Florida's Last Frontier
Town of
LOXAHATCHEE GROVES

Town of Loxahatchee Groves
Town Council Meeting
Tuesday, July 21, 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 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. Also present were Town Manager Bill Underwood, Town Attorney Mike Cirullo, and Town Clerk Janet K. Whipple. Councilman Liang was not present at this time.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Town Manager Underwood provided three (3) addendums to the Agenda.: 1) Add a memo to Consent Agenda 2.a.; 2) 7.a.b. discussion on millage memo/budget, 3) Add 10.c. concerning Vinceremos Therapeutic Riding Center.

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

2. CONSENT AGENDA ~~- NONE~~

a. Memo from June 2015 added per Town Manager Underwood addendum (do not have the subject).

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

3. PUBLIC COMMENTS

Bill Louda, 1300 E Road, spoke on the Management Request for Proposal (RFP) versus extending the current Town Management contract, and requested an explanation.

Councilman Liang arrived at 7:06 p.m.

Clerk Note: Recorder commenced at 7:09 p.m.

Mayor Browning read a Public Comment Card into the record, requesting that Vice-Mayor Jarriel reconsider the Request for Proposal (RFP).

Tim Hart-Woods, 15201 Timberlane Place, explained why he felt Council was an embarrassment, spoke about resignations, and the loss of the Town's integrity. He asked Councilman Rockett and Councilman Liang to resign; and asked those who voted for Councilman Liang to reconsider their vote.

Virginia Standish, 15410 North Road, referenced the Audit Report, noted one of the three (3) Members of Council who voted for the Management Request for Proposal could reconsider their vote, and hoped the Palm Beach County Sherriff's Office (PBSO) will work within the Town boundaries in order for the Town can get revenue on tickets issued. She also requested Council please include horse crossings in the budget.

Jo Siciliano, 1530 B Road, requested Councilman Rockett reconsider his vote for the Request for Proposal. It is all about trust, and is like training horses with consistency, is important to gain the trust.

4. PRESENTATIONS

a. Joe Lelonek, Partner Atlantic Land Companies, to make a presentation on B Road Construction.

Joe Lelonek, Atlantic Land Realty, made his presentation on the B Road Development. The contract with all entities is in place, except the section missing for the Town to complete the OGEM portion of B Road. Residents would like B Road to be completed. In the event B Road is not completed, the developer would like the ability to have self-help rights as an alternative.

They want to ensure the road is build in a timely fashion. Mr. Lelonek asked the Council their thoughts on self-help rights, exact deadline, or a compromise. He asked for their direction.

Council, discussed options with Town Attorney Cirullo concerning self-help, deadlines, alternatives, guarantee of B Road being completed, the request for a project timeline, and the request for an outside completion date which was estimated to be October 2017, pending commitment.

b. Terry Morton, Partner at Nowlen, Holt & Miner, P.A., to present the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2014.

Terry Morton, Town Outside Auditor from Nowlen, Holt & Miner P.A., provided an overview of the Comprehensive Annual Financial Report (CAFR) and responded to questions from Council.

Motion: Councilman Rockett made a motion to Receive and File the Comprehensive Annual Financial Report (CAFR). Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.

~~5.~~ COMMITTEE REPORTS - ~~*NONE*~~

Dennis Lipp, 13402 North Road, and Chair of the Planning and Zoning Board, provided a report concerning a resident from D Road. Apparently the neighbor next to her was raising the elevation of her property to a point that the resident making the report; her property will be flooded. Mr. Lipp read from the Palm Beach County Unified Land Development Code (ULDC) which states that the individual owner is responsible for containment of rain water and disbursement.

6. ORDINANCES - *NONE*

7. RESOLUTIONS

a. **RESOLUTION NO. 2015-23** (*Tentative Solid Waste Assessment*)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES AND FACILITIES AND PROGRAMS ("SOLID WASTE COLLECTION SERVICES") IN THE TOWN OF LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL;

AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Manager Underwood explained Resolution No. 2015-23, and provided a comprehensive Power Point Presentation to explain the rough draft of the Fiscal Year 2016 Budget Proposal.

Council discussed various issues concerning $100,000 which Big Dog Ranch was giving to the Town, the proposed millage rate, Solid Waste, and leaving money in the contingency fund.

Motion: Councilman Goltzené made a motion to charge $300.00 per residential unit for the Solid Waste Collection Service Assessment. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.

Town Attorney Cirullo added $300.00 per residential unit for the proposed Solid Waste Collection Services Assessment into Resolution No. 2015-23, and noted the Special Assessment date for the Resolution needs to be submitted by September 11, 2015.

Town Manager Underwood continued with other dates required by law.

Town Attorney Cirullo read the title of Resolution No. 2015-23.

Motion: Councilman Liang made a motion to adopt Resolution No. 2015-23. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 5/0.

b. **RESOULTION NO. 2015-24** *(Proposed Millage for Fiscal Year 2015/2016)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ADOPTING A PROPOSED OPERATING MILLAGE RATE OF __________ FOR GENERAL OPERATING BUDGET PURPOSES FOR FISCAL YEAR 2015/2016; APPROVING AND AUTHORIZING TRANSMITTAL OF THE FORM DR-420 TO THE PROPERTY APPRAISER; PROVIDING FOR THE ESTABLISHMENT OF AND SETTING FORTH THE DATE, TIME AND PLACE OF THE PUBLIC HEARING TO CONSIDER THE FISCAL YEAR 2015/2016 PROPOSED MILLAGE RATE AND TENTATIVE BUDGET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Councilman Rockett made a motion for a proposed millage rate of 1.2. Councilman Liang seconded the motion. Upon vote, the motion failed 2/3, with Councilman Goltzené, Vice-Mayor Jarriel, and Mayor Browning casting the dissenting votes.

