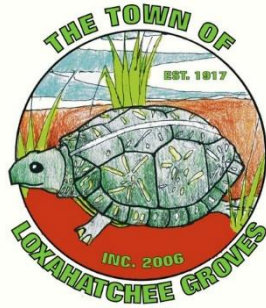


**TOWN OF LOXAHATCHEE GROVES
TOWN HALL COUNCIL CHAMBERS
TOWN CHARTER REVIEW COMMITTEE MEETING**

AGENDA

September 22, 2021, 6:00-8:00 p.m.



**Deborah Marshall
Paul Coleman
Todd McLendon
Virginia Standish**

William Ford

**Casey Suchy
Neil O'Neil
John Ryan
Jo Siciliano**

Administration

Town Manager, James S. Titcomb
Town Attorney, Elizabeth Lenihan
Town Clerk, Lakisha Q. Burch

Civility: Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That's why we say "Character Counts" in Town of Loxahatchee Groves. Civility is practiced at all Town meetings.

Special Needs: In accordance with the provisions of the American with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall within three business days prior to any proceeding, contact the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida, (561) 793-2418.

Consent Calendar: Those matters included under the Consent Calendar are typically self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by a single motion. If discussion on an item is desired, any Town Council Member, without a motion, may "pull" or remove the item to be considered separately. If any item is quasi-judicial, it may be removed from the Consent Calendar to be heard separately, by a Town Council Member, or by any member of the public desiring it to be heard, without a motion.

CALL TO ORDER

ROLL CALL

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

The public is encouraged to offer comments on any non-agenda item. Generally, remarks by an individual will be limited to one time, up to three minutes or less.

REGULAR AGENDA

1. Review the following Charter Amendments.
 - a. Referendum regarding Canvassing Board
 - b. Referendum regarding Qualifying dates.
2. Review of suggestions for Charter change received from Committee members.
 - a. Deborah Marshall
 - b. Jo Siciliano

ADJOURNMENT

Comment Cards: Anyone from the public wishing to address the Town Council, it is requested that you complete a Comment Card before speaking. Please fill out completely with your full name and address so that your comments can be entered correctly in the minutes and give to the Town Clerk. During the agenda item portion of the meeting, you may only address the item on the agenda being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.

ORDINANCE NO. 2021-____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES TO BE HELD ON _____, AS TO WHETHER THE TOWN OF LOXAHATCHEE GROVES CHARTER SHALL BE AMENDED IN THE FOLLOWING RESPECT: AMEND PARAGRAPH (5) OF SECTION 7 “ELECTIONS” OF THE CHARTER FOR THE CANVASSING BOARD TO BE DETERMINED BY THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Council has determined that a provision of the Town Charter should be amended; and

WHEREAS, the Town Council has further determined that the Town of Loxahatchee Groves electors should determine whether the Town Charter should be amended as provided in this Ordinance; and

WHEREAS, it is necessary and essential to call and hold a referendum submitting the issue of whether the Town of Loxahatchee Groves Charter shall be amended as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby fully incorporated herein by reference as true and correct and as the legislative findings of the Town Council.

Section 2: That a referendum is hereby ordered to be held in the Town on the ____ day of _____ 2022, to determine whether or not the Town of Loxahatchee Groves Charter shall be amended to amend Paragraph (5) of Section 7. – Elections to read as follows:

(5) *Town canvassing board.* The town canvassing board shall be composed as determined by the Palm Beach County Supervisor of Elections, who is designated as the official Supervisor of each Uniform Municipal Election for the Town. ~~of three members: the Town Clerk, and two members appointed by the Town Council by Resolution. No member of the town canvassing board shall be an active participant in the town election for which he or she is canvassing as the term "active participant" is interpreted by the Florida Department of Elections. Where possible, the members of the town canvassing board shall be experienced as a judge or in the administration of elections. Should a vacancy occur on the canvassing board, the Town Council shall appoint a replacement member by resolution.~~ The Town Canvassing Board shall canvass the election consistent with the requirements of Florida law and consistent with and pursuant to any agreement between the Town and the Palm Beach County Supervisor of Elections. The canvassing board shall certify the results of the election upon receipt of the certification from the Supervisor of Elections.

Section 3: The form of the ballot for the Charter amendment provided for herein shall be as follows:

CANVASSING BOARD FOR ELECTIONS

The present Charter provides for a Town canvassing board. Town Council has proposed that the Palm Beach County Supervisor of Elections be designated as the official Supervisor for Uniform Municipal Elections for the Town, allowing for a single canvassing board for all municipal elections in the County.

Shall the above described amendment be adopted?

