



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, November 5, 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 Ryan Liang, and Jim Rockett. Councilman Goltzené was not present. Also present were Town Manager Mark Kutney, Town Clerk Susan Eichhorn, Town Attorney Michael D. Cirullo, Jr., and Town Planning Consultant Jim Fleischmann.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Discussion took place regarding having a second Town Council meeting in November and moving some of the items on the current agenda to that meeting. [*Clerk's Note: Please see motion made under New Business Item g. for motion setting second meeting in November*]

Motion: Vice Mayor Jarriel made a motion to approve the Agenda, with amendments: Under New Business – remove Items c. and f.; Under Old Business – add Item a. Discussion Regarding Resurfacing of Bryan Road. The motion was seconded by Councilman Liang. The motion passed 4/0.

2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Minutes for Approval: October 1, 2013
- c. Permission of the Town Council for Ray Sasser – 14805 Okeechobee Blvd., Loxahatchee Groves, FL 33470, Connection of New Potable Water Service with Palm Beach County
- d. Office of Inspector General Grant Agreement

Motion: Councilman Liang made a motion to approve the Consent Agenda. The motion was seconded by Vice Mayor Jarriel. The motion passed 4/0.

3. PUBLIC COMMENT

Keith Harris, 2580 C Rd.: Commented regarding that he noticed on the way to the meeting tonight as he went down Okeechobee to D Road that there was no lighting; he suggested security lights on some of the intersections that are so dark.

4. PRESENTATIONS - Scott Blasie of Vacant Registry (vacant property registry)

Scott Blasie, Executive Liason, Vacant Registry, addressed the Town Council. He distributed a folder regarding Vacant Registry and presented information regarding the company.

Motion: Councilman Rockett made a motion to receive and file. The motion was seconded by Councilman Liang. The motion passed 4/0.

Motion: Vice Mayor Jarriel made a motion that we have consensus that we need to review the possibility, consistent with the procurement code, of getting a proposal from Vacant Registry to clean up Loxahatchee Groves; and for staff to determine if an RFP or RFQ was necessary. The motion was seconded by Councilman Rockett. The motion passed 4/0.

Town Attorney Cirullo stated that he understood that the motion was that staff would review the issue and if a proposal could be brought back for consideration they would do that. He noted that there are alternatives for accepting any proposal.

5. COMMITTEE REPORTS –

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

Virginia Standish provided the report of the FAAC, noting that the Committee strongly advised to put the \$1.8 million Collecting Canal project on hold, and she explained the reasons for that. There was also the suggestion by the Committee that there should be a master plan for this community, urging that Town Management come back with options. Also, the Committee was concerned regarding the OGEM road acquisition portion of the budget, as far as the equality of how people have paid for the roads.

Discussion took place.

Motion: Councilman Rockett made a motion to accept the FAAC report and approve the August and September 2013 Financial Reports. The motion was seconded by Councilman Liang. The motion passed 4/0.

6. PUBLIC HEARINGS –

a. RESOLUTION NO. 2013-15

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING COUNTY DEEDS FOR THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE TOWN PURSUANT TO SECTION 197.592(3), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Town Attorney Cirullo read Resolution No. 2013-15 by title.

Motion: Councilman Liang made a motion to approve Resolution 2013-15. The motion was seconded by Councilman Rockett. The motion passed 4/0.

b. RESOLUTON NO. 2013-16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE 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.

Discussion occurred. It was the consensus of the Town Council to either move this item to second meeting in November, or discuss it this evening.

Councilman Rockett stated that he would meet with Town staff to address his concerns, and see if the changes he proposed to them could be made. Then we could have a short meeting on November 19th and limit it to the budget.

Motion: Councilman Liang made a motion to schedule the next Town Council Meeting for November 19, 2013, at 7:00 p.m. The motion was seconded by Councilman Rockett. The motion passed 4/0.

c. **ORDINANCES- 2nd Reading – *None***

d. **ORDINANCE NO. 2013-06 - 1st Reading**

Ordinance No. 2013-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO SPECIAL EXCEPTION USES AND APPROVALS; AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO AMEND SECTION 10-015, ENTITLED “DEFINITIONS” TO DEFINE “TEMPORARY EVENT,”; TO AMEND SECTION 20-015, ENTITLED “PERMITTED USES” (AGRICULTURAL RESIDENTIAL DISTRICT), TO REMOVE THE SPECIAL EXCEPTION REQUIREMENT FOR COMMERCIAL EQUESTRIAN OPERATIONS, ADD RODEO EVENTS AS A PRINCIPAL USE WITH SPECIAL EXCEPTION AND TEMPORARY EVENTS AS AN ACCESSORY USE WITH SPECIAL EXCEPTION APPROVAL, AND TO SPECIFY THE CATEGORY OF SPECIAL EXCEPTION NECESSARY FOR CERTAIN USES IN THE ZONING CATEGORY; TO AMEND SECTION 25-015, ENTITLED “PERMITTED USES” (COMMERCIAL LOW AND COMMERCIAL LOW OFFICE DISTRICTS), TO SPECIFY THE CATEGORY OF SPECIAL EXCEPTION NECESSARY FOR CERTAIN PRINCIPAL USES; TO AMEND SECTION 30-015, ENTITLED “PERMITTED USES” (INSTITUTIONAL AND PUBLIC FACILITIES DISTRICT) TO SPECIFY THE CATEGORY OF SPECIAL EXCEPTION

NECESSARY FOR CERTAIN USES IN THE ZONING CATEGORY; TO AMEND SECTION 115-01, ENTITLED "TABLE OF PUBLIC NOTICE REQUIREMENTS" TO PROVIDE NOTICE REQUIREMENTS FOR THE DIFFERENT CATEGORIES OF SPECIAL EXCEPTIONS; TO AMEND ARTICLE 170, ENTITLED "SPECIAL EXCEPTION USES" TO DEFINE THE CATEGORIES FOR SPECIAL EXCEPTION REVIEW, AND TO PROVIDE FOR THE APPLICATION REQUIREMENTS, REVIEW PROCEDURES AND RELATED MATTERS FOR THE CATEGORIES OF SPECIAL EXCEPTION REVIEW; TO AMEND ARTICLE 120, ENTITLED "QUASI-JUDICIAL HEARINGS," SECTION 120-015, ENTITLED "QUASI-JUDICIAL MATTERS" TO SPECIFY THE SPECIAL EXCEPTIONS THAT ARE CONSIDERED QUASI-JUDICIAL MATTERS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read Ordinance No. 2013-06 by title.

