- a. Public
- b. Town Attorney
- c. Town Council Members

13. ADJOURNMENT

The next regular Town Council Meeting is tentatively scheduled for October 20, 2015.

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 10:30 PM.


for Perla D. Underwood,
Acting Town Clerk


Mayor David Browning

These minutes were adopted at 11-3-2015 meeting of Town Council.