



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, June 18, 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 Ryan Liang and Jim Rockett. 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 Garrett.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Motion: Councilman Liang made a motion to approve the Agenda. The motion was seconded by Vice Mayor Jarriel. The motion passed 5/0.

2. CONSENT AGENDA

a. Minutes for Approval: June 4, 2013

Councilman Rockett brought attention to the portion of the minutes under Resolution No. 2013-04, and stated that he thought there had been consensus of the Town Council regarding his suggestion that a statement of the balance sheet should always accompany any proposed budget changes. Also, he noted that, under the Administrative Update portion of the minutes, he thought that there had been consensus of the Town Council regarding his suggestion that the FAAC and the Town Council have input and review all bids prior to bids being put out.

Virginia Standish, member of FAAC: Recalled that there was a debate at the FAAC meeting, and she thought Chairman Chiu was under the impression that RFP and bids should be reviewed by the FAAC and the question was whether it was in the Resolution governing the FAAC or not.

Motion: Councilman Rockett made a motion to approve the Consent Agenda. The motion was seconded by Vice Mayor Jarriel. The motion passed 5/0.

Phil Liu, 142nd Terr: Commented that FAAC brought up reviewing the bids because it was not in the policy, and the Town Council could consider changing the policy if that was desired.

3. PUBLIC COMMENT

4. PRESENTATIONS - *None*

5. COMMITTEE REPORTS - *None*

6. PUBLIC HEARINGS (Ordinances 2nd Reading)–

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 Fleischmann reviewed the staff report. He noted that the ordinance was approved on first reading, subject to two changes: revise the language of the ordinance so that it was more general and not specifically oriented towards dogs and cats, and to revise the language so that we could better understand the number of animals that may be permitted in any given facility. Those changes had been made. Regarding the number of animals, reference was made to other agencies that control the number of animals in any facility.

Councilman Goltzené suggested that since the reference to native wildlife would preclude animals that were not from Florida or North America, the word "native" should be removed wherever it was referenced as "native wildlife." Staff was in agreement, and Mr. Fleischmann indicated that he would include reference to specific agencies that would govern animals that were not native wildlife.

After further discussion, Town Attorney Cirullo advised that language would be added to item No. 6 of the Staff Alternate Proposal, indicating that the U.S. Department of the Interior and any other applicable agency regulations of such animals.

Mayor Browning mentioned that he has heard that people can hear the dogs from far distances, and he believed that noise could affect someone's lifestyle. He also discussed the facility being located on Southern or Okeechobee, if services to the public were offered. He noted that if they

do not offer those services to the public they could put it anywhere in Loxahatchee Groves, and that he thought that needed to be changed – if it was going to go forward, it would need to be on Southern or Okeechobee.

Discussion took place regarding noise and noise regulations, and the approval by special exception, whereby neighboring parties would have a chance to comment and the Town Council would make a decision which would include compatibility with the neighborhood. It was noted that the Town Council could also attach conditions to any approval that would be necessary to make it compatible to the neighbors.

In response to Vice Mayor Jarriel, Town Planning Consultant Jim Fleischmann stated that the facility could have their services opened to the public, if they fronted on Okeechobee Blvd., or Southern Blvd.

MOTION: Councilman Goltzené made a motion to adopt Ordinance No. 2013-03, on second reading, with the conditions that the term “native” is deleted wherever necessary, per earlier discussion, and to allow the language suggested by Town Attorney Cirullo that language would be added to Staff’s Alternate Proposal Item F., No. 6, indicating the U.S. Department of the Interior and any other applicable agency with regulations of such animals. The motion was seconded by Councilman Rockett. *(Clarification was made after Public Comments that the requirement for a waste management plan was part of the motion to approve.)*

Public Comments:

Jeff Brophy, agent for Big Dog Ranch: Explained that the current facility is not specific to the dogs, and a new facility would be specific to the dogs. The dog rescue operation was always allowed in Loxahatchee Groves; what we came for was for approval of veterinarian services and dog boarding. The existence of the operation is allowed anywhere in the AR Zoning District without those two services. We understand that the discussion does not end tonight. All of the meetings so far have brought up different issues that we are taking into account, and we look forward to continuing the process with you and the community as we select a site. He thanked staff as they have worked very hard to put together something that is fair to the community and Big Dog Ranch.

