



Town of Loxahatchee Groves
Regular Town Council Meeting
Tuesday, March 5, 2013 at 7:00 p.m.
Loxahatchee Groves Water Control District, 101 West "D" Road

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 Rockett, and Council Members Tom Goltzené, Ronald D. Jarriel and Ryan Liang. Also present were Town Manager Mark Kutney, Office Coordinator Dennise D. Rodriguez, Town Attorney Michael D. Cirullo, Jr., and Town Planning Consultant Jim Fleishman.

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

Councilman Ryan Liang requested the addition of Item 10.d to the Agenda – Code Violation issues on Palm West Plaza for Discussion

Motion: Motion made by Councilman Jarriel to approve the Agenda as modified. The motion was seconded by Councilman Liang. The motion passed 5-0.

2. Consent Agenda

- a. Invoices from Goren, Cherof, Doody & Ezrol, P.A.
b. Minutes for Approval: November 20, 2012, December 4, 2012, February 5, 2013

Motion: Motion made by Councilman Liang to approve the Consent Agenda. The motion was seconded by Councilman Jarriel. The motion passed 5-0.

3. Presentations –

- a. South Florida Water Management District, Laura Corry, Community Outreach Representative, Office of Intergovernmental Programs

The South Florida Water Management thought that this was an opportune time to talk, since the rainy season would be coming. She discussed the local drainage system and how it will affect the Town area in case of a storm and emphasized maintaining clean drainage. The Town should begin preparing for the rainy season. All the debris and vegetation should be kept out of the water drainage. Also, certain structures needed to be taken care of; and also the culverts that share with a canal or a lake. The right-of-way has to be cleared and there should be nothing obstructing the cleaning of the right-of-way in case of a storm. She provided the South Florida Water Management website: www.sfwmd.gov.

Councilman Jarriel mentioned that there is a major drainage problem between Southern Boulevard and Tangerine Drive in the past storm. The Town did not have that problem in prior years because there was a pond in the center of Loxahatchee that allowed drainage to come to the pond and underneath the road to one of the canals; but the pond has been filled in. The State has placed a blockage and now the water stays in front of that street. The problem is that now this causes more flooding. He is requesting recommendation from the South Florida Water Management District, in installing culverts and other sources in order to prevent flooding on such areas.

Ms. Corry indicated that she does not have an answer for him at that moment, but she will take his concerns to her office and provide updates to the Town Manager.

Councilman Liang expressed concern about the levels of the canals during the dry and winter season and the limitation that the Town has to pump water out of the canal for fire control. He wanted to know how much water the Town could pump out of the canal.

Ms. Corry advised that she would follow up and would get back to the Town Manager.

Mayor Browning mentioned that special permission was needed in order to back up into the Town's canals. The biggest issue was that through the wisdom of the South Florida Water Management, we allowed Royal Palm to put their water level to 14th feet, and ours historically was always 16th feet. So we always have an underground migration to the East, and we have to beg for water to be back pumped into our canals and it all goes underground to the East to our neighbor to their ponds and then the Town has to beg for water to go back to our canal. We need some help with that.

Ms. Corry advised that she would follow up and get back to the Town Manager.

Public Comment:

Ken Johnson, Collecting Canal Rd.: Commented that he agreed with what the Council members were expressing; the canal was not cleaned out to the standards that it needed to be cleaned out, causing flooding. There was a washout specifically on B Road.

Howard Voren 1538 E Rd.: Commented regarding people saying that there was a lack of water. He stated that when there is a drought, water is pumped into the rice fields; he stated that there was a major shift on those farms beyond 20 mile bends to shift from sugar cane to rice, and there were hundreds of

acres of rice paddies that were being flooded at the same time that there was a drought. He maintained that was a decision of the South Florida Water Management.

4. Committee Reports

- a. Finance Advisory & Audit Committee (FAAC) Report and Approval of the January 2013 Financial Reports – Board Member Virginia Standish

Virginia Standish presented the Finance Advisory & Audit Committee (FAAC) Report and Approval of the January 2013 Financial Reports. The committee is recommending issuing another credit card for the use of the office.

