



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, July 7, 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 7:02 p.m. Present were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen Tom Goltzené, Ryan Liang, and Jim Rockett. Also present were Town Manager Bill Underwood, Town Planning Consultant Jim Fleischmann, Town Attorney Mike Cirullo, and Town Clerk Janet K. Whipple.

- b. Pledge of Allegiance & Invocation – Mayor Browning

- c. Approval of Agenda

Town Attorney Cirullo pulled 6.c., Ordinance No. 2015-06, from the Agenda.

Mayor Browning added a discussion for 5.b. under Committee Reports, for the Roadway Equestrian Trails Greenway Advisory Committee (RETGAC).

Motion: Councilman Liang made a motion to approve the Agenda, as amended. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.

2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Consideration for Renewal of Hurricane Disaster Debris Removal and Monitoring Agreements.

Motion: Councilman Rockett made a motion to approve the Consent Agenda, as submitted. Vice-Mayor Jarriel seconded the motion. upon vote, the motion passed 5/0.

3. PUBLIC COMMENTS

Doreen Baxter, had documents to submit under Item Number 9, Old Business, concerning a reference to Ethics. She listed violations Councilman Liang had been sited for.

Marge Herzog, 966 A Road, reported there would be a Loxahatchee Groves Landowners Meeting on July 23, 2015. The topic will be Invasive Plant Control. She also directed those watching the live video streaming of the Town Council Meeting tonight, to watch the body language of everyone at the meeting.

Karen Piesley, 2201 D Road, spoke on clean up matters throughout the Town.

Bob Bentz, Atlantic Land Realty, representing the new shopping center on B Road, would like to work with the Town on development of B Road, and possibly allow modifying the Agreement concerning B Road as a backup.

Joe Lelonek, Atlantic Land Realty, also representing the shopping center, provided updated surveys of which approvals are not complete as yet. The surveys still have to go to the Water Control District, then to Recording. Construction should start after the first of the year.

Virginia Standish, 15410 North Road, stated there are many residents and landowners in this Town who have a good living. Resident expect the Town Council to not commit fraud or interfere in their personal lives. She is in support of the current Management Team, and she would like Legal Council to be more thorough.

Phyllis Maniglia, 359 West D Road, was afraid of this Council making such big decisions, and addressed removal of committee members. She noted, some committee members were replaced with family members of District personnel. Town Council has made some bad decisions, and she requested they keep this Management Team.

4. PRESENTATIONS – *NONE*

5. COMMITTEE REPORTS

- a. Lung Chiu, Chair of Financial Advisory and Audit Committee (FAAC) to provide May Fiscal Year 2015 Financial Report.

Lung Chiu provided financial report for May Fiscal Year 2015 Financial Report. He asked for a waiver of other government entities. (inaudible). He also addressed the new financial software, and changes to the Request for Proposal for the Management Team, which he called Vice-Chair Greg Tindall to explain.

Clerk Note: The April Financials were incorporated in the May Report.

Motion: Councilman Rockett Jim made a motion to have a separate document provided for the April Fiscal Year 2015 Financial Report. Council Liang seconded the motion.

Discussion ensued.

Upon vote the motion passed 3/2 with Councilman Goltzené and Mayor Browning casting the dissenting votes.

Newly added 5.b.

Bill Louda, provided a report for the Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC) Meeting of June 24, 2015.

6. ORDINANCES

- a. **ORDINANCE NO. 2015-04: PUBLIC HEARING/SECOND/FINAL READING**
(Date Changes for the 2016 Municipal Election)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SCHEDULING THE DATE OF THE TOWN'S 2016 GENERAL MUNICIPAL ELECTION, PURSUANT TO SECTION 101.75, FLORIDA STATUTES, TO MARCH 15, 2016 TO COINCIDE WITH THE 2016 PRESIDENTIAL PREFERENCE PRIMARY; PROVIDING FOR THE QUALIFYING PERIOD FOR THE 2016 MUNICIPAL GENERAL ELECTION; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Underwood provided information on Ordinance No. 2015-04.