John Ryan, 3508 A Road: Commented that he was generally in favor of this type of facility. He discussed the effect on water in the canals. The only restriction on sanitation is that there be approval by the Palm Beach County Health Dept. The real benefit along Okeechobee and

Southern is that it could tie into city sewer. Perhaps in addition to Palm Beach County Health Department, conditions that the LGWCD may feel is necessary for things that would affect the quality of the water could be included.

Town Planning Consultant Fleischmann advised that Palm Beach County does have requirements for proximity to water and sewer requirements, but that is something that we can require in special exception application.

Jeff Brophy stated that if the facility was located on Southern or Okeechobee, the Palm Beach County Utility Department would require water and sewer hookup.

After further discussion regarding the effect on water and the waste generated in this type of facility, it was the **CONSENSUS OF THE TOWN COUNCIL that an additional requirement would be added to the Staff Alternate Proposal, Item F, that the applicant must have a waste management plan as part of their program.**

Public Comment:

Bill Kline, E Road: Commented regarding whether dogs would be enclosed in a building so that neighbors would not have to listen to barking; mentioned raising alligators, which was aquaculture and asked if there would be a problem with that.

Frank Schiola, 13434 Marcella Blvd.: Commented regarding the Town becoming the home of non-profits, who get all of the community services but don't pay for the benefits.

Town Attorney Cirullo requested clarification of the motion made by Councilman Goltzené, as to whether the requirement for a waste management plan was part of his motion. **Councilman Goltzené clarified that a waste management plan was part of his motion to approve.**

On roll call the motion to adopt Ordinance No.2013-03, on second reading with the conditions that the term "native" is deleted wherever necessary, per earlier discussion, and to allow the language suggested by Town Attorney Cirullo that language would be added to Staff's Alternate Proposal Item F., No. 6, indicating that the U.S. Department of the Interior and any other applicable agency with regulations of such animals and to add the requirement under Item F that there would be a waste management plan, seconded by Councilman Rockett was approved 4/1, with Mayor Browning casting a dissenting vote.

7. **ORDINANCES** (1st Reading) - *None*

a. Public Hearing:

8. **RESOLUTIONS**

9. **ADMINISTRATIVE UPDATE** – *Town Manager Kutney*

- Administrative Policy 3-13 was approved at the last meeting under Consent Agenda; changes were made and the Town Council now had a final copy.
- On June 10, Vice Mayor Jarriel and staff had a conference call with FDOT, and provided our concerns and factors affecting a signal in that area.
- Update on Palm Beach County surplus property. Palm Beach County had requested a copy of the Town Council meeting minutes where acceptance of the property was approved, a confirmation acknowledgement that the Town was accepting the property in as is condition, and information on the proposed use of the property. After discussion, it was the **CONSENSUS OF THE TOWN COUNCIL that the proposed use would be stated as: Any public purpose authorized by law.**

10. **OLD BUSINESS**

- a. Consideration of request of Bianca Berktold, 15045 Collecting Canal Rd., regarding permit to install swimming pool.

Town Manager Kutney provided an update on the request. He noted that staff met with Ms. Berktold on June 7, 2013, and there were two solutions for this situation: a ULDC text amendment, which would affect all properties in the Town with this situation; or a variance request. He indicated that the text amendment would probably be the less expensive route at a cost of approximately \$2,500, whereas a variance would have approximate costs of \$3,500, or higher. He also noted that handling these types of items on a cost recovery basis was very important to the FAAC, and that Ms. Berktold had requested that she return to the meeting

tonight to address the Town Council. Town Planning Consultant Fleischmann had also gathered further information.

Town Planning Consultant Fleischmann addressed the Town Council, and made the following comments: that one of the big issues that we need to keep in mind is unintended consequences. We have one property that has an issue, and if we make some general code changes, there could be unintended consequences with other property owners requesting the same thing. I think the way to go is the variance. When I first was looking at the various alternatives, I thought a variance might be difficult to approve, but I did some additional research, a lot of which would make a case for variance. I found out that this property, along with the property to the north comes up to 5 acres. In 1973, this property was rezoned by the County Commission to residential estate, which allows 2.5 acre parcels under the zoning district. I think what happened was that a house was built on the 5 acres fairly central in the property. After the property was rezoned, the property was subdivided into two parcels, and now the northern property line comes close to this house. That is the reason why the rear setback does not meet either the Town or County requirement. On that basis, I think a fairly simple argument could be made to justify a variance on this property, and at the same time not incorporate general code language that could result in unintended consequences in this Town.

