



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, June 4, 2013 at 7:00 p.m.

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 Mark Kutney
Town Clerk Susan A. Eichhorn
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 Ronald D. Jarriel, and Councilmen Tom Goltzené. Councilman Jim Rockett arrived at 7:08 p.m. Councilman Ryan Liang was not present. Also present were Town Manager Mark Kutney, Town Clerk Susan Eichhorn, Town Attorney Michael D. Cirullo, Jr., Town Planning Consultant Jim Fleischmann, and Town Planning Technician Braeden

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Motion: Vice Mayor Jarriel made a motion to approve the Agenda. The motion was seconded by Councilman Goltzené. The motion passed 3/0.

2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Minutes for Approval: May 21, 2013; Special Town Council Meeting May 21, 2013
- c. Administrative Policy 3-13

Motion: Vice Mayor Jarriel made a motion to approve the Consent Agenda. The motion was seconded by Councilman Goltzené. The motion passed 3/0.

3. PUBLIC COMMENT

Bianca Berktold, 15045 Collecting Canal Rd.: Addressed the Town Council, requesting reconsideration of her application to construct a pool, which had currently been denied.

Town Planning Consultant Jim Fleischmann advised that Town regulations do not make exceptions for accessory structures. Ms. Berktold could have done it under the County regulations, but under the Town's current regulations she cannot. Options are to apply for a variance or she could request that the Town draft a code amendment that would apply to all properties in Town that are being penalized by the same thing. She can look at dealing with her issue as it relates to her property or at an amendment that would affect everyone in Town.

Town Manager Kutney noted that both a code amendment and a variance would carry a cost recovery charge, and that the matter could be added to the next Town Council meeting agenda.

Discussion took place regarding minimizing or eliminating the costs, because of the setback issues that were involved, and that resident should not have to be penalized for setback distances that had been set back too far. Town Manager Kutney pointed out that a code change would affect the setbacks for everyone, and that staff would like the opportunity to discuss the situation with Ms. Berktold.

Councilman Goltzene suggested that the code text should be made the same as the regulations in the County for pool setbacks.

After further discussion, it was the consensus of the Town Council that staff would meet with Ms. BerktoId to provide her with the alternatives for her application, and that staff would return at the next Town Council meeting with the results of that meeting.

Marge Herzog, 966 A Rd: Commented regarding the condition of B Rd. south of Collecting Canal. Mayor Browning requested that Mr. Kutney notify the LGWCD and let them know. Vice Mayor Jarriel requested that the issue be added to the next agenda of Intergovernmental Coordination Committee as well.

4. PRESENTATIONS

- a. Legislative Update by Florida House Representative Mark S. Pafford

Representative Pafford addressed the Town Council, and provided a legislative update. He reminded all that a legislative office is responsible for not only sending him to Tallahassee and making decisions that impact citizens, but that his office would also work for concerns of constituents.

Vice Mayor Jarriel commented that he had discussed the traffic signal at D Road and Southern Blvd. with Representative Pafford, and as a result the Florida Department of Transportation (FDOT) had indicated that they would set up a meeting with the Town. He thanked Representative Pafford.

5. COMMITTEE REPORTS

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

FAAC Member Virginia Standish provided the FAAC report.

Motion: Councilman Rockett made a motion to accept the FAAC Report. The motion was seconded by Vice Mayor Jarriel. The motion passed 4/0.

6. PUBLIC HEARINGS (Ordinances 2nd Reading)–None

7. ORDINANCES (1st Reading)

a. Public Hearing:

Ordinance No. 2013-03

AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO AMEND ARTICLE 20, ENTITLED “RESIDENTIAL ZONING DISTRICTS,” SECTION 20-015, ENTITLED “PERMITTED USES” TO ADD “RESCUED ANIMAL CARE” AS A PERMITTED PRINCIPAL USE SUBJECT TO ARTICLE 80 AND TO A SPECIAL EXCEPTION IN THE AGRICULTURAL RESIDENTIAL (AR) ZONING CATEGORY; AMENDING ARTICLE 80, ENTITLED “CONDITIONAL USES” TO CREATE A NEW SECTION 80-060, ENTITLED “RESCUED ANIMAL CARE,” TO PROVIDE FOR REGULATIONS RELATING TO RESCUED ANIMAL CARE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read Ordinance No. 2013-03 by title as printed above.