Town Attorney Cirullo read the title of Ordinance No. 2015-04, and announced this would be a Public Hearing.

No discussion.

Motion: Councilman Rockett made a motion to adopt Ordinance No. 2015-04 on Second and Final Reading. Vice-Mayor Jarriel seconded the motion. Upon roll call vote the motion passed 5/0.

b. **ORDINANCE NO. 2015-05: PUBLIC HEARING/SECOND/FINAL READING**
(Okeechobee Boulevard Moratorium Extension)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2014-08, WHICH IMPOSED A MORATORIUM ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN, INCLUDING FUTURE LAND USE MAP AMENDMENTS AND TEXT AMENDMENTS, RELATING TO COMMERCIAL LAND USES ON PROPERTIES FRONTING ON OKEECHOBEE BOULEVARD WITHIN THE CORPORATE BOUNDARIES OF THE TOWN, TO EXTEND THE MORATORIUM UNTIL DECEMBER 31, 2015 TO ENABLE THE ADOPTION OF APPROPRIATE AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Underwood explained Ordinance No. 2015-05.

Town Attorney Cirullo read the title of Ordinance No. 2015-05.

No discussion.

Motion: Councilman Rockett made a motion to adopt Ordinance No. 2015-05 on Second and Final Reading. Upon roll call vote, the motion passed 5/0.

Clerk Note: 6.c., Ordinance No. 2015-06 was removed from the Agenda.

c. **ORDINANCE NO. 2015-06: PUBLIC HEARING/FIRST READING** *(ULDC Agricultural Changes)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE TOWN'S UNIFIED LAND DEVELOPMENT CODE; AMENDING PART I, ENTITLED "ADMINISTRATION AND DEFINITIONS," ARTICLE 10 ENTITLED "DEFINITIONS, ABBREVIATIONS, AND CONSTRUCTION OF TERMS", SECTION 10-015, ENTITLED "DEFINITIONS," TO REVISE THE DEFINITION OF AGRICULTURE, BONA FIDE, AND ADD THE DEFINITION OF AGRICULTURE, HOBBYIST; TO AMEND ARTICLE 20 ENTITLED "RESIDENTIAL ZONING DISTRICTS" PART II, ENTITLED "ZONING DISTRICTS" SECTION 20-015 "PERMITTED USES"; TO REVISE PART III, ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 65 ENTITLED "AGRICULTURAL USES," SECTION 65 ENTITLED "PURPOSE AND INTENT, SECTION 65-010 ENTITLED "DETERMINATION OF VALID AGRICULTURAL USE", AND SECTION 65-015, ENTITLED "NONAGRICULTURAL USES AND

STRUCTURES WITH A BONAFIDE AGRICULTURAL USE”; PROVIDING FOR INTENT OF THE TOWN TO COMPLY WITH THE STATE’S PREEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

7. RESOLUTIONS

a. RESOLUTION NO. 2015-20: *(1st Amendment to B Road Improvement Agreement)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE FIRST AMENDMENT TO B ROAD IMPROVEMENT AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES, LOXAHATCHEE EQUESTRIAN PARTNERS AND SOLAR SPORTSYSTEMS, INC., ATLANTIC LAND INVESTMENTS, LLC, AND PALM BEACH STATE COLLEGE; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Manager Underwood explained Resolution No. 2015-20.

Councilman Goltzené left the dais at 7:40 p.m. as he had a Conflict of Interest.

Town Attorney Cirullo read the title of Resolution No. 2015-20.

Motion: Vice-Mayor Jarriel made a motion to adopt Resolution No. 2015-20. Councilman Rockett seconded the motion. Upon roll call vote, the motion passed 4/0.

Councilman Goltzené returned to the dais at 7:50 p.m.

b. RESOLUTION NO. 2015-21: *(Council to ratify Anita Kane as Councilman Goltzené’s appointment to the Finance Audit and Advisory Committee (FAAC) replacing Virginia Standish who has submitted her resignation).*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING ANITA KANE TO REPLACE AND SERVE THE REMAINING TERM OF VIRGINIA STANDISH AS A VOTING MEMBER OF THE FINANCE ADVISORY AND AUDIT COMMITTEE; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Manager Underwood explained Resolution No. 2015-21.