Councilman Goltzené commented that he did not think that these residents could be held responsible for things that had happened in the past. His understanding was that the Town ULDCs expanded the setbacks from what the County required, and that he thought that this was something that was going to affect everyone because of the setback issue.

Councilman Rockett commented that our ULDC was in place when this property was purchased, and that he did not have a problem with asking for a variance.

Vice Mayor Jarriel commented that a variance should not be required. If the surrounding residents want her to put a pool in, and that brings the value of the property up that would bring revenue to the Town. A text amendment was needed, and the Berkolds should not have to pay for it. He stated that we handle each problem as it comes up before this Council. Both neighbors had approved of it, the value of the property would be increased, and a text amendment was needed.

Motion: Vice Mayor Jarriel made a motion to do a text amendment and take care of this accessory problem and the Town should have to pay for it, because it will benefit the residents of this community. Councilman Liang seconded the motion.

Town Planning Consultant Fleischmann explained what he meant by unintended consequences: I was not necessarily talking about swimming pools. Making changes for setbacks for accessory

uses includes a whole variety of structures. It was possible to do a text amendment – Sec. 20-01(h) that talks about swimming pools specifically. Let’s just amend that section, so we are allowing some relaxation for swimming pools, rather than making broad sweeping changes to accessory uses.

Further discussion took place regarding Palm Beach County setbacks, the Town setbacks, and accessory structures.

Town Manager Kutney clarified that the intent of the cost recovery program was that the applicant would be paying for the planner to change the code. If the Town Council was directing the Town Management firm to pay for it, it would take quite some time, as there were other priorities that needed attention.

Vice Mayor Jarriel stated that he said that he did not think the applicant should have to pay for it, but DID NOT say that he did not care about the Town spending money, and he wanted that clear in the record.

Councilman Goltzené commented that he did not think that the Management Company should have to do this text amendment; we ought to pay them. He also did not think that the Berktolds should have to pay. When people do things right we should not penalize the first person that points out something in the code.

Vice Mayor Jarriel added to his motion to do a text amendment and take care of this accessory problem and the Town should have to pay for it, because it will benefit the residents of this community. He added that the text amendment be made specific for swimming pools and spas and screened enclosure. Councilman Liang seconded the amendment to the motion. On roll call vote, the motion passed 4/1 with Councilman Rockett casting a dissenting vote.

- b. Contracts for ITB 2013-001 (Gravel Road Grading, Mowing, and Vegetative Removal Services) –
 - i. LGWCD contracts – *Not finalized prior to Agenda disbursement.*

Town Manager Kutney advised that the contracts were now ready; however, Town Attorney Cirullo and he were speaking today about whether the Town Council wanted to ratify the contracts tonight, or wait until the LGWCD reviews them at their next meeting.

After discussion **MOTION: Councilman Rockett made a motion to accept the contracts with the Loxahatchee Groves Water Control District (LGWCD) for ITB 2012-001, for Road Grading and Base Rock, Road Repair, and Emergency Call Out, and that the Mayor signs it tonight. The motion was seconded by Vice Mayor Jarriel. On roll call vote, the motion passed 5/0.**

Public Comment:

John Ryan stated that a couple of the supervisors did have some comments and he understood that all had come into agreement. The LGWCD would have a meeting on June 24, 2013, and everyone could sign at that meeting.

- ii. Mowing and Vegetative Removal Contract – Sirdar Trucking, Inc.

Town Attorney Cirullo advised that the lowest bidder, C & C Loader, however they had withdrawn, so that Town went to the number two bidder, Sirdar Trucking, Inc. They had signed the contract, and a motion could be made confirming that the contract is being awarded to Sirdar Trucking Inc, and that the Town Council approves the contract and authorizes its execution.

