



Town of Loxahatchee Groves Town Council Meeting

Tuesday, May 5, 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.)

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 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, Ryan Liang and Jim Rockett. Also present were Town Manager Bill Underwood, Town Attorney Mike Cirullo, and Town Clerk Janet K. Whipple.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Town Manager Underwood requested a change for two (2) Agenda Items. Add a 10.b. as a new Agenda Item, re sending a letter, concerning traffic calming, to Palm Beach County Commissioner Melissa McKinlay; and a request to consider removing Item Number 9.a. until a future date.

Town Attorney Cirullo explained that Mr. Harris's attorney was out of town and had requested as postponement (for Item 9.a.) the Item can be brought back for Council review.

Motion: Councilman Rockett made a motion to allow both attorneys to decide when they can come back for their presentations to Council, and to approve the Agenda, as amended. Councilman Goltzené seconded the motion. Upon vote, the motion passed 5/0.

2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Minutes: *NONE*
- c. Consideration to ratify donation to the Loxahatchee Groves Elementary School's PTO Annual Spring Carnival and Silent Auction. Presentation was made during the January 20, 2015, Town Council Meeting, and Council chose to make a decision during a following meeting.
(Brought Forward from 04/21/2015)

Motion: Councilman Rockett made a motion to approve the Consent Agenda. Councilman Goltzené seconded the motion. Upon vote, the motion passed 5/0.

3. PUBLIC COMMENTS

Bill Louda, 1300 E Road, spoke on tipping fees for manure hauling, and wished everyone a Happy Cinco de Mayo.

Ken Johnson, 15409 Collecting Canal Road, pulled his comment.

4. PRESENTATIONS – *NONE*

5. COMMITTEE REPORTS

- a. Virginia Standish, Chair of the Finance Advisory and Audit Committee (FAAC) to present the Financial Report ending ~~April~~ March, Fiscal Year 2015.

Mrs. Standish provide her Finance Advisory and Audit Committee Report, and noted Councilmen Rockett and Liang were both in attendance. She also referenced comments made by Committee Member Lung Chiu concerning the Sunshine Law and reported the FAAC was fully aware of these rules.

Motion: Councilman Liang made a motion to approve the Financial Report ending March (not April), Fiscal Year 2015, as presented. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.

6. RESOLUTIONS – *NONE*

(Clerk Note: Upon motion and second to adjourn the April 21, 2015 Town Council Meeting at 10:27 p.m. some of the following Agenda items have been brought forward.)

7. ORDINANCES

- a. **ORDINANCE 2015-02 ORDINANCE NO. 2015-02 / FIRST READING:**
(Council Board Appointment for Planning & Zoning Board / Local Planning Agency (LPA) Members).

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2011-011, WHICH ESTABLISHED THE TOWN'S PLANNING AND ZONING BOARD, AS AMENDED BY ORDINANCE 2012-02, TO AMEND SECTION 2, SUBSECTION ENTITLED "COMPOSITION AND TERM OF OFFICE", TO CHANGE THE TERM OF OFFICE FOR PLANNING AND ZONING BOARD MEMBERS FROM THREE YEAR TERMS TO ONE YEAR TERMS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. *(Brought Forward)*

Town Manager Underwood explained this was the final Board that had to be brought into conformity.

Town Attorney Cirullo read the title of Ordinance No. 2015-02.

Motion: Councilman Liang made a motion to approve Ordinance No. 2015-02 on First Reading. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 5/0.

- b. **ORDINANCE NO. 2015-03 / FIRST READING:** *(Prohibiting Disposal of Waste Materials)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROHIBITING THE DISPOSAL OF WASTE MATERIALS, AS DEFINED HEREIN, WITHIN THE TOWN; PROVIDING FOR DEFINITIONS; FINDING THAT A VIOLATION OF THIS ORDINANCE SHALL BE DEEMED A NUISANCE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Brought Forward)*

Town Manager Underwood explained the revisions Ordinance No. 2015-03 provided, and that backup was provided.

Council discussed tipping fees, foreign substances contained in some mulch, payments and percentages.

Town Attorney will make changes to Ordinance No. 2015-03 concerning tipping fees, as suggested by Council.

Town Attorney Cirullo read the title of Ordinance No. 2015-03.

Motion: Councilman Liang made a motion to approve Ordinance No. 2015-03 on First Reading, as amended. Vice-Mayor Jarriel seconded the motion.

Discussion ensued, with Council and residents expressing their opinions and concerns.

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 informed Council of progress on various Town matters.

- b. **PBSO District 15, Loxahatchee Groves Monthly Report March 2015:** *(On File)*
(Brought Forward)
- c. **Fire Rescue Response Time for February and March 2015:** *(On File)*
(Brought Forward)

9. OLD BUSINESS

- a. Consideration in determining whether forfeiture provisions to remove a Town Council Member in question falls within the parameter of the Town Charter.
(Attachment)
(Tabled at April 7, 2015 Town Council Meeting to May 5, 2015 Meeting)
(Removed from this Agenda)

10. NEW BUSINESS

- a. Consideration to engage the Town's Engineer to undertake and perform all activities necessary to implement the B Road improvements as envisioned through the B Road Agreement, the Town's portion of the B Road improvements and Resolution No. 2015-08. *(Brought Forward)*

Town Manager Underwood provided his recommendation.

Councilman Goltzené recused himself from the discussion, and vote, due to a conflict of interest.