Motion: Vice-Mayor Jarriel made a motion for a proposed millage rate of 1.478. Councilman Goltzené seconded the motion. Upon roll call vote, the motion passed 3/2 with Councilman Rockett and Councilman Liang casting the dissenting votes.

The Proposed Operating Millage Rate will be 1.4718. The roll back rate will be .0759. The Final Millage Meeting will be Tuesday, September 1, 2015.

Town Attorney Cirullo read the title of Resolution No. 2015-24.

Motion: Councilman Liang made a motion to adopt Resolution No. 2015-24. Council Goltzené seconded the motion. Upon roll call vote the motion passed 4/1 with Councilman Rockett casting the dissenting vote.

MANAGER'S REPORT – *Town Manager Underwood*

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

b. Palm Beach County Sheriff's Office (PBSO), District 15 Loxahatchee Groves Monthly Report: June 2015 *(on file)*

c. Palm Beach County Fire Rescue June Response Time. *(on file)*

Town Manager Underwood provided his report.

Council discussed speed humps on B Road, requested a report from the Town Engineer concerning B Road, new developers in the western communities and that a coalition was commencing against the development.

8. OLD BUSINESS – *NONE*

9. NEW BUSINESS

a. Discussion, and direction, on the Eighth Addendum to the Law Enforcement Service Agreement between The Town of Loxahatchee Groves and Ric L. Bradshaw, Sheriff of Palm Beach County Florida; and also potential solutions to immediate law enforcement coverage within the Town of Loxahatchee Groves. *(Carried over from 07/07/2015 TC meeting)*

Motion: Vice-Mayor Jarriel made a motion the approve the Eight Addendum to the Law Enforcement Service Agreement. Councilman Liang seconded the motion. Upon roll call vote, the motion passed 5/0.

b. Discussion, and direction, on an Interlocal Agreements (ILA) with the Loxahatchee Groves Water Control District for accessory road maintenance services. *(Carried over from 07/07/2015 TC Meeting)*

Town Manager Underwood stated the District Administrator requested this item be pulled.

Although the District Administrator wanted to pull this item, Council discussed the matter and decided to proceed with the Interlocal Agreement (ILA).

Motion: Councilman Goltzené made a motion to approve the the Interlocal Agreement, and extend to a Request for Proposal (RFP) within a six (6) month term if need be. Vice-Mayor Jarriel seconded the motion. Upon vote the motion passed 5/0.

10. c. Discussion on Vinceremos Therapeutic Riding Center, and a contribution to the Special Olympics. (Addendum #3 added to the Agenda.)

Council discussed Vinceremos and a contribution toward a participating resident attending the Equestrian Special Olympics.

Motion: Councilman Goltzené made a motion to donate $500.00 in support of the Equestrian Special Olympics through Vinceremos Therapeutic Riding Center. Vice-Mayor Jarriel seconded the motion.

Council continued discussing the pros and cons, and suggestions, for making such a donation.

Members of the audience also expressed their opinions.

Upon vote, the motion passed 5/0.

COUNCIL REPORTS – *NONE*

10. CLOSING COMMENTS

a. Public

Phyllis Maniglia, 359 West D Road, spoke more about the Palm Beach County Sheriff's Office (PBSO), and different incidences that have occurred at the Palms West Plaza.

Bill Louda, 1300 E Road, spoke on the Assessment for the Solid Waste Authority, a sea level rise symposium, and that the Roadway Equestrian Trails and Greenway Advisory Committee (RETGAC) should start meeting again. Mr. Louda was not happy with the development of the Day Property concerning the equestrian trails. He noted the Town was being swamped with developers, and suggested possibly bringing a lawsuit against Palm Beach County for increasing the Agricultural Exemption. He mentioned the Management Services, Request for Proposal (RFP), and why it was being proposed.

Thais Hagen Gonzalez, 13090 Raymond Drive, discussed the Management Contract, and reminded Council that the Residents come first on the Town's Organizational Chart.

Todd McLendon, 3481 D Road, discussed removing the item about the slush fund, and thanked Town Clerk Whipple for her service, as it was her last Town Council Meeting.

b. Town Attorney

Town Attorney Cirullo had no further comments.

c. Town Council Members

Councilman Rockett stated, statements are only opinions and they are allowed to be expressed.

Councilman Liang thanked everyone for coming, and noted the need to focus on the new projects to come.

Vice-Mayor Jarriel wished everyone to be safe going home.

Councilman Goltzené supported what Vice-Mayor Jarriel said and good night.

Mayor Browning mentioned the Town Clerk, the Management Team, and the financial matters.

11. ADJOURNMENT

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 9:11 p.m.

Virginia M Walton
For: Janet K. Whipple, Town Clerk

Tom Goltzené VM
for David Browning, Mayor

These minutes were approved during the Sept. 8, 2016 Town Council Meeting.