Town Attorney Cirullo read the title of Resolution No. 2015-21.

Motion: Councilman Goltzené made a motion to adopt Resolution No. 2015-21. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 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 provided updated information on matters concerning the Town.

- b. Palm Beach County Fire Rescue May, 2015, Response Time Report (*on file*)

Mayor Browning called for a break 7:55 to 8:00 p.m.

9. OLD BUSINESS

- a. Forfeiture Hearing contemplated under the Charter.

Town Attorney Cirullo explained procedures for Forfeiture of Office. Each attorney is allowed fifteen (15) minutes apiece; i.e. ten (10) minutes to speak with five (5) minutes more to conclude their arguments. Councilman Liang will not participate or vote. Mr. Cirullo reviewed what had been discussed, and noted there was no specific reference in the Charter. Richard (Rick) Jarolem, attorney with Traub, Lieberman, Straus and Shrewsberry LLP, will speak first as he brought the charges. Public may speak, then Council will deliberate and vote on the Charter requirements. Mr. Jarolem can give guidance. This is the notice under the Charter. Vote must be done by resolution and he will prepare, if need be, on a vote for forfeiture.

Councilman Liang recused himself, and left the dais at 8:07 p.m.

Rick Jarolem, Attorney hired by Mr. Keith Harris, noted “an elephant in the room”, as there were Council Members still voting who were involved in the election misconduct. Mr. Jarolem requested Councilman Rockett recuse himself of the proceedings, as this will avoid another fight on another day. Having said that, he went on to the matter at hand. He noted violations Councilman Liang committed concerning lobster traps many years ago. Mr. Jarolem discussed various sections of the Charter which were applicable.

John Whittles, Mathison Whittles, LLP, Attorney for Councilman Liang, noted Council is still obligated to follow the law. Mr. Whittles referenced that an Elected Official could not be removed from office for an incident which occurred prior to being elected.

Mayor Browning opened Public Comments at 8:30 p.m.

Dennis Lipp, 13402 North Road, reported the Village of Wellington and the City of Boca Raton have the same forfeiture clause. He also addressed persons having a conviction not having the

ability to join the Armed Forces, and he mentioned criminal background checks.

Joyce Batcheler, 760 E Road, felt no one should be above the law as long as the law exists. If his Civil Rights have not been restored, Councilman Liang should not hold office. That also goes for those voting. She cannot support those who feel they are above the law.

Tim Hart-Woods, 15201 Timberlane Place, expressing his concern, wanted to know why the Town Council should be involved. Councilman Liang should make the right decision and step down from his position.

Thais Hagen Gonzalez, 13090 Raymond Drive, agreed with Mr. Hart-Woods, but felt he failed to mention that Councilman Liang's Mother was also involved in fraud during the election. Ms. Gonzalez also referenced an agreement Town Attorney Cirullo created and how it will tie into this case.

Phyllis Maniglia, 359 West D Road, felt Councilman Rocket should recuse himself. Ms. Maniglia provided Councilman's Liang's rap sheet, and stated this would be the Council's opportunity to start mopping up the mess.

Ken Johnson, 15409 Collecting Canal Road, referred to the election fraud, and produced four (4) pages of absentee ballots which the police will investigate. He mentioned the votes that were cast during the election, and the votes after the absentee ballots were cast.

John Ryan, 3508 A Road, referenced Section Thirty-Three (33) of the Town Charter, stating there was no mention of felonies, absentee ballots, or absentee ballots as an alternate form of voting. He continued with issues concerning the Supervisor of Elections.

Councilman Goltzené suggested the absentee ballots be checked for violations.

Mayor Browning explained the procedure for absentee ballots and wanted everyone to stay on point.

Frank Schiola, 13434 Marcella Boulevard, stated there was not anyone in the room who can be impartial. This matter should be deferred to an impartial decision maker, out of our area.

