



Town of Loxahatchee Groves

Regular Meeting, March 2, 2010 at 7:00 p.m.

MINUTES

Loxahatchee Groves Water Control District
101 West "D" Road, Loxahatchee Groves

Frank R. Spence, Town Manager
Michael Cirullo, Town Attorney; Goren, Cherof, Doody & Ezrol, P.A.
Ann Harper, Town Clerk

OPENING ITEMS 1 – 4

Vice-Mayor Dennis Lipp called the meeting to order at 7 pm. In addition to Vice-Mayor Lipp, the following were present: Councilmen Bill Louda, Ron Jarriel, and Ryan Liang. Mayor David Browning was out of town and unable to attend the meeting. Present from staff were Frank R. Spence, Town Manager; Mike Cirullo, Town Attorney, and Ann Harper, Town Clerk.

Roll call was followed by the Pledge of Allegiance and Invocation.

5) Additions and Deletions – Mr. Spence distributed Addendum items 21 a through 21 d.

6) Approval of Agenda

Motion was made by Councilman Liang, seconded by Councilman Jarriel, to approve the agenda as amended. The motion carried by voice vote, 4/0.

CONSENT AGENDA

7) Approval of February 2, 2010 Town Council Meeting Minutes

Motion was made by Councilman Jarriel, seconded by Councilman Liang, to approve the Consent Agenda. The motion carried by voice vote, 4/0.

PRESENTATIONS

8) Lieutenant Jay Hart, Commander District 15 (PBSO)

Lt. Hart said that things have been going well between the Town and the new District. He said he has prepared a power-point presentation for this meeting. He displayed a map showing the locations of thirty sex offenders who are within the area which includes Loxahatchee Groves. He said all Deputies have this map on their car laptops, and he described the procedures used when Deputies receive reports and respond to calls.

Lt. Hart referred to agenda item #12 and said they are trying to develop a data base of abandoned homes in the areas which include Loxahatchee Groves. He said that these homes are frequently burglarized, but the burglars cannot be charged because there is no one to come forward as the victim of the crime. He is trying to identify the mortgage brokers for these homes so they can place "no trespassing" signs on the properties.

Regarding the location of sex offenders, Vice-Mayor Lipp commented that there are bus stops all up and down Okeechobee Boulevard, and there is a school here. He would like the Attorney to look into the distances required between places where the sex offenders live and school locations. Vice-Mayor Lipp thanked Lt. Hart for his presentation.

ORDINANCES – 1ST READING

9) Proposed Moratorium on Pain Clinics

ORDINANCE NO. 2010-002

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DECLARING A MORATORIUM AS TO THE FILING AND/OR RECEIVING OF ANY APPLICATION FOR THE ESTABLISHMENT OF A PAIN MANAGEMENT CLINIC AS DEFINED HEREIN; PROVIDING THAT THE MORATORIUM SHALL BE IN EFFECT FOR A PERIOD WHICH SHALL TERMINATE ON THE EFFECTIVE DATE OF TOWN'S OWN REGULATIONS FOR PAIN MANAGEMENT CLINICS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Spence said because of the recent proliferation of so-called Pain Management Clinics that have been found to dispense controlled drugs based on questionable need, Palm Beach County and a number of cities in the County have passed ordinances or regulations placing a moratorium on any more clinics opening until tighter rules and regulations can be developed. Most moratoriums are for a period of one year.

Mr. Spence read the title of the Ordinance.

Motion was made by Councilman Louda, seconded by Councilman Jarriel, to approve the Ordinance on first reading and schedule second reading for March 16, 2010.

Vice-Mayor Lipp said no public comment cards were received, so there were no speakers.

Attorney Cirullo said this Ordinance is based upon ordinance passed by Palm Beach County, and it is also consistent with ordinances from other cities.

Vice-Mayor Lipp called for a voice vote on the Ordinance, which carried 4/0 (Mayor Browning was absent.).

PUBLIC HEARING

10) Quasi Judicial Hearing – Final Plat Approval - Community of Hope Resolution 2009-24 (Continued from 2/16/10)

RESOLUTION NO. 2009-024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE COMMUNITY OF HOPE PLAT, FOR LAND OWNED BY COMMUNITY OF HOPE, A UNITED METHODIST CONGREGATION, INC., CONSISTING OF 15.29 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF OKEECHOBEE

BLVD AND E ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Spence said this is a continuation of the quasi-judicial hearing for the Community of Hope for final plat approval. He said at the meeting of July 21, 2009, Town Council approved Resolution No. 2009-16 which approved Development Order Amendments for the Community of Hope project. Council had previously approved their preliminary site plan on May 22, 2007, prior to the present moratorium. The previously approved Resolution 2009-16 is attached, along with all its backup, and a copy of the legal advertisement.