Yes []

No []

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences,

clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ____ DAY OF _____, 2021.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	☐	☐	☐
LAURA DANOWSKI, VICE MAYOR	☐	☐	☐
MARGE HERZOG, COUNCILMEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCILMEMBER	☐	☐	☐
MARIANNE MILES, COUNCILMEMBER	☐	☐	☐

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2021.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	☐	☐	☐
LAURA DANOWSKI, VICE MAYOR	☐	☐	☐
MARGE HERZOG, COUNCILMEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCILMEMBER	☐	☐	☐
MARIANNE MILES, COUNCILMEMBER	☐	☐	☐

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Mayor Robert Shorr

Vice Mayor Laura Danowski

Councilmember Marge Herzog

Councilmember Phillis Maniglia

Councilmember Marianne Miles

ORDINANCE NO. 2021-____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES TO BE HELD ON _____, AS TO WHETHER THE TOWN OF LOXAHATCHEE GROVES CHARTER SHALL BE AMENDED IN THE FOLLOWING RESPECT: AMEND PARAGRAPH (3) OF SECTION 3 “ELECTION AND TERMS OF OFFICE” OF THE CHARTER TO PROVIDE THE CANDIDATE QUALIFYING PERIOD BY ORDINANCE; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, subsection 166.021(4), Florida Statutes, and subsection 100.3605(2), Florida Statutes, allow a municipality to change the dates for qualifying and the dates for the election of members of a governing body by ordinance; and

WHEREAS, the Town Council has determined that a provision of the Town Charter should be amended; and

WHEREAS, the Town Council has further determined that the Town of Loxahatchee Groves electors should determine whether the Town Charter should be amended as provided in this Ordinance; and

WHEREAS, it is necessary and essential to call and hold a referendum submitting the issue of whether the Town of Loxahatchee Groves Charter shall be amended as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby fully incorporated herein by reference as true and correct and as the legislative findings of the Town Council.

Section 2: That a referendum is hereby ordered to be held in the Town on the ____ day of _____ 2022, to determine whether or not the Town of Loxahatchee Groves Charter shall be amended to amend Paragraph (3) of Section 3. – Election and terms of office to read as follows:

(3) *Qualification.* Candidates for each council seat must qualify for council elections by seat in accordance with applicable general law, and the council members elected to those seats shall hold the seats 1 through 5, respectively. To qualify for office:

(a) *Filing.* Each candidate for council member shall file a written notice of candidacy with the town clerk at such time and in such manner as may be prescribed by ordinance and shall make payment to the town of any fees required by general law as a qualifying fee.

(b) *Registered elector.* Each candidate for council member shall be a registered elector in the state.

(c) *Residency.* Each candidate for council member shall have maintained his or her domicile within the boundaries of the town for a period of 1 year prior to qualifying for election and, if elected, shall maintain such residency throughout his or her term of office.

(d) *Deadline.* Any resident of the town who wishes to become a candidate for a council member seat shall qualify with the town clerk at such time as may be prescribed by ordinance. ~~no sooner than noon on the first Tuesday of January, nor later than noon on the second Tuesday in January, of the year in which the election is to be held except for those years in which the first Tuesday in January is January 1, and in those years any resident of the town who wishes to become a candidate for a council member seat shall qualify with the town clerk no sooner than noon on the first Wednesday of January, nor later than noon on the second Wednesday in January in those years in which the election is to be held.~~

Section 3: The form of the ballot for the Charter amendment provided for herein shall be as follows:

QUALIFYING DEADLINE FOR CANDIDATES FOR TOWN COUNCIL

The present Charter provides deadline dates by which candidates for Town Council must qualify for office. Town Council has proposed that deadline dates for qualifying be established by ordinance, as provided for in Florida Statutes.

Shall the above described amendment be adopted?

Yes []

No []

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __DAY OF ____, 2021.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	☐	☐	☐
LAURA DANOWSKI, VICE MAYOR	☐	☐	☐
MARGE HERZOG, COUNCILMEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCILMEMBER	☐	☐	☐
MARIANNE MILES, COUNCILMEMBER	☐	☐	☐

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2021.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	☐	☐	☐
LAURA DANOWSKI, VICE MAYOR	☐	☐	☐
MARGE HERZOG, COUNCILMEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCILMEMBER	☐	☐	☐
MARIANNE MILES, COUNCILMEMBER	☐	☐	☐

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Lakisha Q. Burch, Town Clerk

Mayor Robert Shorr

Vice Mayor Laura Danowski

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Councilmember Marge Herzog

Councilmember Phillis Maniglia

Councilmember Marianne Miles

LOXAHATCHEE GROVES CHARTER REVIEW COMMITTEE

Deborah L. Marshall

House Bill No. 951 brought Loxahatchee into existence, that bill incorporates the concept of “legislative intent” which is reflected in Section 1 of the town Charter. CHARTER - CREATION. It is my goal to strengthen this “intent”.

1. Section 1 b) states that “persons who are experiencing certain impacts, such as the destruction of rural habitats and the threat to equestrian, farming, and nursery businesses, resulting from urbanization in the surrounding areas. The residents within the town would like to control the effects of those impacts through the incorporation of the town and its continued existence as a historic rural community. . .”