Bill Louda, 1300 E Road, stated he had backed Councilman Liang during the last election, and explained why. He expressed his concerns with Keith Harris. Mr. Louda also stated that if he were Councilman Liang, and his family was involved, he would have stepped down.

Marcia Newell, 3508 C Road, received an absentee ballot and explained how. She referred to Former Town Manager Mark Kutney and wondered if the ethics violation against Vice-Mayor Jarriel caused the problem with the Management Company.

Vice-Mayor Jarriel said "no".

Todd McLendon 3481 D Road, referenced deferring the decision to another, and the Town

Charter. Councilman Liang should not be on the Town Council, and he hopes the Council will make the right decision.

Mayor Browning read a number of Comment Cards in support of Councilman Liang.

Council Comments:

Councilman Goltzené requested the attorneys sum up their cases, he explained adjudication, and noted the decision needed to be made during this meeting.

Attorney John Whittles recapped the law, and stated an individual cannot be thrown out of office for a prior incident. The Town Council needs to follow the Charter.

Attorney Rick Jarolem stated Council has to follow the law, it delineates the time frame.

Vice-Mayor Jarriel will follow the law of the Town Charter, he personally feels his decision will be based on the Charter.

Councilman Rockett stated he takes his responsibility seriously, and his decision will be based on what he feels is right, and based on the Charter.

Mayor Browning noted there are challenges. He explained forfeiture and the need for a basis to make a decision. The Charter is clear, and he will follow it.

Vice-Mayor Jarriel requested clarification, and asked if the decision could be placed in the hands of a Judge.

Town Attorney Cirullo, stated the decision has to be made by the Town Council.

**Motion: Upon roll call vote: (Yes for forfeiture, and No for no forfeiture)
Councilman Goltzené voted Yes; Councilman Rockett voted No; Mayor Browning voted No; Vice-Mayor Jarriel voted No. The vote was 3/1 for no forfeiture.**

Councilman Liang returned to the dais.

10. NEW BUSINESS

- a. Town Management Services Request for Proposal (RFP).

Town Attorney Cirullo explained the Request for Proposal (RFP) procedure, and provided time frames for discussion. He will have to have direction, and wanted to know what the comments were by the Financial Audit and Advisory Committee (FAAC) concerning Planning and Zoning services performed by the new management company.

Lung Chiu, Chair of the Finance Audit and Advisory Committee (FAAC), stated the contract

looked acceptable.

Council discussed at length, the need to hire a firm with experience, the interaction between Staff and Council, needing a different system of management by possibly having multiple contracts and the feasibility of that option.

Town Attorney Cirullo, requested leaving the Planning and Zoning (P&Z) language the same.

Councilman Goltzené left the dais at 9:40 p.m.

Disaster Management was discussed.

Town Attorney Cirullo requested the inventory for maintenance of the current software and hardware, and noted if the information could not be provided within this timeframe it will have to be removed from the original Request for Proposal.

Councilman Goltzené returned to the dais at 9:46 p.m.

Town Attorney Cirullo referenced sections in the Request for Proposal, and stated Council needs to allow him to sign for authorization.

Motion: Councilman Rockett made a motion to allow Town Attorney Cirullo to sign on behalf of the Town.

Discussion followed concerning generating a shortlist of seven (7) or less proposals for potential Management Services, and meeting dates.

Motion: Councilman Rockett amended his motion to accept all of the discussed changes and to let Town Attorney Cirullo sign for the Town. Councilman Goltzené seconded the motion. Upon vote, the motion passed 5/0.

Vice-Mayor Jarriel left dais at 9:55 p.m.

Town Attorney Cirullo will publish the Request for Proposal (RFP) with various entities.

Councilman Goltzené requested this not be a Code of Silence, as he does not want someone making a choice without his knowledge.

Vice-Mayor Jarriel returned to the dais at 10:58 p.m.

Meeting dates were discussed.

Motion: Councilman Liang made a motion to include an extra date for review if there are more than seven (7) proposals. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.