Motion: Vice Mayor Jim Rockett moved to approve the Finance Advisory and Audit Committee Report and Approval of the January 2013 Financial Report. Councilman Ron Jarriel seconded the motion, which passed 5-0.

Motion: Councilman Ron Jarriel moved to approve that an additional credit card be issued to Town Staff. Councilman Ryan Liang seconded the motion, which passed 5/0.

5. PUBLIC HEARINGS – (Ordinance 2nd Reading) -

- a. Ordinance No. 2012-12

AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO AMEND ARTICLE 10 ENTITLED “DEFINITIONS, ABBREVIATIONS, AND CONSTRUCTION OF TERMS,” SECTION 10-015, ENTITLED “DEFINITIONS” TO ADD A NEW DEFINITION FOR “RESIDENTIAL AGRICULTURAL SALES AND SERVICES;” TO AMEND ARTICLE 20, ENTITLED “RESIDENTIAL ZONING DISTRICTS,” SECTION 20-015, ENTITLED “PERMITTED USES,” TO ADD RESIDENTIAL AGRICULTURAL SALES AND SERVICES AS AN ACCESSORY USE SUBJECT TO ARTICLE 80 (CONDITIONAL USE) IN THE AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT; TO AMEND ARTICLE 80, ENTITLED “CONDITIONAL USES,” TO ADD A NEW SECTION 80-60, ENTITLED “RESIDENTIAL AGRICULTURAL SALES AND SERVICES,” TO PROVIDE CONDITIONS ON RESIDENTIAL AGRICULTURAL SALES AND SERVICES USES IN THE AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT; PROVIDING FOR

CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION;
AND, PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Kutney reviewed the recommendations of the Unified Land Development Code Review Committee (ULDCRC). He advised that the Town Council had two options: to direct staff to review the changes suggested by the ULDCRC or to move forward with the Ordinance.

Discussion took place. Town Attorney Cirullo advised that the Town Council could pass the ordinance as is, or pass the ordinance and still work on the historical legacy portion, or the Town Council could table the ordinance and send it back through the process under the different concept suggested by the ULDCRC. Unless the Town Council directed otherwise, there would be no enforcement activity because the issue was still being resolved, or the Town Council could vote the ordinance down and tell staff to cite the violations,

Howard Voren, 1538 E Rd.: Commented that there was another option and that was the option of the Town Council to vote this ordinance down and work on a new one, giving direction not to cite the Ickes. He further commented on his recommendations made as a member of the ULDCRC.

John Ryan, 3508 A Rd.: Commented that there was substantial discussion and agreement that there needed to be some reasonable number of years prior to the date of incorporation for businesses in place.

Motion: Tom Goltzené move to table Ordinance No. 2012-12 and suspend enforcement on anything that would fall under the concept of historical legacy that was presented by the ULDCRC. The motion was seconded by Vice Mayor Rockett. The motion passed 5/0.

Motion: Council Member Tom Goltzené, made a motion to direct staff to process an ordinance; whether it would go to the ULDCRC or directly to the P & Z Board would be reviewed by the Town Manager. The motion was seconded by Council Member Jarriel. The motion passed 5/0.

John Ryan, 3508 A Rd.: Commented that he did not think that everyone who had any type of business before 2006 should be exempted from the code.

b. Ordinance No. 2013-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING COMPENSATION FOR
COUNCIL MEMBERS; PROVIDING FOR CODIFICATION, CONFLICTS,
SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo read Ordinance No. 2013-01 by title, as printed above, noting that the ordinance would require an affirmative vote of four in order to pass. The Ordinance would not take effect until the next regular election, following adoption of the Ordinance. That election would be held on March 12,

2013. He explained that the terms of office would begin when the council members were sworn in on March 19, 2013, and that any compensation would be so pro-rated.

Motion: Council Member Ryan made a motion to adopt Ordinance No. 2013-01. The motion was seconded by Council Member Jarriel.

Public Comment:

Dennis Lipp - 13402 North Road. Commented regarding the compensation to Town Council members, and the intent of the incorporation committee.

Marge Herzog - 966 A Rd.: Commented that she was also on the incorporation committee and that the intent was that the people elected would start the compensation, not the whole current seated Council.