Motion: Councilman Liang made a motion to move forward with the survey. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.

Town Manager Underwood noted the funding, would come from the Escrow Account.

10. b. (new item) Letter to Palm Beach County Commissioner Melissa McKinlay concerning traffic calming.

Mayor Browning extended his commendation to Town residents living on Folsom Road for speaking with Palm Beach County Commissioner Melissa McKinlay concerning traffic calming, a possible traffic light, and to have Folsom Road be taken off the Palm Beach County Thoroughfare Plan.

Motion: Councilman Liang made a motion to send a letter to Commissioner McKinlay requesting Folsom Road be taken off the Thoroughfare Plan. Councilman Goltzené seconded the motion. Upon vote, the motion passed 5/0.

11. COUNCIL REPORTS

a. Vice-Mayor Jarriel

- i. Joint Workshop: Town Council and Loxahatchee Groves Water Control District (LGWCD) Supervisors.

Vice-Mayor Jarriel would like to keep the Workshop on May 19, 2015, prior the the Regular Town Council Meeting.

Discussion ensued.

Motion: Vice-Mayor Jarriel made a motion to commence the Workshop at 6:00 p.m. on Tuesday May 19, 2015. Councilman Liang seconded the motion.

Council added additional comments; and members of the audience expressed their opinions as well.

Upon vote, the motion passed 5/0.

- ii. Request for Proposals – Mowing and Hedging

Vice-Mayor Jarriel requested that Town Manager Underwood begin working on an agreement for mowing and hedging for Town roads.

It was the consensus of Council to have Town Manager Underwood move ahead with an agreement allowing mowing and hedging of Town roads for two to three (2-3) weeks.

- iii. Discussion of Resolution No. 2014-08 Confirming Town Council Meetings dates, time, and place.

Vice-Mayor Jarriel asked if we needed a new resolution for future Council Meeting in the new Town Hall.

Councilman Goltzené left the dais, on an emergency, at 8:20 p.m.

Town Attorney Cirullo will draft a resolution, for notification that future Council Meetings will now be held at the new Town Hall location (155 F Road, Loxahatchee Groves, Florida).

b. Councilman Rockett

- i. Discussion Relative to public comments at all Committee and Board Meetings – Resolution 2013-03A.

Councilman Rockett requested that Public comments be allowed at all board/committee meetings.

Town Attorney Cirullo will prepare a resolution.

It was a consensus of the Council directing the Town Attorney to prepare a resolution concerning Public Comments at all board/committee meetings.

- ii. Discussion and Recommendations to Solid Waste Monitoring Contract to include services, budget, and operations. (Reference Town Management Contract)

Councilman Rockett elaborated on the situation, and felt there was a problem with the Town Budget. He recommended that Council have Town Manager Underwood put together a Budget Amendment, and find whatever additional funds we can find to put into that service.

Town Manager Underwood reported on the funding.

Council discussed with Town Manager Underwood concerns over the waste monitoring situation.

Members of the audience provided input, and expressed their issues and opinions on the subject.

Mayor Browning expressed his concerns that nurseries are having their trash picked up, at no cost, when he is paying for it as a resident. He also requested this obligation be placed under Town Management.

It was the Consensus of Council to bring back a budget amendment concerning Waste Monitoring Contract.

Town Manager Underwood reminded everyone that the Town Hall Grand Opening will commence at the new location, from 10:00 a.m. to 1:00 p.m., Saturday, June 13, 2015.

12. CLOSING COMMENTS

Public

Bill Louda, 1300 E Road, spoke on flood zones, tipping fees, attorneys for Councilman Liang and Keith Harris, public speaking at committee meeting, trails, water sampling.

Dennis Lipp, 13402 North Road, expressed his concerns with waste monitoring. He referenced hedge trimming, and noted he was originally against waste monitoring from Town Management Team. The Town does not need to pay anyone to be a monitor. Residents will call in if they have a problem. He referenced hedge trimming. Requested we keep the big picture at the corner of N Road and West G Road.

a. Town Attorney

Town Attorney Cirullo was sorry to see Billy Donovan leave, and "Go Gators".

Ken Johnson, 15409 Collecting Canal Road, came to the podium again to request the Town Manager review Lung Chiu's comment referencing the motion from Ken Johnson during the Financial Audit and Advisory Committee (FAAC) Meeting. The motion may no have been voted on.

b. Town Council Members

Councilman Rockett thanked everyone for coming.

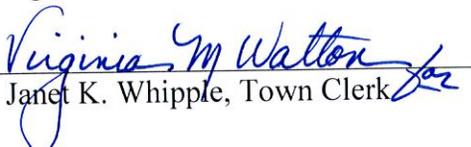
Councilman Liang was sorry there was no guacamole, and thanked the audience for spending the holiday (Cinco de Mayo) at the meeting.

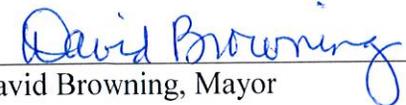
Vice-Mayor Jarriel referenced the packed house.

Mayor Browning thanked everyone for coming and hoped the horse people understand the two different entities, but noted all will be worked out.

ADJOURNMENT

There being no further business to come before Council, Mayor Browning adjourned the meeting.


for: Janet K. Whipple, Town Clerk


David Browning, Mayor

These minutes were approved during the 10-20-2015 Town Council Meeting.