Town Planning Consultant Jim Fleischmann presented the staff report. He reviewed the applicant’s proposal and staff’s alternative proposal.

Staff recommended approval of alternative text amendment as amended by the Planning and Zoning Board. However, staff can also support the applicant’s proposed text amendment, as presented in Attachment A, subject to the following revisions: Veterinarian Service permitted as accessory to Rescue Animal Care, and Dog Boarding permitted as accessory to Rescue Animal Care. Those two accessory uses could only be attached to a Rescue Animal Care facility.

Mr. Fleischmann noted that the staff recommendation is considerably more detailed than that proposed by the applicant. The applicant appeared at the Planning & Zoning Board meeting on May 23, 2013, and said that they had no problem with the alternative proposal of staff. On that basis, staff recommended approval of the ordinance language as written on page 55-57 of the Agenda Packet. He stated that a Rescue Animal Care principal use would need to go through the special exception process, and that if veterinarian and dog boarding was offered to the public, the only two roads that would qualify for public service uses would be Okeechobee Blvd. and Southern Blvd.

Town Attorney Cirullo explained that a special exception would be required, and the review standards were site specific standards. When a site specific application was filed, the Town Council could review whether that use would be detrimental to the area. If a determination was made that the review standards are not met, the applicant could not move forward. There was nothing in a general text amendment that would obligate the Town Council to approve a specific application later.

Discussion took place regarding the size of a site for Rescue Animal Care, the facility servicing only dogs, the impact on similar existing facilities, and the number of animals that would be served.

Public Comment:

Jeff Brophy, agent for the applicant, addressed the Town Council stating that the applicant was in agreement with staff and the recommendations from the Planning and Zoning Board. He noted that the location of Bryan and Folsom was basically no longer being considered. The applicant was looking at sites on Okeechobee Blvd., and Southern Blvd., and nothing had been decided at this time. The applicant was ready to start a process in getting the site, but being a non-profit it was difficult to start with the property – that was the reason they were going through the process now. When a site was selected the applicant wanted to include all those who are affected in the design and approval process.

Dennis Lipp, Chair of the Planning and Zoning Board, commented that the method they are using is a good idea because of the costs and so they have a better idea of where they want to go. The same points being brought up tonight were brought up by the Planning and Zoning Board, and he suggested that staff could tweak the text amendment enough so that they can do what they want to do and also protect the Town.

Lauree Simmons, President and founder of big Dog Ranch Rescue, commented that Big Dog Rescue wanted to become part of the community; the dogs would be inside in a new facility; from 7:30 p.m. until 7:00 a.m. all dogs will be in an enclosed building.

André LaCroix, 13000 Bryan Rd.: Comments regarding the proposed text amendment, and the sections of the Code that would be amended. He questioned the number of tax free entities that would be allowed in Loxahatchee Groves, noting that tax dollars were needed.

Ashley Hensarling, volunteer at Big Dog Rescue, commented regarding the benefits of community involvement.

Kristen Cowling, 111 Sunset Cove Lane, Palm Beach Gardens, commented in support of Big Dog Rescue.

Peter Robbins, 70 Via Verona, Palm Beach Gardens commented in support of Big Dog Rescue.

Emily Pantelides, 70 Via Verona, Palm Beach Gardens, board member of Big Dog Rescue, commented in support of the facility.

Ruth Menor, 13095 Bryan Rd.: Commented that she was happy to hear that Bryan Road is not the most appropriate road and that all of us can support the Big Dog Rescue organization, however, it had to be on a road that will accommodate the traffic. Vice Mayor Jarriel asked her to think about the traffic, and how she would feel having them next to her, and she replied that it would not be a problem for her—there would not be a residential impact for her.

Megan Weinberger, 14189 Caloosa Blvd., Vice President of Big Dog Rescue commented in support of the facility.

MOTION: Vice Mayor Jarriel made a motion to approve Ordinance No. 2013-03 on first reading, as recommended by the Planning and Zoning Board. The motion was seconded by Councilman Rockett.

Discussion:

Vice Mayor Jarriel: Residents on Bryan made a comment. It is a great facility; we just have to get it in the right spot. Concerned about how many employees now and when they grow. Would like to see a commitment that Bryan Rd. is out of the question. There are a lot of positive things that come from this facility.

Councilman Goltzené commented regarding some adjustments to the text amendment, like dog boarding versus animal boarding. Concerned that we are doing things in order to facilitate one thing that will cause trouble to other things. All vets and all rescues should be included, rather than causing those that don't meet the criteria to be odd man out. Would like to see staff address these issues.