Motion: Councilman Rockett made a motion to approve and confirm the award of the contract for ITB 2013-001, with Sirdar Trucking, Inc., for mowing and vegetative removal. The motion was seconded by Councilman Liang. On roll call vote, the motion passed 5/0.

Vice Mayor Jarriel commented that he wanted Town Council consensus, so that there was no misunderstanding with the Management. Back in July, 2012, he had put in a request to have 161st Terrace North hedged, and neighbors were asking month after month about it. In December 2012, April 2013 and May 2013 he had also put in requests. The grader operator was complaining about the limbs hitting him and he cannot do a good job on the street, so he hoped that he could get consensus that 161st Terrace, a little over two miles long, would be at the top of the list, plus he could keep an eye on the new contractor and see what kind of job is done.

There was no action taken by the Town Council regarding Vice Mayor Jarriel's request.

11. NEW BUSINESS

- a. Consideration of Offer of Settlement and Written Statement of Allowable Uses – Town of Loxahatchee Groves adv. Day/Bert J. Harris Claim

Town Attorney Cirullo referred to his memorandum dated June 18, 2013, regarding Town of Loxahatchee Groves (“Town”) adv. Day/Bert J. Harris Claim. He requested approval of two letters that he had prepared to forward them tomorrow to plaintiff’s attorney, Bernard Lebedeker, Esq.

Motion: Councilman Rockett made a motion to authorize Town Attorney Cirullo to forward the letters he had prepared to Bernard Lebedeker, Esq., the plaintiff’s attorney. The motion was seconded by Vice Mayor Jarriel. On roll call vote, the motion passed 5/0.

- b. Request Revision to the Adopted FY2013 Budget Amendment Relating the Debt Assistance to the Loxahatchee Groves Water Control District – Allocating Funds from Transportation Fund Second Local Option Fuel (5 cent) – *Councilman Jim Rockett*

Councilman Rockett addressed which fund to use to pay the LGWCD the \$28,893.02 debt assistance, before it is paid, and suggested that the 5c gas tax money could be used in accordance with FS 336.025. He explained that the process of OGEMing the roads was an enhancement to our roadway network and we were moving forward in getting transfer of title to the roads. He also requested that staff move forward with the Comp Plan amendment to use our 5c money for capital improvement. He said that money has been allocated out of our general funds, and we have not been committing any money out of the 5c fund money. He asked Town Attorney Cirullo if there was anything that says that we cannot use this paragraph to use the 5c funds, and that he would like to ask the Town Council to approve using the 5c money rather than the general fund.

Town Attorney Cirullo replied that there were different pools of gas tax money to be used for different things. He looked at the statute as providing flexibility when it was amended in 2003. He suggested that he could sit down with the Management Company and see if we can get our review of these funds consistent. Before the next meeting some guidance could be provided for the Town Council on this issue.

Councilman Goltzené commented that he thought the Town Council should wait for some guidance from Town Attorney Cirullo, because of the significant disagreement relative to the Town Management’s stance on the subject.

Town Manager Kutney stated that staff was working on the CIP element, and planned to have it to the Planning and Zoning Board by July. He acknowledged that the Town Attorney and Town Management had a different opinion regarding the gas tax money, and that they would meet with the Town Attorney to discuss.

Councilman Rockett stated that we are using the general fund too quickly, and that where the 5c money can be used; that needs to be done. He stated that he did not agree with the North Road expenditure coming out of the general fund, and it should be taken out of the capital improvement fund.

Councilman Goltzené commented that, as he understood capital improvements, it was for things we own. In the end it may come down to an Attorney General's opinion. Unless someone has a deed, the law cannot be skirted, and things had to be done right and in the proper way. There were things that we have to think about when you declare what is a road and what is not a road.

Councilman Rockett replied that North Road was as public a road as anything in this community. This is a public road. I am not suggesting that we do anything that is not right.

Vice Mayor Jarriel commented that he happened to agree with Councilman Rockett. He agreed that North Road was a public road. We have been getting gas tax money from it ever since we incorporated. I think the 5c can be used.

Town Manager Kutney stated that staff would meet with the Town Attorney and noted that the payment of North Road was pointed out by the auditor.

Vice Mayor Jarriel stated that your auditor came in front of this Council and he spoke and he didn't have a problem with it – it was management that brought it to his attention. That is specifically what he said -- management brought it to his attention so we need to concentrate and think about it.