This is the beginning of the legislative intent behind which the town was incorporated. Section d) states this more specifically and I would like to start with that.

d) It is intended that this charter and the incorporation of the Loxahatchee Groves area will serve to **permanently**, preserve and protect the distinctive rural characteristics of the community. **Those distinctive rural characteristics mandate** low density, minimal lot coverage, substantial open spaces, agricultural, **equestrian** and nursery interests. **This also mandates 1) the protection, preservation and restoration of the tree canopy, taking special care to protect and preserve mature and old growth native trees, 2) the protection and preservation of our water resources including the water table and aquifers which are vital to all rural and agricultural endeavors. 3) Rural characteristics mandate minimizing and reducing traffic throughout the Loxahatchee Groves area, 4) reducing light pollution as this adversely affects agricultural entities 5) mandates minimizing and reducing noise pollution and 6) working to protect wildlife** within the boundaries of the town.

Section 2. 1) Town Council - there shall be a five-member town council (“council”) vested with all legislative powers of the town, consisting of five members (“council members”), each elected from and representing the town at large. Unless otherwise stated in the charter, all charter powers shall be exercised by the council. **All council members shall be bound by the legislative intent of the charter as stated in Section 1 b) and d).**

Section 3 - 4) Vacancies in Office; Forfeiture; Suspension; Filling of Vacancies, **Recall of members**

b) Forfeiture of Office. Any council member shall forfeit his or her office upon determination by the council acting as a body, at a duly noticed public meeting **or by residents in a recall vote**, that he or she:

6. Does not abide by the stated legislative intent of the charter.

Residents may initiate a recall referendum with 10% of the most recent number of voters. *I would like to rewrite the paragraph that “The council shall be the sole judge of the qualifications of its members. . . .To give the residents more say in initiating recall procedures - once a recall is initiated those members should not be able to vote on the matters designated in the recall document.*

I would also like discussion on the voters being able to elect the mayor rather than the council.

Jo Siciliano's Thoughts and ideas on Charter verbiage and content

The Loxahatchee groves area in Palm Beach County includes a compact and contiguous rural community of approximately 3,120 persons. The community is experiencing certain impacts from urban sprawl resulting in the destruction of its rural habitats and threatening the existence of its agricultural vitality such as farming, nursery and equine businesses. The residents within this area would like to control the effects of these impacts through the incorporation of THE TOWN OF LOXAHATCHEE GROVES and secure its continued existence as an historic, rural, agriculturally diverse community with the benefits of self determination. (Should this say Home Rule?)

It is the intent of this charter and the incorporation of the Loxahatchee Groves area to conserve, preserve and protect LG's natural and environmental resources, open spaces, natural areas, wetlands, woodlands, canals and greenways (canal riparian), and agricultural land. Thereby encouraging biodiversity, ecological responsibility and preserving the aesthetic appeal of our rural community and helping to protect the quality of air, water and land resources in our town.

Preservation of Significant Historic, Archeological and Ecological sites.

There shall be a Land Development Suitability Review Commission. Land as a resourceLG shall require land development suitability analysis....using maps, federal and state data sourcing, historical land records, conducting surveys and field research to document and determine land suitability. To identify and define areas such as wetlands or critical habitats for threatened and/or endangered species, and regulate destruction of native fauna and flora throughout entire community.

Any Historic, Archeological and Critical Ecological sites determined to exist by town (Review Commission) or other recognized public entity or any sites on the National Register of Historic places or the state master site file shall be protected from destruction. Should such a site be identified in the town, no excavation or razing of structures shall occur until a plan of preservation and mitigation is submitted to and reviewed by the planning and zoning board and approved by town council.

Preservation and Protection

To define, preserve and protect the individual yet diverse characteristics within the boundaries of The Town of Loxahatchee Groves and to maintain the low density, minimal lot coverage and substantial “green-areas” that the Loxahatchee Groves area enjoys.

Expanding on the legislative intent at incorporation that these unique characteristics of the Loxahatchee Groves area be recognized, or identified PRESERVED and PROTECTED.

And further acknowledging, endorsing, encouraging and promoting the importance of Loxahatchee Groves as a rural, Agricultural community.

It shall be a town priority to preserve and protect itself as an agrarian, bucolic community as outlined in the Town’s comprehensive plan.

Can we make entire town a preserve and then use special zoning districts (overlays) to control development???

***Convert Canals and adjacent “easement” (greenways) along with a track (greenbelt) surrounding our town and defining our borders into a LINEAR PARK (parkways, greenways and waterways)

Reference.....OLMSTEAD’S EMERALD NECKLACE

Boston....1,100 acre system of parks and ***parkways that spans 7 miles and links neighborhood/community parks and regional parks with a series of greenways, greenbelts and waterways. CREATING ONE *LINEAR* PARK!!!!!!!

LUTRAQ Land Use, Transportation, Air Quality

Planning techniques to protect and improve air quality

Perhaps a resource to utilize to maintain OKEECHOBEE as a 2 lane rural

***PARKWAY!!!!