Councilman Rockett commented that he thought staff should make it a little more general. Make it more generic. Agreed with Vice Mayor Jarriel's comment and he would also look for a commitment from Big Dog Rescue that Bryan Road is off the table and will remain so.

Mayor Browning commented that Big Dog Rescue does great work. Some of these people speaking really don't understand the lifestyle in Loxahatchee Groves. No one appreciates animals more than the people in Loxahatchee Groves, however he has concerns with noise and the neighbors. One problem I have is that commercial kennels are not prohibited, but a boarding kennel is. There is a reason why we don't allow commercial kennels in Loxahatchee Groves – because of the noise. Taking it off Bryan Road helped out a lot.

Further discussion took place regarding restrictions in the ordinance, the opportunity to focus on special exception conditions when a site was located, and the facility not being opened to the public for services. It was the consensus of the Town Council that staff would work on the language of the ordinance, and that the motion to approve on first reading would include that the ordinance would not go back to the Planning and Zoning Board before coming back to the Town Council.

On roll call vote the motion passed 4/0.

8. RESOLUTIONS

a. Resolution No. 2013-03

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE QUIT CLAIM DEEDS FROM THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT FOR COMPTON ROAD AND MARCELLA BOULEVARD; PROVIDING FOR THE RECORDING OF THE QUIT CLAIM DEEDS AND AUTHORIZATION TO TAKE STEPS NECESSARY TO EFFECTUATE THE

INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo explained that Resolution No. 2013-03 allowed the Town to accept quit claim deeds from the Loxahatchee Groves Water Control District (LGWCD). He read Resolution No. 2013-03 by title, as printed above.

Motion: Councilman Goltzené made a motion to adopt Resolution No. 2013-03. The motion was seconded by Vice Mayor Jarriel. On roll call vote, the motion passed 4/0.

In response to Councilman Goltzené, Town Attorney Cirullo clarified that the Town would be receiving whatever is in the 60 feet, culvert to culvert.

b. Resolution No. 2013-04

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOAHATCHEE GROVES, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Town Attorney Cirullo read Resolution No. 2013-04 by title, as printed above.

Town Manager Kutney addressed the budget amendment, referring to the memorandum from Bill Underwood, Managing Partner, Underwood Management Services Group, LLC., stating that basically the budget amendment is addressing issues with some accounts that are coming in lower than expected, and also some expenses that have occurred. He noted that the drop in ad valorem taxes would be reviewed in the budget discussions for the next fiscal year. Discussion then took place regarding the appropriation increase of \$18,000 to the Loxahatchee Groves Water Control District (LGWCD).

John Ryan, 3508 A Rd.: Explained that the \$18,000 figure was the debt series subsidy that the Town voted on to hold down the assessment for the landowners on OGEM road segments, however, the number should be 28,893, which would effectively increase the expenditure amount by another \$10,000.

Town Manager Kutney stated that he would clarify the issue, and confirm the correct amount.

Further discussion took place regarding the budget amendments. Councilman Rockett suggested that a statement of the balance sheet should always accompany any proposed budget changes; every time a change was done, the fund balances should be provided.

Motion: Councilman Rockett made a motion to adopt Resolution No. 2013-04. The motion was seconded by Councilman Goltzené. Upon roll call vote, the motion passed 4/0.

9. ADMINISTRATIVE UPDATE – *Town Manager Kutney*

Town Manager Kutney provided the following administrative updates:

- Loxahatchee Groves PTO had provided a plaque in thanks for the \$500 donation.
- Comprehensive Plan: He has been working with Town Planning Consultant Fleischmann on an amendment and further information would be provided in July.
- Representative Pafford did a good job for the Town on contacting FDOT on the traffic signal. He had received emails from FDOT to set up meeting for a signal at D Road and Southern. A meeting will be set up with Town staff and FDOT. Vice Mayor Jarriel requested that he sit in on that meeting as well.
- Bid for Solid Waste is on the Town website.

Discussion took place regarding a process whereby FAAC and the Town Council review bids prior to putting them out. Mr. Kutney noted that the ordinance related to the FAAC did not call for bids to be run through the FAAC prior to being put out. An addendum to the bid was discussed regarding having once a week pick-up option and breaking out vegetation from the other waste.