Town Manager Kutney responded that Management, the auditor and the Town Attorney all discussed it.

It was the CONSENSUS OF THE TOWN COUNCIL that discussion would occur with staff and Town Attorney and a report would be provided at the next meeting.

- c. Discussion Relative to Request to Assist Resident with Variance ULDC Text Amendment Change for Accessory Structures – *Vice Mayor Ron Jarriel* –
See Agenda Item 10.a.
- d. Discussion Relative to Assignment of Commercial Land Use to Morello Property - Southern Boulevard – *Vice Mayor Ron Jarriel*

Councilman Goltzené declared a voting conflict and removed himself from the dais.

Vice Mayor Jarriel explained the issue, which was that a small section of the Morello property had not been changed to commercial.

Town Planning Consultant Fleischmann distributed a map of the Town, and explained how the right of way was moved, and the County did not compensate to assign commercial designation to that piece of property. He explained that when the Morello properties came through for the rezoning, the three lots that had previously been given a commercial designation were simply assigned a commercial zoning designation, but that could not be done to the lot in question, because it did not have a future land use designation of commercial. He noted that he had talked to County staff and pointed out that it was a scrivener's error, but they did not agree. So, the property is left all by itself on the east side of C road that has a residential land use designation.

Mr. Fleischmann stated that there were two alternatives to assigning a future land use designation to the property:

1. We are in the process of going through some land use amendments and we could make that change as part of the amendments we are doing along Southern Blvd.
2. We could do a small scale amendment separately and just address that parcel. The fastest way would be to address the parcel by itself. However, there was the issue of cost recovery. If we incorporated it into the land use plan amendments that would be the least costly approach, however, he did not know whether that would affect the work authorization to do the amendments.

Discussion took place regarding incorporating the Morello property into the overall land use plan amendments, or doing a small scale amendment separately to just address that property.

Town Attorney Cirullo stated that if you are going to allow someone to kind of hitch on to what we are doing, it needs to be clarified as to why we are doing it – scrivener's error as opposed to something else. In dealing with specific property I would want the property owner to be an applicant, but the Town is the applicant for the overall text amendment. Those are two issues that we need to be concerned about.

After further discussion, **IT WAS THE CONSENSUS OF THE TOWN COUNCIL that Mr. Morello would be contacted and offered the two options to get the property zoned as commercial.**

- e. Discussion Relative to Preliminary Budget Requests for FY2014 – *Vice Mayor Ron Jarriel*
 - i. Request \$150,000 Gas Tax Funds to LGWCD – Substantial Drainage Projects to protect OGEM Roads

Vice Mayor Jarriel commented that he would like to see the LGWCD add into their preliminary budget the \$150,000 for drainage improvements and the \$28,893 for the debt assessment that we agreed to last year.

- ii. Request \$28,893 Debt Assistance Subsidy to LGWCD – OGEM Roads
- iii. Request to Allocate Fund to Employ Lobbyist to Assist Town Relative to Traffic Light – Southern Boulevard and “D” Road.

Vice Mayor Jarriel stated that he had done some research on lobbyists as far as obtaining traffic signals, and that he wanted the Town Council to keep in mind that if we want a light at Southern and D Road we may want to retain a lobbyist.

Councilman Goltzené commented that he did not have a problem of including the \$150,000 and \$28,893 in the preliminary budget for LGWCD, but that we need to be cognizant of reduced revenues and increased expenditures. He did not want to raise taxes to provide funds to the LGWCD. If the roads were turned over to the Town, then why the \$150,000? The other issue relative to who was going to raise taxes – right now the LGWCD was charging everybody, but when it comes to the Town taxes, all the ag properties and the churches were not paying. So, if we are raising the Town taxes in order to help the district, the homeowners are paying.

Councilman Rockett stated that the \$150,000 was for maintenance money, and that he would consider ratcheting that down relative to the number of roads they grade. He suggested that another category could also be added to identify their expenses incurred on maintenance.

Councilman Goltzené commented that he did think that the money should be focused – we would like to see some improvements on “x” road and have those projects discussed in advance between the Town staff and LGWCD staff. I would like to see some line item voting on some of these things as to whether we agree with it or not when doing the budget.