Anne Parker - 15565 Collecting Canal Rd.: Complained that the audience could not hear the Council or staff.

Dr. Laura Tindall - 3780 A Rd.: Commented regarding the interpretation of the charter, and that there was no one on the current Council that was part of the incorporation committee.

Howard Voren – 1538 E Rd.: Commented regarding the compensation issue, and intent is only argued when the language is nebulous. The current attorney had indicated how the language was interpreted. That is why he believed that the ULDC must be redone, so that it was clear.

Lung Chui - B Rd, I want to remind you that we have a professional lawyer for interpretation of the law, and he should be listened to.

The motion to adopt Ordinance No. 2013-01 passed 5/0.

6. ORDINANCES (1st Reading)

a. Public Hearing: - None

7. RESOLUTIONS

a. Resolution No. 2013-02

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE VALLEY CREST SITE PLAN, FOR LAND OWNED BY MAGIC PROPERTIES V, LLC, CONSISTING OF 5.0 ACRES MORE OR LESS, LOCATED AT 13710 OKEECHOBEE BOULEVARD; SOUTH SIDE OF OKEECHOBEE BOULEVARD APPROXIMATELY 0.25 MILES WEST OF "F" ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

Town Attorney Cirullo advised that this was a quasi-judicial hearing on a site plan application for property owned by Magic Properties V, LLC, which was the Valley Crest property on Okeechobee Blvd. The quasi-judicial procedure is as follows: everyone providing testimony would be sworn in; that would include members of the public who wanted to provide facts to the Town Council for consideration in their deliberations; if someone did not want to be sworn in, they could still speak, but those comments could not be considered evidentiary facts. The applicant would present first and is required to provide enough information to support the application. Thereafter town staff would make a presentation and recommendations. The Town Council could ask questions after each presentation. Thereafter, public comment would be opened, with a three minute time limit, unless that was waived by the Town Council. The time limits for the presentations were thirty minutes each. After public comment, staff had five minutes to present any additional information or rebuttal, and then the applicant has five minutes to conclude. Then, the matter is turned over to the Town Council for deliberation and a decision. Site plans were required to be approved by resolution, and if there was a motion to approve, the Town Attorney would then read the resolution by title.

Town Attorney Cirullo administered the oath to all those who would be providing testimony. He noted that the back up in the agenda was part of the record, including pages 86-97, which had been included, but misplaced, in the back up. He requested that anyone speaking to this issue identify themselves and acknowledge that they had been sworn in.

Attorney David Coviello on behalf of Magic Properties presented the site plan application. He noted that the applicant had worked very hard to come up with a fair and valid solution to a fairly complicated set of circumstances. He related the time line of events. He noted that, in this case, it was decided that the applicable ULDC would be the ULDC in place when the property was cited by the code officer. Under those regulations, he submitted that the site plan application was in full compliance with the applicable ULDC. He reviewed the recommendations of the Planning and Zoning Board, and stated that applicant would comply with all of the motions made by that Board at its January 10, 2013, meeting, and applicant accepted all conditions in the staff report.

Comments were heard from the Town Council regarding the size of the debris/vegetative material pile; the fire hazard; the installation of a Knox box, the storage of debris from other locations; a water source for the property; the requirement that 51% of the property is a nursery.

Town Planning Consultant Jim Fleishman provided the staff report, explaining that the proposed use was as a wholesale nursery principal use/landscape service accessory use, and advised that staff recommended approval of the site plan application. He noted that the Planning and Zoning Board had recommended denial of the application at its January 10, 2013, meeting, based on four technical issues. Subsequently, the applicant had submitted a revised site plan which now included buffering requirements, handicapped space and loading space. Staff concluded that the reservations identified by the Planning and Zoning Board had been satisfied. Five independent motions had been adopted by the Planning and Zoning Board for items that they would like to see addressed, and they are addressed either in the site plan or in staff recommendations for approval. Staff recommends approval of the proposed site application subject to the conditions of approval identified in attachment "D" of the staff report

Staff responded to questions from the Town Council.

