



Town of Loxahatchee Groves  
Town Council Meeting

Tuesday, November 4, 2014 - 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.)*

Loxahatchee Groves Water Control District, 101 West "D" 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 Janet K. Whipple  
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. In attendance were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen, Ryan Liang and Jim Rockett. Also in attendance were Town Manager Bill Underwood, Town Attorney Mike Cirullo, and Town Clerk Janet K. Whipple. Councilman Tom Goltzené was not present at this time.

- b. Pledge of Allegiance & Invocation – Mayor Browning  
c. Approval of Agenda

**Motion: Councilman Liang made a motion to approve the Agenda, as presented. Vice-Mayor Ron Jarriel seconded the motion. Upon vote, the motion passed 4/0.**

**2. CONSENT AGENDA**

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.

b. Minutes:

- a. **August 5, 2014, Regular Town Council Minutes**
- b. **August 19, 2014, Town Council Workshop Minutes**

**Motion: Councilman Rockett made a motion to approve the Consent Agenda, as presented. Councilman Liang seconded the motion. Upon vote, the motion passed 4/0.**

### **3. PUBLIC COMMENTS**

Dennis Lipp, 13402 North Road and Chair for the Planning & Zoning Board, congratulated Mayor Browning and resident Dr. Bill Louda for their participation during the Palm Beach County Board of County Commission Meeting concerning the Minto West Development Project. Mr. Lipp asked Council if the Town Attorney could participate in a program called ALERTS (no reference to full title). He also noted residents who were in support of the Minto Project.

Bill Louda, 1300 E Road, spoke on Minto and his involvement with the ALERTS group. He requested Council pass a resolution against the five (5) Palm Beach County Commissioners who have no regard for the current residents.

### **4. PRESENTATIONS**

- a. Loxahatchee Groves Girl Scout Troop No. 20673 will be announcing a Thanksgiving Food Drive to benefit the children of the Loxahatchee Groves Elementary School. *(Frank Schiola)*

Frank Schiola and his wife Tracy, along with Girl Scout Troop 20673, attended the Council Meeting to announce the Loxahatchee Groves Thanksgiving Food Drive. A bin will be placed in the Town Hall office on Wednesday, November 5th for donations, and it was noted the food will stay within Loxahatchee Groves. For monetary contributions, checks can be made out to the Loxahatchee Groves Elementary School.

### **5. COMMITTEE REPORTS**

- a. Virginia Standish, Chair of the Finance Advisory & Audit Committee (FAAC) to present the Financials Ending July August, and September FY 2014. She will also provide an update on the municipal Software System search.
- b.

Virginia Standish, Finance Audit Advisory Committee (FAAC) member, was not able to give a Financial Report due to software issues. Concerning the Software System; none of the companies could answer whether they were government compliant. There may be an adjustment in price.

Town Manager Underwood noted the reason for the software problem was caused by moving from one system to another.

## 6. RESOLUTIONS

- a. RESOLUTION NO. 2014-16: *(Support for Treasure Coast Regional Planning Council)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, STRONGLY OBJECTING TO RECENT ACTION TAKEN BY THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS TO WITHDRAW PALM BEACH COUNTY FROM THE TREASURE COAST REGIONAL PLANNING COUNCIL AND TO REQUEST MEMBERSHIP IN THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL INSTEAD; AND STRONGLY SUPPORTING THE COUNTY'S CONTIUNED MEMBERSHIP IN THE TREASURE COAST REGIONAL PLANNING COUNCIL; PROVIDING FOR DISTRIBUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Town Manager Underwood explained the background for the purpose of this resolution to support the Treasure Coast Regional Planning Council (TCRPC).

Town Attorney Cirullo read the title of Resolution No. 2014-16.

**Motion: Councilman Rockett made a motion to approve Resolution No. 2014-16. Councilman Liang seconded the motion. Discussion.**

Bill Louda, 1300 E Road, felt it was ridiculous to pull away from the TCRPC, and hopes the State will have a say-so.