Vice-Mayor Lipp opened the Public Hearing and asked all persons who will be giving testimony to stand. Attorney Cirullo swore in all persons who were standing.

Attorney Cirullo read the title of Resolution 2009-24 and said that one item remains outstanding.

Patrick Figurella of Calvin Giordano said the item is called a pedestrian pathway easement. All issues have been resolved and it has been taken to the County for recording. It has not been recorded as yet. This is the last item to be completed for technical compliance.

Chris Barry, of Jon Schmidt & Associates, agent for Community of Hope, said this process started in 2007, and the church is ready to close on their loan. They have hired a contractor and are ready to break ground. They have been on the Town Council agenda four times. They would like the Council to approve this request and sign the plat after the recording has taken place.

Dale Locke, Pastor of Community of Hope Church, requested that the Council help with their request for approval.

There were no more speakers, and the Public Hearing was closed.

Attorney Cirullo said that documents related to this Resolution and other approvals for this application are part of the public records.

Motion was made by Councilman Louda, seconded by Councilman Liang, to approve the Resolution subject to receiving the recording information. The motion carried by voice vote, 4/0.

REGULAR AGENDA ITEMS

11) Discussion of Palm Beach County Code of Ethics and Inspector General *(Vice-Mayor Lipp)*

Vice-Mayor Lipp said in March (last year) the State Attorney for PBC brought a forward a grand jury report about the culture of corruption in PBC, and from this three Ordinances were developed. These ordinances called for a Commission on Ethics, an Inspector General, and a Code of Ethics for County employees, elected officials, and all boards and commissions. He said he wanted to bring this before the Town Council tonight not for action now, but for action after the Inspector General is in place and the Commission has a Director. They will then be in the position to accept inter-local agreements with municipalities. He suggested asking Commissioner Santamaria to speak on this at a Council meeting.

12) Foreclosures and abandoned properties in the Town *(Vice-Mayor Lipp)*

Vice-Mayor Lipp asked Bill Hammond, Realtor, to address the Council. Mr. Hammond said he had been a Realtor in Loxahatchee for thirty-eight years. He said we have a problem with abandoned properties. Banks and mortgage companies become the owners, but they do not want anything to do with them. He suggested the Town create ordinances with regard to maintaining the properties, inside and out, and figure out who owns the property and bill them for the work. If they do not pay, the Town would lien the property.

Public Comments

John Ryan said it is too late to wait for foreclosures. The Town should start piling up code violations and liens and start foreclosure proceedings. If it is a health and safety issue we should be able to get the mortgage holders involved.

Council Comments

In response to Councilman Louda's question, Attorney Cirullo said under Chapter 162, Code Enforcement, provision is made that if there are health and safety concerns, the Town is authorized to secure the property and is protected against liability. The Town just has to initiate the Code Enforcement Board process. This process must be done against the homeowner and before there is a foreclosure pending by the bank.

Vice-Mayor Lipp said he would like to find a way to identify the "victims" when abandoned homes are burglarized in order to help the Sheriff's Office prosecute the people they have arrested.

Councilman Louda asked how to get rid of "squatters" who move into abandoned homes.

Vice-Mayor Lipp said he would like Staff to work with Bill Hammond and come back to Council with a list of abandoned properties in Loxahatchee Groves and work towards getting it resolved.

Councilman Jarriel said he believes PBSO already has a process in place to identify abandoned properties and Town management should relate the information to them.

Vice-Mayor Lipp said he would like to get a consensus to instruct Staff to work with Mr. Hammond and come up with an idea. Councilman Louda suggested setting up a "tip" line where people could report suspected abandoned houses.

13) EPA Proposed Water Quality Meeting *(Councilman Louda)*

Mr. Spence said that on Thursday, February 18th, a Public Hearing was held on the proposed numeric EPA Water Quality Standards. With all of the canals in Loxahatchee Groves it would be extremely difficult and expensive to meet these proposed standards. Both Vice-Mayor Lipp and Dr. Bill Louda spoke at the Public Hearing. Dr. Louda reported on the meeting.