Mayor Browning stated that he did not see a need to put a nursery in that location, and would rather see a landscape use along Okeechobee; with approval received for that use, and with the property taxed accordingly.

Town Planning Consultant Fleischmann explained that this was really a special case, since the applicant was following a Special Magistrate order, saying that the applicant had to use the County Code that was in effect at the time of violation. It has nothing to do with the Town's ULDC. There was no precedent being set. In response to the Mayor, Attorney Coviello indicated that the property would not have an AG exemption.

Council Member Goltzené stated that he did not want to see a garbage dump. Council Member Jarriel said that he would rather get some tax revenue that would come from a commercial landscape business.

Public Comment:

Dennis Lipp, 13402 North Rd.: Commented that he was Chair of the Planning and Zoning Board and had given some suggestions in regard to the debris piles.

Nina Corning, "E" Rd.: Commented regarding concerns with whether anyone has looked into general policies for any development along Okeechobee, and the use of the right-of-way, and whether there was room for an equestrian/greenway trail along Okeechobee.

Ken Johnson, Collecting Canal Rd.: Commented that he needed to be sworn in. *(At this time Town Attorney Cirullo administered the oath to all those who had not yet been sworn in).* I do agree with Ron Jarriel about bringing illegal trash on town, and not paying the correct trash rates. He suggested that the debris/trash be taken straight to the dump. He also addressed the Valley Crest truck blocking the gate entrance and the associated fire hazard.

Anne Parker, 15565 Collecting Canal Rd: Commented regarding the tax base, whether the project would be a façade nursery, and that when applying for an AG exemption she had to go through a procedure.

Virginia Standish, 14510 North Rd.: Commented that the solution would be to take the debris to the dump or mulch it on the property. There were simple solutions to the problem.

Howard Voren, 1538 "E" Rd.: Commented suggesting removing the requirement to have the nursery component, and allow them to have the landscaping business on Okeechobee Blvd.

Mayor Browning said that there was still concern with the amount of debris/vegetation on the property; concern with hauling in vegetative debris and piling it.

Town Planning Consultant Fleischmann stated that a condition of approval was that the vegetative waste operation should consist solely of importing, temporary storage, decomposing, vertical grinding and on-site use or licensed off-site disposal of materials. He explained that gave them the option that if the nursery could not handle anymore mulch, as long as the operation disposed of it off-site in a licensed or approved manner, that would be permitted.

Attorney Coviello pointed out that the whole reason for getting the site plan approval was so that there were teeth to regulate. All of the issues raised would be addressed. He again noted that the applicant was under a Special Magistrate order.

Town Attorney Cirullo read the Resolution No. 2013-02 by title, as printed above.

Motion: Council Member Liang made a motion to approve Resolution No. 2013-02 the Valley Crest Site Plan. The motion was seconded by Vice Mayor Rockett, which passed unanimously. (Motion passed 5-0).

Council Member Liang commented that he wanted the piles of debris reduced. Eventually, the debris would have to be moved off-site.

Council Member Jarriel commented that Mr. McCabe may have a solution for the applicant. If it was a landscape business and the Town could get revenue, it would have a low impact on Okeechobee Blvd.

Town Attorney Cirullo stated that any condition could be amended in the motion made.

Mayor Browning stated that the pile was too high, and was next to the property line; 100x100 x 15' was too much. He objected to bringing in debris to the Town.

Vice Mayor Rockett suggested a debris pile size of 100 x 100 x 10'.

Town Attorney Cirullo advised that the applicant would need to consent to not applying for an AG exemption for the part that is a nursery. The property is in the AR district, and under the County Code there was not a requirement to have the nursery component. What would happen here is the site plan would need to be revised to take out the nursery component and have the Town Council review it without the nursery component. If the Town Council was receptive to staff looking at that as a possibility, that is something to consider. Staff could bring something back, if the applicant would like

to explore the issue. Town Attorney requested a short recess in order that he could review the County Code.

Town Attorney Cirullo confirmed that the zoning district under the County Code was AR and it was allowed, so to meet the county code, it would not need to be an accessory use to a nursery. The applicant would like to make a request on how they would like to proceed.