Council continued to discuss Management Services, separate contracts if the current Management Team consults, overlap in services, and dates for commencement.

Motion: Upon Mayor Browning's suggestion, Councilman Goltzené made a motion to defer 10.b., Eighth Addendum to the Law Enforcement Service Agreement and 10.c., Interlocal Agreements (ILA) with the Loxahatchee Groves Water Control District, to a date certain of July 21, 2015. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

Motion: Councilman Rockett made a motion to extend the meeting time over the 10:30 p.m. deadline, in order to finish 10.a. discussion. Councilman Liang seconded the motion. Upon vote the motion passed 5/0.

10.a. Public Comments

Karen Piesley, 2201 D Road, presented a PowerPoint Presentation comparing the Town of Loxahatchee Groves (Town) and the Loxahatchee Groves Water Control District (District).

Virginia Standish, 15410 North Road, quoted dollar amounts the Town pays the District. She supports the current Town Management, and noted, Council has never mentioned the reason they do not want the Underwoods to continue as the Management Team. She also stated Council is responsible to the State, and mentioned the Office of Inspector General (OIG).

Joyce Batcheler, 760 E Road, would like to keep the current Management Team for another year, and felt the District should come under the direction of the Town.

Pat Johnson, 15409 Collecting Canal Road, expressed concern over the churning of management companies, and would also like to see the current Management Team remain for another year.

John Ryan, 3508 A Road, spoke of \$75,000 and needing one more person.

Dennis Lipp, 13402 North Road, felt that since the Town has an opportunity, he suggested hiring a permanent Town Manager and Town Clerk, then proceeding from there.

Todd McLendon, 3481 D Road, felt the Town Council was dividing the Town residents, and that the current Management Team was doing a fantastic job. He also noted Council has not spoken of reasons for the removal of the Underwoods.

Elise Ryan, 3508 A Road, requested clarification for the function of the Planning and Zoning Board, and suggested a separate Request for Proposal (RFP) for a Town Planner.

Councilman Goltzené asked if the Town was removing the current Town Planning Consultant, Jim Fleischmann.

Mayor Browning said "no".

Thais Hagen Gonzales, 13090 Raymond Drive, encouraged Council to make the right decision,

and hoped all the Comment Cards in support for Councilman Liang were residents, not just relatives.

Seth Brier, wanted to know if Jim Fleischmann was included in the Management Team or had a separate contract. The response: Mr. Fleischmann was a separate vendor.

Discussion continued on the Management Team matter.

Mayor Browning suggested the resident call any of the Council Members individually to find out the reasoning behind their decisions.

Keith Harris, 2580 C Road, reported the District held the Interlocal (Horse Trail) Agreement (ILA) longer than the Town, so not to blame the Town for delays.

Speed bumps were discussed.

Thais Hagen Gonzalez, 13090 Raymond Drive, brought up concerns over election certification.

Don Borovy, 14270 Tripp Road, referenced the numerous speed bumps on his road, and a solution to correct them. He also mentioned the use of allowing fireworks, and celebrating the Fourth of July.

Todd McLendon, 3481 D Road, reference the comment by Mr. Underwood not wanting to go out as part of the Request for Proposal (RFP) for Management Services.

Clerk Note: 10.b. and 10.c. deferred to a date certain of July 21, 2016.

- b. 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.
- c. Discussion, and direction, on an Interlocal Agreements (ILA) with the Loxahatchee Groves Water Control District for accessory road maintenance services.

11. COUNCIL REPORTS - NONE

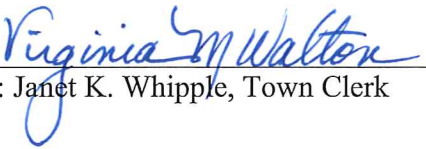
12. CLOSING COMMENTS

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

Members of Council extended a brief thank you to the audience.

13. ADJOURNMENT

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 11:00 p.m.


For: Janet K. Whipple, Town Clerk


for David Browning, Mayor

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