Vice Mayor Jarriel commented that drainage projects protect OGEM roads, and on any future road that was OGEMed we need to do a better job on drainage.

Town Manager Kutney stated that this has been a very useful discussion. I think you will see that I am looking for you to ratify that we will have the preliminary budget workshop on July 2nd prior to the regular TC meeting. I think when everyone sees the budget package you will be in a position to make decisions. He requested a motion tonight to have the Budget Workshop prior to the regular meeting on July 2, 2013.

Motion: Councilman Liang made a motion to have the Budget Workshop meeting on July 2, 2013, beginning at 6:00 p.m., with the Regular Town Council Meeting beginning at 8:00 p.m. The motion passed 5/0.

e. Discussion Relative to Preliminary Budget Requests for FY2014 – *Vice Mayor Ron Jarriel* Continued

iv. Request Surfacing (OGEM) of “D” Road from Collecting Canal to Southern Boulevard

Vice Mayor Jarriel stated that in order to get a traffic signal the road needs to be paved and he wanted the Town Council to think about that, and his request to OGEM “D” Road from Collecting Canal to Southern Boulevard.

Public Comment:

Virginia Standish, 15410 North Rd.: Commented that at the last Town Council meeting a reduction in garbage services was proposed as a way to save money, and all she had heard tonight was spend, spend, spend. Spoke about the traffic signal issue. Saw no reason for this Town to continue to pay for infrastructure for the outside world. Spoke about lobbyist. Spoke about OGEMing roads and strongly urged a slowdown.

John Ryan 3508 A Road: Several comments were made regarding Southern States Land and Timber, the Quit Claim deeds, the existence of public roads – there is a lot of misunderstanding and he would be glad to meet some time with any of the Town Council that want to go through information so that facts are known.

Marge Herzog, A Rd.: As part of the preliminary budget would like the Town Council to consider putting the LGWCD in charge of the signs within this Town. Right now the Town staff is assigning the responsibility for signs to Frank Schiola. Why are the taxpayers paying

thousands of extra dollars to have someone else to it when the water LGWCD did it for so many years.

Councilman Goltzené responded and pointed out that there is a significant difference in the actual cost of the signs themselves; and if it was the LGWCD responsibility, we are all aware that there were a lot of signs that were never there. The Town has responsibility for Town roads, and most of the signs went up on Town roads as far as I can see.

f. Discussion Relative to the Gun License Matter – Bill Kline – *Vice Mayor Jarriel*

Vice Mayor Jarriel explained that Mr. Kline wants to operate out of his home. He can explain his license.

Councilman Gotzené commented that Mr. Kline has to live with the rules. Mr. Kline is still sitting here and we had a solution for him that night. Town Manager Kutney knows what the solution is, and we voted on it, and then the rules came and said we couldn't do it. I think we should go back to what we had originally done and do what our professionals tell us. I am willing to listen to our professional staff as to how we can solve this problem.

Vice Mayor Jarriel stated that if we removed foot traffic, the state does not have a problem with that.

Town Manager Kutney advised that staff had received some new information. The approach staff was taking involved a number of issues, and ultimately it was recommended that staff needed to review the whole thing comprehensively. Staff had recently spoken with Lisa Ryan of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and Mr. Kutney read her comments into the record (attached hereto). He advised that he thought staff could work with ATF, but it was going to take some very complicated and precise regulation to address this issue. Ms. Ryan had offered to come and speak to the Town Council, and Mr. Kutney offered to request that she attend a Town Council meeting to provide information.

Town Attorney Cirullo pointed out that we are prohibited by statute from gun specific regulations.

Mayor Browning noted that it had been suggested at the Town Council meeting, when the proposed ordinance had been heard, that we just take out the line that says no foot traffic, and asked if that would resolve the issue.

Town Manager Kutney replied that there are a number of problems and issues with the ULDC between residential enterprise, office use, and home occupation problems, and it is something that would need to be addressed.

Vice Mayor Jarriel stated that the one sentence regarding foot traffic could be removed in order to allow Mr. Kline to operate. He noted that Mr. Kline had specifically said that he does business with farmers.

Councilman Goltzené agreed with Vice Mayor Jarriel.