Attorney Coviello requested approval of the site plan as is tonight, subject to the modification on the size of the waste pile, and with the condition that the applicant come back and modify the application to remove the nursery component.

Motion: Council Member Liang modified the motion to approve Resolution No 2013-02, with the condition that the applicant return with a site plan amendment within six months to eliminate the nursery component, and the approval also included the modification of the waste pile to be 100 x 100 x 10'. The seconder of the motion agreed with the modifications. The motion passed 5/0.

7. ADMINISTRATIVE UPDATE – Town Manager Kutney

1. Announced the Intergovernmental Coordination Committee (ILG) for March 22, 2013 at 2:00 pm.
2. Canvassing Board meeting on March 18, 2013 at 5:00PM. Councilmen Goltzené, Jarriel and Liang, and the Town Clerk would need to be present.
3. Councilman Ron Jarriel had contacted the Town offices regarding a fence issue regarding Ms. Lorenz; a fence had apparently been put into the roadway without a permit.

Discussion took place regarding legal documents that would allow the Town to work on the roads.

Town Attorney Cirullo stated that he would work with staff on how to get the legal descriptions of the roadways and confirm the proper party to give the Town the rights to the road.

4. Update on traffic signal on Okeechobee and D Road. The Town had allocated \$250,000 for the signal, and the county had indicated that was a good estimate for the design and installation of the signal. There were some concerns regarding the mast arms necessary on each corner, and the northwest corner where there was a canal. His intention was to move forward, and to let the Council know that there may be some intersection improvements down the line that would increase costs beyond \$250,000. He requested any specific direction that the Town Council would like to give him at this time.

Discussion took place regarding the use of cable, a traffic light on B Road, the road being a County road, the ability of the town to get a return from the County of money used for the traffic light

5. Update on the issue with manure; staff and Town Attorney would be working on it, and the necessity of an amendment to the ordinance that would be presented to the Planning and Zoning Board at their March 14, 2013 meeting.

8. OLD BUSINESS - None

9. NEW BUSINESS

- a. Initiative Petition Certificate of Insufficiency

Town Attorney Cirullo addressed the Initiative Petition Certificate of Insufficiency, noting that the Town Clerk had found the Initiative Petition insufficient for two reasons. The Certificate of Insufficiency had been delivered to all members of the Committee. One of the Committee members had filed an affidavit with the Town Clerk indicating that the reasons for insufficiency were not valid. The Town Clerk had interpreted that as a request for the Town Council to review the Certificate. The request tonight was to adopt a motion to receive and file the request, pursuant to the Charter. By charter the decision would be made at the next Town Council meeting, which was March 19, 2013.

Motion: Councilman Jarriel made a motion to receive and file the Certificate of Insufficiency. The motion was seconded by Councilman Liang.

Public Comment:

Marsha Newell, 3508 C Road, stated that she was a member of the Committee and had not received notification, and wanted to see evidence that the notice was sent by certified mail.

Attorney Megan Renea Hodson, of the law firm of Robert Hartselle, P.A., addressed the Town Council on behalf of the Committee and stated that it was the Committee's stand that the petition was filed sufficiently and the Committee would like the Town Council to overrule the Town Clerk's determination.

The motion to receive and file the Certificate of Insufficiency carried 5/0.

- b. Martin McCabe issue – *Councilman Ron Jarriel*

Martin McCabe, 120 Armadillo Way, addressed the Town Council regarding his land clearing business, on D Road and Okeechobee, where he chips and sells the mulch.

Councilman Jarriel stated that the residents of Loxahatchee Groves needed a place to dump their vegetation, they would be welcome to bring it to Mr. McCabe, and he would be willing to give the residents of Loxahatchee Groves free mulch and compost.

Mr. McCabe stated that the only requirement he did not meet was the requirement to have the required ten acres.

Town Manager Kutney explained that there was a code enforcement complaint, and the property owner wanted the business off of the property. Staff had discussed the issue with Mr. McCabe, and were trying to work with him. If he could get a ten acre property to accommodate his mulching, staff would process the request. Staff had interpreted that he could do it as an accessory use to a nursery on five acres.

Public Comment:

Phyllis Maniglia, 3508 W. D Rd.: Commented that she would be pleased to have somebody come in to get her vegetation off of her property.