14) Loxahatchee Groves Park; disposition of request for traffic realignment *(Councilman Louda)*

Mr. Spence said previously Councilman Louda had proposed an alignment of the internal traffic road so that it would exit onto "F" Road and take traffic off of Citrus, whose residents had complained about traffic and dust coming from vehicles exiting the Park. Councilman Louda, Vice-Mayor Lipp, and the Town Manager have all met with the County's Director of Parks, Dennis Eschelman, at different times. Their proposal is that the County would design the road extension, but the Town would have to pay for it.

Mr. Spence continued saying that Councilman Louda will recommend that the County design and fund the project.

Motion was made by Councilman Louda, seconded by Councilman Liang, to direct the Town Manager to send a letter to Director Eschelman, with a copy to County Commissioner Santamaria, requesting the County to design, fund, and construct the short twenty-foot wide shell rock road in the Loxahatchee Groves neighborhood. The motion carried by voice vote, 4/0.

15) Low Impact Development; consideration/discussion *(Councilman Louda)*

Dr. Louda said Michael Clarchik made a presentation on "Low Impact Development" as it pertains to protecting watershed at the EPA public input meeting on February 18. He may have some ideas about how to go forward with our LDC's, and Dr. Louda suggested that Mr. Clarchik be invited to speak at a Council meeting.

16) Reclaimed Water Fire Suppression, Materials Relinquishment and Final Report
(Councilman Louda)

Councilman Louda presented his final report on the project and urged the Council to continue this effort. He said he would like the Finance Committee (FAAC) to take a look at this at one of their meetings and advise Council whether or not to appoint a task force to work on this.

17) Participation in Palms West Chamber's Economic Development Task Force
(Vice-Mayor Lipp)

Mr. Spence said the Palms West Chamber of Commerce has created an Economic Development Task Force comprised of all the western communities including Wellington Royal Palm Beach, Loxahatchee Groves, and Greenacres, with their government officials, our County Commissioner Jess Santamaria, and the private stakeholders. The purpose is to take a coordinated regional approach to attracting new businesses and attacking local issues. Vice-Mayor Lipp and Mr. Spence were appointed to represent Loxahatchee Groves. The composition of the full Task Force is listed on the memos in the agenda backup. There will be quarterly meetings in the future.

Vice-Mayor Lipp said the Chamber is trying to identify major employers who could move to the Western areas and they have asked cities to identify one or two sites that would be appropriate. The sites must be "shovel ready" for development. The Council agreed to support the Task Force.

18) Paving quote for LGWCD parking lot *(information only)*

Mr. Spence said a quote has been received for paving the parking lot, but we are not in the position to make a decision until we study the Town's bidding process and the amount of funding available in the gas tax fund.

Councilman Louda asked whether or not we could use gas tax funding when the area is not a road. Attorney Cirullo said he will look at State Statutes.

Councilman Jarriel said this is the closest thing we will have for a Town Center for a long time, and with hurricane season approaching, we need a central location where we can come and function. This would be one of the most constructive projects we could do, and he would like to get it on the Town's agenda soon.

Vice-Mayor Lipp said the consensus is for the Attorney to determine how the project could be funded, and the Council can then go forward.

19) Request for workshop by Loxahatchee Equestrian Partners LLC; Solar Sportsystems Inc. and the Loxahatchee Commons Project (all on Southern Blvd)

Mr. Spence said he received this request for a workshop. These two projects have been under review for over a year by our consultant, Land Research Management, Inc. The Equestrian Project request being presented by O'Dell Land Development Consultants is for a future land use map amendment application filed in 2009. Both projects have placed funds in escrow to pay for the Town's LMS consultant. Also, per Council's statements, developers are encouraged to do as much as possible in anticipation of the Town's Comprehensive Plan being implemented and LDR's adopted. The applicants wish to present their revised plans directly to Council as soon as possible so as not to spend too much time and money on something that might not be acceptable to the Town.

Councilman Louda said on the Loxahatchee Commons project, there was one acre to be given to the Town. He said consideration should be given to giving it to the American Legion.

Public Comments:

Michael O'Dell, Equestrian Partners, said they have been working to move their projects forward. We have a couple of issues affecting alignment of the roadways, and we are looking at modifying our zoning. We have no real plans to show you, but there are concepts. We could discuss entrance and egress issues, and we would like everyone to be on the same page in anticipation of the Comprehensive Plan being approved.