**Upon roll call vote, the motion passed 4/0.**

- b. RESOLUTION NO 2014-17: *(Authorizing 6<sup>th</sup> Court North Equestrian Trail Improvements)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE 6<sup>TH</sup> COURT NORTH EQUESTRIAN TRAIL IMPROVEMENTS; FINDING THAT FURTHER COMPETITIVE BIDDING IS NOT IN THE BEST INTEREST OF THE TOWN AS PROVIDED IN ORDINANCE 2008-09; AWARDED THE CONTRACT TO C & C LOADER SERVICES FOR THE 6<sup>TH</sup> COURT EQUESTRIAN TRIAL IMPROVEMENTS AND AUTHORIZING THE EXPENDITURE OF TWENTY EIGHT THOUSAND THREE HUNDRED DOLLARS (\$28,300) FOR SUCH WORK; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE NECESSARY DOCUMENTS TO PROCEED WITH THE WORK; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Underwood provided background and a recommendation.

Town Attorney Cirullo stated this resolution was being presented because the cost of the project was over \$25,000.

**Motion: Councilman Rockett made a motion to approve Resolution No. 2014-17. Vice-Mayor Jarriel seconded the motion. Discussion.**

Town Attorney Cirullo read the title of Resolution No. 2014-17.

Council discussed bid costs, steel gates versus aluminum and the cost difference.

Members of the audience expressed their opinions.

**Upon roll call vote, the motion failed 0/4.**

**Motion: Vice-Mayor Jarriel made a motion to accept the low bid without the aluminum gate alternative. Councilman Liang seconded the motion. Upon vote, the motion passed 4/0.**

## **7. ORDINANCES**

- a. **ORDINANCE NO. 2014-06: PUBLIC HEARING/FIRST READING:** *(Day Property-Land Use Plan Amendment)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AMENDMENT 14-2(SS) TO THE TOWN OF LOXAHATCHEE GROVES COMPREHENSIVE PLAN, CONCERNING A SMALL-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, WILLIE H. AND FRANKIE J. DAY TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 5 ACRES) TO COMMERCIAL LOW TO ACCOMMODATE THE FUTURE DEVELOPMENT OF A MAXIMUM OF 9.3 ACRES OF COMMERCIAL USES LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD, LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Underwood explained Ordinance No. 2014-06.

Town Attorney Cirullo mentioned the publication of Ordinance No. 2014-06 then proceeded to read the title.

**Motion: Councilman Liang made a motion to approve Ordinance No. 2014-06 on first reading. Vice-Mayor Jarriel seconded the motion. Discussion.**

Council discussed with Mr. Kerry Kilday, from Urban Design Kilday, the Floor to Area Ratio (FAR) on the original Comprehensive Plan, current design plans of September 3, 2014, and background, and traffic calming devices.

Members of the audience also expressed their opinions on traffic calming devices, FAR extending to adjoining properties, proposed lanes on Okeechobee Boulevard, concern with additional footage clause in agreement, a question on deed restrictions, Folsom Road being designed to look like parkland rather than a thoroughfare, and the danger Folsom Road entails as far as safety issues and noise levels.

Town Attorney Cirullo responded to a question from the audience, that there will be deed restriction on second reading.

**Upon roll call vote, the motion passed 4/0.**

b. **ORDINANCE NO. 2014-07: PUBLIC HEARING/FIRST READING:** (Day  
Property – Rezoning)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AMENDMENT REZ 14-02 TO THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE, CONCERNING A REZONING APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, WILLIE H. AND FRANKIE J. DAY TO CHANGE THE ZONING DESIGNATION OF THE SUBJECT PROPERTY FROM AGRICULTURAL RESIDENTIAL (AR) TO COMMERCIAL LOW (CL) TO ACCOMMODATE THE FUTURE DEVELOPMENT OF A MAXIMUM OF 9.3 ACRES OF COMMERCIAL USES LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD, LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR AMENDMENT TO THE ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of Ordinance No. 2014-07, and announced the date of second reading.

**Motion: Councilman Rockett made a motion to approve Ordinance No. 2014-07 on first reading. Councilman Liang seconded the motion. Discussion.**

Members of the audience expressed their opinion.

Mayor Browning read additional Comment Cards.

**Upon roll call vote, the motion passed 4/0.**

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

- a. **AGENDA ITEM REPORT:** Updates on various activities and issues concerning the Town.

Town Manager Underwood elaborated on items listed on his report.

Council expressed comments concerning items on the Manager's Report.

9. **OLD BUSINESS** - *NONE*

10. **NEW BUSINESS**

- a. Consideration for approval of Equestrian Signs designed and approved by the Roadway, Equestrian Trails and Greenway Committee (RETGAC).

Town Attorney Cirullo presented the background on the RETGAC decision.