John Ryan, 3508 A Rd.: Commented that the last 20 minutes did not belong in this Town Council meeting. Mr. McCabe needed to deal with the Town staff. The Town Council could not be turned into the Planning and Zoning Board, or the Unified Land Development Code Committee. Mr. McCabe really has no business in bringing this issue to the Town Council. This is something that he needed to work out with Town staff.

Marge Herzog , A Rd.: Commented that she was concerned that there were already two other mulching operations on Okeechobee, and there was noise involved with such operations.

George Perez, 1538 B Rd.: Commented that he agreed with Mr. John Ryan regarding his comments concerning Mr. McCabe, as well as other similar operations on Okeechobee Blvd.

Councilman Jarriel commented that, out of courtesy, he had endorsed having Mr. McCabe speak tonight, so that he could provide information to the Town Council that may stop him from having to go before the Special Magistrate. He added that he thought that the Town Council could allow 20 minutes to hear from the people of the Town.

c. Abandonment/Foreclosure Properties – *Councilman Ron Jarriel*

Councilman Jarriel referred to the abandonment property list of 49 residences, and his concern was that the management team could contract out with a firm to handle the abandoned property in Town, or ask code enforcement to proceed to put liens against the property so that the banks would be accountable for keeping the properties up. He stated that he was bringing it up tonight as something that would bring revenue into the Town.

Town Manager Kutney advised that there was a policy in place for this issue, noting that staff was aware of the property on C Road that was mentioned in discussion tonight, and he advised that staff would do whatever was directed by the Town Council.

Mayor Browning stated that it would be as simple as sending Frank Schiola by the properties.

d. *Code Enforcement of Commercial Property – Loxahatchee Plaza*

Councilman Liang stated that Howard Voren had requested that he address this issue.

Howard Voren, 1538 E Rd: Addressed the Town Council, stating that he was present when the Town Council had directed proactive code enforcement on commercial properties, however, he had remembered the language used by Town Manager Kutney as “egregious violations.” He stated that he believed code enforcement needed specific direction from the Town Council about what to do and what not to do. Mr. Voren maintained that there were a lot of things that we promised would not happen that are now happening. When someone lodged a code enforcement complaint against someone else, a code enforcement officer was to go to that property and only look at what was complained about. He stated that they do not do that – they go there and cite violations for whatever is noticed at that time, and it was promised that was not going to happen. It was also promised that there would be no anonymous code complaints. What has happened in the Loxahatchee Plaza is going out of control. He suggested that Town Management needed to be given clear direction on what things they should proceed with and what things they should leave alone.

Councilman Jarriel commented that the vote for proactive commercial passed 4/1, with Councilman Liang opposed. He stated that he agreed with Mr. Voren, and that he believed proactive was meant to be when there was a health hazard or something dangerous was involved. If there was not a complaint, then it should be left alone. He stated that he personally thought that it was a mistake to go proactive on commercial code enforcement and he suggested that the Town go back to complaint driven, unless there was a health hazard or danger to the community.

Town Manager Kutney addressed the code violations, and stated that staff was doing what the Town Council had directed, and that if the Town Council wanted staff to stop enforcing the codes, staff would do so. He noted that all of the Town Council members had expressed concern with the Plaza, and that the Plaza had a development order on it from 1988 that staff was bound to enforce. He noted that the Hay sales operation in the Plaza was given a Business Tax Receipt (BTR), with a conditional approval on the BTR. He addressed the accusation of racism that had been made, and stated that was simply not the case. He stated that he would be happy to go to the State Attorney, the Office of the Inspector General, or wherever Mr. Hart-Woods wanted to go.

Mayor Browning stated that we all were surprised by the aggravation in the Loxahatchee Plaza. We need to make sure that when there are problems we need to give people time to fix them.

Further discussion took place.

Motion: Councilman Goltzené moved to approve stopping the Pro-Active Code Enforcement, seconded by Councilman Ron Jarriel.

Public Comment:

Tim Hart-Woods, 15201 Timberline Place: Commented regarding the code enforcement issue, and commented on his Business Tax Receipt.