Vice-Mayor Lipp stated that a workshop would be scheduled in conjunction with the next Council meeting.

20) Discussion of possible proposed ordinance to control dumping of animal waste

Mr. Spence said currently there is a problem of excessive dumping of manure from the horse farms in Wellington. At our request, Sheriff's Deputies have been able to identify haulers and in some cases issue citations when they are able to patrol the Town. One of the problems that we run into is when the land owners allow it and claims that it is for his farm's use as fertilizer. It is the illegal dumping on vacant lots after dark that has caused the most problems. The Ordinance from Wellington is in the agenda backup. It is recommended that the Council authorize our Attorney to prepare an appropriate ordinance. Mr. Spence said he has spoken with Code Enforcement in Wellington, and they have a procedure which requires the haulers to state where their dump site is, and they are in violation if they dump elsewhere.

Councilman Louda showed a slide presentation of the effect of large scale accumulation of horse manure on the land and the water supply. He said writing an ordinance to control this problem is a "slippery slope" because we do not want to do something that will harm the equestrians.

Councilman Jarriel read into the record a letter from Frank Schiola saying that the Town should implement an ordinance immediately. The Ordinance should require haulers who dump manure to obtain a permit from the Town and pay the Town fifty dollars per load and the property owner would have five days to spread the manure or get rid of it.

Public Comment:

Jim Rockett commented on the Wellington ordinance and said there should be no cost to enforce the ordinance.

Michael O'Dell said there is a manure composting site on an eighteen acre farm which has been approved by the South Florida Water Management District and the State of Florida. Ten acres are used for composting, and the manure is spread throughout the farm. This would be an alternative location for dumping. It is located off of Route 27 around Browns Farm Road.

21) Addendum Items

21a Correspondence from Palm Beach County re: Proposed Future Land Use Amendment requested by Sluggett. (Commercial - NW corner of Seminole Pratt Whitney Road and Southern Blvd)

21b Correspondence from Palm Beach County re: Proposed Future Land Use Amendment requested by Lion Country Safari

Mr. Spence said he received notices from the County about public hearings for two proposed land use amendments; one affects the intersection of Southern Blvd. and Seminole Pratt Whitney Road and the other is for Lion Country Safari. The Public Hearings will be March 12 and April 21. It appears that we do not need to make any comments at this time.

21c Correspondence from Shutts & Bowen regarding dedication of 148th Terrace N easement

Mr. Spence said he received a letter from the legal firm of Shutts & Bowen regarding an easement dedication, and he recommended that the Council authorize Attorney Cirullo to deal with Attorney Richardson of that firm. Attorney Cirullo said he understands that the best action is to have this easement dedicated to the Town.

21d Proposed referendum for a one cent sales tax to provide Fire Rescue alternative funding; Comparable reduction of ad valorem property tax

Mr. Spence said this is for informational purpose only. The County is considering whether or not to place a question on the next ballot to increase the sales tax.

ADMINISTRATIVE UPDATE

22) Administrative Update – (1) Mr. Spence said the Environmental Committee (ERM) met on February 27 and scheduled their final meeting for Wednesday, March 9, at 7 pm. **(2)** The County distributed maps which they use to determine gas tax revenue. Mr. Spence said he is scheduling a meeting with Ken Johnson and other residents who know the roads in order to develop an official correct map by the end of the month.

Town Calendar for March and April

Status of "no solicitation" signs – Signs have been installed.

CLOSING COMMENTS

23) Public Comments

Marge Herzog said fifty census signs have been placed, and two social events have been planned.

Tim Ploss, a contractor from Tennessee, asked questions about the permitting process.

Aldo Fardales, 14188 North Road, said he is seeking a permit to establish permaculture classes on this five-acre property.

Jim Rockett asked for an update on the former lobbyist issue.

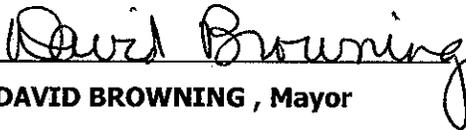
24) Town Attorney Comments – none

25) Town Council Member Comments

Ryan Liang said he hoped to see everyone at the next workshop.

26) Adjournment

There being no further discussion and no additional public comment , the meeting was adjourned at 10:15 p.m.



DAVID BROWNING , Mayor

April 20, 2010_____

Date Council Approved

Attest:



Ann Harper, Town Clerk