Public Comment:

Frank Schiola, 13434 Marcella Blvd.: Made the following comments: That to think you will save half is not going to happen if you go to once per week. They will have to quadruple their resources for trash, vegetative, etc. By having the 95 gallon cans out there, we can eliminate any kind of garbage cans and only use the approved cans. People would have to come to Town Hall

and get another can. If we went to automated pick up, we will see a savings. The same thing with vegetation – all the small vegetation will go into a can. That would save money. The bulk vegetation would stay the same – one driver one truck. To put it all out on one day would cost more money than putting it out on two days.

Councilman Rockett stated that we want to look at some variation of what we have. The point is we need the information and the only way we are going to get it at this point is to put an addendum out. He also suggested including it in the postcard that is going out to the residents.

- Report on what had occurred with the Unified Land Development Code Review Committee (ULDCRC) meetings to date.

Discussion took place regarding the special exception section of the Code, and it was the consensus of the Town Council that the ULDCRC would continue working on that, as well as commercial equestrian, vets, and landscape maintenance. The Committee would then provide a recommendation to the Town Council on those items.

Virginia Standish, Chair of the ULDCRC addressed the Town Council, noting that the Committee was allowed a great deal of discussion, and will soon be going over the special exception item.

10. OLD BUSINESS

- a. Contracts for ITB 2013-001 (Gravel Road Grading, Mowing, and Vegetative Removal Services) – *[Contracts are currently being negotiated and due to time constraints may not be included as part of this Agenda Packet, but will be included as addenda to the Agenda Packet]*

Town Manager Kutney advised that staff had made the contract revisions that the Town Council had authorized. The LGWCD attorneys had also made some comments and revisions, and everything would be reviewed. It was expected that all of the contracts would be on the June 18, 2013, Town Council agenda. Mr. Kutney noted that Mr. Choquette had requested to be removed from the mowing and vegetative removal services, and staff had contacted the next lowest bidder, Sirdar Trucking, Inc., and they were currently reviewing the contract.

Regarding the engineering contracts, Town Manager Kutney advised that Town Attorney Cirullo and he would review the fee schedules submitted and then negotiate the contracts. It was hoped that those contracts would be ready for the July 2, 2013, Town Council meeting.

In response to Councilman Goltzené, Town Attorney Cirullo explained that this was a multi-step process and a necessary procedure with approving contracts.

Councilman Goltzené suggested that it may be timelier for the Town Council to try to do general business at the first meeting each month, and then try to focus on one or two specific issues at the second meeting.

Discussion took place regarding the mowing contract, the necessity for work authorizations before the work is done, and the options to take if not satisfied with the work.

b. Speed Humps (*Councilman Rockett and Vice Mayor Jarriel*)

Councilman Rockett suggested that further discussion take place regarding speed humps once we have an engineer involved. Town Manager Kutney noted that would need to wait until the July meetings.

11. NEW BUSINESS

12. CLOSING COMMENTS

a. Public

Frank Schiola, 13434 Marcella Blvd.: Commented regarding a paintball match with the Town Council and the LGWCD board, to benefit a charity in Loxahatchee Groves.

b. Town Attorney

c. Town Council Members

Councilman Goltzené: A good meeting, and we have accomplished something.

Vice Mayor Jarriel: Question for staff: Requested update on Bryan Road. Town Attorney Cirullo responded that he was putting the documents together.

Councilman Rockett: Thanked everyone for coming to the meeting. Requested one more change to Administrative Policy 3-13, regarding the ability of members of the Town Council to add items to the Agenda. Town Attorney Cirullo advised that he would add language to Item 9 that said that the Town Council could add an item at a meeting, upon adoption of a motion by the entire Town Council.

Mayor Browning: Thanked everyone for coming to the meeting.

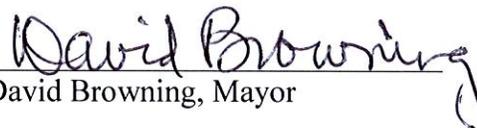
Discussion took place regarding the July 2, 2013, Town Council meeting and the July 4th holiday. It was the consensus of the Town Council to leave the meeting as scheduled.

13. ADJOURNMENT

There being no further business, the Town Council Meeting of June 4, 2013, was adjourned at 10:55 p.m.



Susan Eichhorn, Town Clerk



David Browning, Mayor



**These minutes were approved
by the Town Council on June 18, 2013**