Howard Voren, 1538 E Rd.: Commented regarding code enforcement and commented on the remarks made by Mr. Woods. He stated that he saw an extremely offensive person that was accusing the Town of outrageous things, although that should not cause further code enforcement on that person.

Perla Underwood , Underwood Management Services Group, LLC, addressed the Town Council stating that the Management Group, which was her company, and was a minority company, did not involve itself in the petty attacks by residents, and were respectful to everyone. She addressed the letter sent to the Town Council by Mr. Tim Hart-Woods with his remarks regarding racism.

Tim Hart-Woods, 15201 Timberline Place: Commented regarding the letter sent to the Town Council, and maintained that there was selective code enforcement taking place.

Town Manager Kutney explained that selective code enforcement referred to an issue when you see two people doing the same thing, and you only pick on one to comply with the codes, and that there was not any sort of selective code enforcement going on.

Lawrence Corning, E Rd.: Commented that the Town incorporated to get away from the County and to limit development. He spoke about the County codes and the Town codes, and the ULDC Review Committee.

Mayor Browning stated that it was a requirement for a Town to come up with a Comprehensive Plan and a ULDC.

The motion to approve stopping the Pro-Active Code Enforcement carried 5/0.

10. CLOSING COMMENTS

a. Public

Marge Herzog, 966 A Rd.: Commented regarding a letter regarding sound walls along State Road 80 between F and D Roads.

Virginia Standish, 15410 North Rd.: Commented that she had listened to the remarks tonight, and that the town was a unique community and some of the most exceptional businesses in the Town were nonconforming; that the current ULDC was a nightmare. She stated that she would like to see the Town remain a unique community, and not some overgrown strip mall.

Howard Voren, 1538 E Rd.: Commented that staff was not given any direction on how to treat the violations that were created by the code enforcement action in the Plaza.

Mayor Browning asked if there was anything that could be done to ease off on that.

Town Manager Kutney stated that at the direction of the Town Council, staff could ease off, and just address those issues that are important to the councilmembers. He noted that the county had come to the Town with a number of fire issues and they wanted to move forward.

The Town Council was in agreement with the fire issues moving forward. Mr. Kutney noted that all fire violations were public record.

b. Town Attorney

Town Attorney Cirullo advised that he had no report.

c. Town Council Members

Councilman Tom Goltzené commented that this was a good meeting and reflected the reality of what is going on in the Town. He encouraged the ULDC Review Committee.

Councilman Jarriel commented that he had faith in the ULDC Review Committee. He read a letter from a resident into the record, concerning a situation of mailboxes and property being torn up by ATV drivers on 161st Terrace North. Mr. Jarriel stated that he had spoken with Lt. Combs regarding this issue, and there was nothing that the PBSO could do about it. The only way that could perhaps solve the problem is to establish a time that the street was used as a quick cut-through for the western communities; PBSO could then be alerted to that. The other suggestion was that the road could be paved so that PBSO could monitor it.

Councilman Liang commented that this meeting was very long, and thanked everyone for coming.

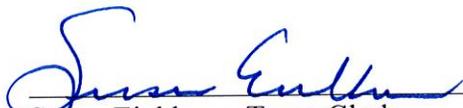
Vice Mayor Rockett thanked everyone for coming to the meeting.

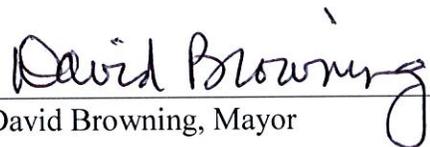
Mayor Browning commented that he still had his old Loxahatchee Groves shirt; we all want to love it or leave it alone. He stated that he would love to simplify things when possible; his feelings were that if there were no codes, it would be easier for developers to come in.

12. ADJOURNMENT

There being no further business, the Town Council meeting of March 5, 2013, was adjourned at 11:25 p.m.. The next Town Council Meeting is scheduled for Tuesday, March 19, 2013 at 7:00 p.m.

**These minutes were approved by the
Town Council on Tuesday, April 2, 2013.**


Susan Eichhorn, Town Clerk


David Browning, Mayor

(SEAL)