



TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MEETING AGENDA
TUESDAY, OCTOBER 18, 2016 @ 7:00 P.M.

ADDENDUM #1: Item #3.a. "Minutes: September 20, 2016 Town Council Meeting (see attached page 4 Minutes)

ADDENDUM #2: Item #6.e. "Approval of Change Order 6 to B Road Pavement Resurfacing Contract Nyloplast drain basis grate with low profile 18" CAP 90 & 4' x 4' pad (backup was already included in Agenda Packet)

ADDENDUM #3: Item #9.b.1. Consideration to authorize Town Attorney to prepare necessary language that would allow Town residents to opt out of Florida State Statute Chapter 381.00655 "Connection of existing onsite sewage treatment and disposal systems to central sewerage system; requirements. (see attached)

Mayor David Browning (Seat 4)

Vice Mayor Tom Goltzené (Seat 5)

Councilman Ron Jarriel (Seat 1)

Councilman Ryan Liang (Seat 3)

Councilman Todd McLendon (Seat 2)

Suggestion was made to change the April, May and June 2017 meetings to the second meeting date of the month instead of the first.

Motion: a motion to have staff bring back a resolution confirming the dates, including the changes noted above, was made by Council Member Jarriel and seconded by Council Member McLendon. Motion passed 4 – 0.

This item will be continued to the October 18, 2016 Agenda as a Quasi-Judicial Hearing
d. RESOLUTION NO. 2016-61 (DUNKIN DONUTS SIGN VARIANCE)

Motion: a motion to continue item #6d until the October 28, 2016 agenda was made by Council Member McLendon and seconded by Council Member Jarriel. Motion passed 4 – 0.

7. NEW BUSINESS

QUASI-JUDICIAL HEARING

a. “A Cut Above” Appeal to Historical Legacy Special Exception Denial

Damien Rockett, Ken Johnson, Dennis Lipp, Keith Davis and William Underwood were sworn in to give testimony.

Damien Rockett, President of A Cut Above stated this issue had begun around February 2015 with a code case against him. He had met several times with Planning Consultant Fleischmann and several alternatives had been discussed, including this Appeal. He had been operating since 1998, but had moved his location around 2013 to a new address. He still retained both addresses, one as business and one as home. The business location was 10 acres, with 91/2 acres as Ag.

Council discussed the history of the two locations, the history of the causes of the code case, and what was and wasn't allowed. The Council agreed that the new location was closer to a County road and had less impact on the local roads, and was willing to work with Mr. Rockett to try to come up with a solution; but consensus was that an historical legacy could not be substantiated since the business was not on the original property.

Motion: Vice Mayor Goltzene moved, and seconded by Councilman McLendon to deny the appeal to the Special Exception Denial. The vote on the motion was unanimous, 4/0.

Mr. Rockett thanked the Council for their feedback and their willingness to work with him. He wanted to be a good neighbor. Possible solutions suggested was a land use amendment for the new location, or possibly a new zoning section in the code could be adopted.

Dennis Lipp and Keith Harris both voiced their opinions on this issue.

Motion: a motion to delay the enforcement of the current code case and give Mr. Rockett 45 days to make application for a zoning amendment was made by Vice Mayor Goltzené and seconded by Council Member Jarriel. If application is not made within the 45 days, the code case would continue to the Magistrate. Motion passed 4 – 0.

Select Year:

The 2016 Florida Statutes

[Title XXIX](#)

PUBLIC HEALTH

[Chapter 381](#)

PUBLIC HEALTH: GENERAL PROVISIONS

[View Entire Chapter](#)**381.00655 Connection of existing onsite sewage treatment and disposal systems to central sewerage system; requirements.—**

(1)(a) The owner of a properly functioning onsite sewage treatment and disposal system, excluding an approved onsite graywater system, must connect the system or the building's plumbing to an available publicly owned or investor-owned sewerage system within 365 days after written notification by the owner of the publicly owned or investor-owned sewerage system that the system is available for connection. The publicly owned or investor-owned sewerage system must notify the owner of the onsite sewage treatment and disposal system of the availability of the central sewerage system. No less than 1 year prior to the date the sewerage system will become available, the publicly owned or investor-owned sewerage system shall notify the affected owner of the onsite sewage treatment and disposal system of the anticipated availability of the sewerage system and shall also notify the owner that the owner will be required to connect to the sewerage system within 1 year of the actual availability. The owner shall have the option of prepaying the amortized value of required connection charges in equal monthly installments over a period not to exceed 2 years from the date of the initial notification of anticipated availability. Nothing in this section shall operate to impair contracts or other binding obligations relating to payment schedules in existence as of October 1, 1993. Nothing in this paragraph limits the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(b) The owner of an onsite sewage treatment and disposal system that needs repair or modification to function in a sanitary manner or to comply with the requirements of ss. [381.0065](#)-[381.0067](#) or rules adopted under those sections must connect to an available publicly owned or investor-owned sewerage system within 90 days after written notification from the department. In hardship cases, upon request of the owner, the department may approve an extension of not more than 90 days for sewerage connection. The department may approve only one extension. This paragraph does not authorize the owner of the onsite sewage treatment and disposal system to create or maintain a sanitary nuisance.

(2) The provisions of subsection (1) or any other provision of law to the contrary notwithstanding:

(a) The local governing body of the jurisdiction in which the owner of the onsite sewage treatment and disposal system resides may provide that any connection fee charged under this section by an investor-owned sewerage system may be paid without interest in monthly installments, over a period of time not to exceed 5 years from the date the sewerage system becomes available if it determines that the owner has demonstrated a financial hardship. The local governing body shall establish criteria for making this determination which take into account the owner's net worth, income, and financial needs.

(b) A publicly owned or investor-owned sewerage system may, with the approval of the department, waive the requirement of mandatory onsite sewage disposal connection if it determines that such connection is not required in the public interest due to public health considerations.

(c) A local government or water and sewer district responsible for the operation of a centralized sewer system under s. [153.62](#) may grant a variance to an owner of a performance-based onsite sewage treatment and disposal system permitted by the department as long as the onsite system is functioning properly and satisfying the conditions of the operating permit. Nothing in this paragraph shall be construed to require a local government or water and sewer district to issue a variance under any circumstance. Nothing in this paragraph shall be construed as limiting

local government authority to enact ordinances under s. 4, chapter 99-395, Laws of Florida. A local government or water and sewer district located in any of the following areas shall not be required to issue a variance under any circumstance:

1. An area of critical state concern.
2. An area that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation.
3. An area in the South Florida Water Management District west C-11 basin that discharges through the S-9 pump into the Everglades.
4. An area designated by the Lake Okeechobee Protection Act.

History.—s. 2, ch. 93-151; s. 5, ch. 2006-252.

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