**Motion: Councilman Rockett made a motion to approve the design and purchase of the equestrian signs. Councilman Liang seconded the motion.**

**Upon vote, the motion passed 4/0.**

- b. Consideration for approval to authorize the Town Attorney to draft a referendum to be placed on the March 2015, Town Municipal Election removing all Election criteria from the Charter.

Town Manager Underwood explained why election criteria should be removed from the Town Charter.

**Motion: Vice-Mayor Jarriel made a motion to approve authorizing the Town Attorney to draft a referendum removing election criteria from the Town Charter. Councilman Liang seconded the motion. Discussion.**

Town Attorney Cirullo, responding to questions from the Council concerning additional items that also could also be place on the 2015 ballot as referendums; stated Council would need to provide direction expeditiously as there is a deadline to have ballot language for the Supervisor of Elections.

**Council also included debt/borrowing and roads to be placed on the ballot as referendums. These were then included with the original motion and second.**

Council discussed forming a Charter Review Committee.

**Upon vote, the motion passed 3/1 with Councilman Rockett dissenting.**

- c. Consideration to place the Roadway, Equestrian Trail, and Greenway Advisory Committee (RETGAC) on hiatus.

Town Manager Underwood congratulated the RETGAC and he addressed needing a little more direction from the Council as to the Committee's purpose. He also recommended the committee be put on hiatus temporarily, until the road surveys have been completed.

**Motion: Councilman Rockett made a motion to instruct the Town Attorney to review and clarify the role of the RETGAC resolution, and to place the Committee on hiatus. Vice-Mayor Jarriel seconded the motion.**

Council discussed RETGAC meeting conduct.

Mayor Browning also requested the role of the Council liaison be included.

Keith Harris stated the Committees resolution is a narrative and serves at the pleasure of Town Council. The board wishes to serve.

**Upon vote, the motion passed 4/0.**

Councilman Liang had reviewed the video of the RETGAC meeting of concern, and he was disappointed, as well, in the behavior. He exercised his right to replace hi appointee, Keith Harris, be removed as a member of the RETGAC as well as the Planning and Zoning Board/Local Planning Agency (P&Z/LPA). Councilman Rockett seconded the motion. . 4/0 approved???

Town Attorney Cirullo stated this decision had to be made in the form of a motion.

**Motion: Councilman Liang made a motion to remove his appointee Keith Harris from the RETGAC and the P&Z/LPA.**

Town Attorney Cirullo stated he would have to get back with Councilman Liang concerning the P&Z/LPA as that was statutory, but the removal from the RETGAC could be done by resolution.

**Councilman Liang restated his motion to remove his appointee, Keith Harris from the RETGAC. Councilman Rockett seconded the motion.**

**Upon vote, the motion passed 4/0.**

## 11. CLOSING COMMENTS

### a. Public

Bill Louda, 1300 E Road, requested a vote of no confidence ill louda wantas a vote of no confidence of pb county commissioners. Also (listen)

### b. Town Attorney

Town Attorney Cirullo responded, *Go Gators*.

### c. Town Council Members

Councilman Rockett thanked everyone for coming.

Councilman Liang thanked everyone for coming, *Go Gators*, and expressed his condolences to Town Manager Underwood and his family.

Vice-Mayor Jarriel appreciated Palm Beach County Commissioner Shelley Vana and others who spoke at the Minto meeting, for looking out for Loxahatchee Groves.

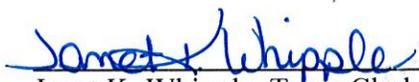
Town Manager Underwood asked if Council wanted Staff to send an appreciation letter to Commissioner Vana, on behalf of the Council.

Mayor Browning acknowledged that it was a consensus of Council to send the letter.

Mayor Browning elaborated on other items such as additional traffic lights at D and Okeechobee Boulevard, two (2) horse crossings, and land under to Palm Beach County Board of County Commissioners jurisdiction at the Chamber building, should the Town purchase or lease the land. The Commissioners stated they would work with the Town. Mayor Browning thanked everyone for coming, and hoped residents could work with Minto, but if they choose not to, to consider the ALERT organization.

## 12. ADJOURNMENT

There being no further business to come before the town Council, Mayor Browning adjourned the meeting at 8:52 p.m.

  
Janet K. Whipple, Town Clerk

  
David Browning, Mayor

*These minutes were approved during the January 20, 2015 Town Council Meeting.*