Mayor Browning stated that he thought that taking the line out that says no foot traffic would take care of it.

Town Manager Kutney indicated that he believed the ordinance was tabled at second reading, and he would check on that and review what may be necessary as a result of discussion today. He asked if the Mayor and Town Council would like him to invite Ms. Ryan, from ATF, to the next meeting, per her offer. The response was no.

Mr. Billy Kline stated that he had received a permit from the County in the 1980's for E Road in Loxahatchee Groves. He was then told that he had to move to a commercial location, which he did for a few years. Palm Beach County had reversed their rules, and he now wanted to move it back to where he started it 31 years ago, however, Palm Beach County indicated that the Town was now incorporated and he would need to follow the Town ULDC.

Town Attorney Cirullo advised that a provisional motion could be made to take it off the table, and direct staff to put it on the table for the July meeting.

Motion: Councilman Goltzené made a provisional motion to take the ordinance off the table, and directed staff to put it on the table for the July 2, 2013, Town Council meeting. The motion was seconded by Councilman Liang. The motion passed 5/0.

12. CLOSING COMMENTS

a. Public

None

b. Town Attorney

Provided update on Bryan Road; the history of properties was being reviewed in order to confirm easements. He requested confirmation with the Town Council that up to three title searches along Bryan Road could be ordered on some of those properties. The title search fee was \$250 each.

It was the CONSENSUS OF THE TOWN COUNCIL TO CONFIRM THAT UP TO THREE TITLE SEARCHES COULD BE ORDERED ALONG BRYAN ROAD.

Town Attorney Cirullo reminded all that he would be out of town from July 3rd and will be back in the office on July 15. He requested that any issues were provided to him early.

Town Manager Kutney noted that the Town Council meeting on July 16th would be heavy because Valley Crest and both PUDs were coming back. It was also budget review.

After discussion, it was **CONSENSUS OF THE TOWN COUNCIL that Valley Crest would be moved to the July 2, 2013, Town Council Meeting; and the PUDs would be moved to the August 6, 2013 Town Council Meeting. The second meeting in July would be limited to budget and Mr. Kline. All other applicants will go to first meeting in August, except for Valley Crest, which will be in July.**

c. Town Council Members

Councilman Rockett: I liked the capital presentation and fund balance and we should see that every time. Discussed budget calendar, and the business plan update, wherein Town Management priorities would be discussed. Appreciates everyone coming. *(See additional comments belo*

Councilman Liang: Thanks for coming

Vice Mayor Jarriel: Noted that there was a resident on Compton Road with a pothole issue. Asked Mr. Kutney if there was the capability of filling that. Mr. Kutney replied that he would have Mr. Schiola look at.

Councilman Goltzené: Thanks to everyone for coming.

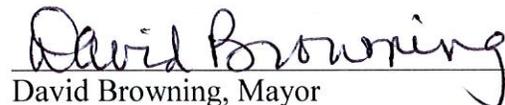
Mayor Browning: Would like to find out what the residents of Loxahatchee Groves would like to see on Okeechobee. I would like to see in the next election that the people vote on what their vision is for Okeechobee – what is your vision - do you want commercial on Okeechobee. It is something that I would like to see happen. The last time we hired a lobbyist, that was a lot of trouble. Regarding the traffic signal, I am totally against having to make U turns to have to get from D Road to B Road.

Councilman Rockett: Regarding Input from residents on Okeechobee, suggested a straw poll type of input, perhaps with a survey. Noted the issue with Palm Beach State College, and that the Statutes say you cannot have a referendum on this type of issue. Town Attorney Cirullo said that he did not know if the statute covered a straw poll, and he would look into that. He noted that the timing and language would need to be verified with the Supervisor of Elections and he suggested that any technical changes to the Charter could be considered at the same time, if so desired. Those ordinances could be presented to the Town Council in October. Mr. Rockett noted that any question set forth regarding Okeechobee would need to be published saying that the information was for informational purposes only.

13. ADJOURNMENT

There being no further business, the Town Council Meeting of June 18, 2013, was adjourned at 10:50 p.m.


Susan Eichhorn, Town Clerk


David Browning, Mayor

(SEAL)

These minutes were approved by the Town Council on July 16, 2013