Mayor Browning opened the public hearing.

Town Planning Consultant Jim Fleischmann provided the staff report, and advised that the staff recommendation was to approve the ULDC text amendments.

Mayor Browning opened the public hearing

Councilman Rockett asked why a Category C Special Exception would not notify adjoining properties. Mr. Fleischmann said that could be added, if so desired. Staff felt that by signing the affidavit stating that there would not be any of these activities – 24 hours, the impacts would be minimal to none. If the Town Council felt it appropriate to notice the adjoining properties, that could easily be done, if it was so directed.

Motion: Councilman Liang made a motion to adopt Ordinance No. 2013-06 on first reading, with Special Exception Categories B and C having the same notice requirements. The motion was seconded by Councilman Rockett.

Public Comment:

Keith Harris, 2508 C Rd.: Commented that he thanked the ULDC Review Committee for their work in regard to special exceptions, and respectfully requested approval of the ordinance.

Virginia Standish, Chair of the ULDC Review Committee: Referred to page 126, and noted that the Committee was strongly opposed to event such as rodeos. The other comment she had was on page 126, when she saw residential enterprise listed; the ULDC had made their feelings clear that they were opposed to having residential enterprise listed. She wanted to make the position of the ULDC Review Committee clear.

Nina Corning, E Road: Commented that she was thankful for taking the commercial equestrian off as a special exception, as it had been requested for quite some time. She did have some concerns in regard to the 24 hour events, and suggested that there be a frequency limit imposed on that. Commented regarding retail nurseries still being a Category A, and wondered if more categories should be added under institutional use. Suggested that rodeo being an accessory and principal use should probably be questionable.

John Ryan, 3508 A Rd.: Commented on page 108 – the permitted accessory use for dog boarding. He thought the ULDC had discussed dog boarding in connection with the Big Dog Rescue organization. Mr. Fleischmann explained that the ULDC Committee did discuss it in terms of the Big Dog Rescue, but page 108 lists the uses that are currently allowed in the Code.

Mayor Browning asked if there was any clarification whether commercial kennels were to be inside. Mr. Fleischmann said that is something we did not look at as part of this exercise. Mayor Browning said that is something staff may want to look at in the future.

The motion passed 4/0.

Mayor Browning thanked the Committee for its diligence.

Town Attorney Cirullo stated that the second reading would be at the December 3, 2013, Town Council meeting.

e. **ORDINANCE No. 2013-08** – 1st reading

Ordinance No. 2013-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES, FLORIDA COMPREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3184(3) FLORIDA STATUTES TO: (1) AMEND THE TRANSPORTATION ELEMENT TEXT; (2) AMEND THE DRAINAGE SUB-ELEMENT TEXT OF THE INFRASTRUCTURE ELEMENT; (3) AMEND THE RECREATION AND OPEN SPACE ELEMENT TEXT; AND (4) AMEND THE CAPITAL IMPROVEMENTS ELEMENT TEXT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read Ordinance no. 2013-08 by title, as printed above.

Town Planning Consultant Fleischmann provided the staff report and advised that it was the recommendation of staff for approval and further recommended that the ordinance be transmitted to the Florida Department of Economic Opportunity for review and comment.

Motion: Vice Mayor Jarriel made a motion to adopt Ordinance No. 2013-08 on first reading. The motion was seconded by Councilman Liang.

Public Comment was requested by Mayor Browning.

Nina Corning E Rd.: Commented regarding which comments were the recommendation of the Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC) and those that were made by the Planning and Zoning Board, and referred to Objective 2.3.

After discussion, it was the consensus of the Town Council to change the word “shall” to “may” under Objective 2.3 in the second sentence.

Mayor Browning questioned Objective 2.3.6 and asked if we are looking to provide parking for other people to come in. Are we making it a destination point for riders to come in and ride our trails? Mr. Fleischmann replied that if a land use happens to be existent on a trail, then the parking goes on the side away from the trail – it is not saying that we are encouraging parking alongside the trails.

There were no further public comments.

The motion passed 4/0.

f. ORDINANCE NO. 2013-09 – 1st Reading Quasi Judicial Public Hearing

Ordinance No. 2013-09 – Quasi Judicial Public Hearing

(Simon Trust Property – Loxahatchee Groves Commons)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 21.73 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT “A” TO THIS ORDINANCE, FROM LOXAHATCHEE GROVES ZONING DESIGNATION AGRICULTURAL RESIDENTIAL (AR) TO THE LOXAHATCHEE GROVES ZONING DESIGNATION COMMERCIAL LOW PLANNED UNIT DEVELOPMENT (CL/PUD); PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo advised that this Ordinance 2013-09, as well as Ordinance No. 2013-10, was a quasi-judicial matter, and provided the explanation of the process, which he was required to do by Code.

Town Attorney Cirullo read Ordinance No. 2013-09 by title, as printed above.

Town Attorney Cirullo swore in all those who would be providing testimony.

Bob Bentz with Land Design South, representing the property owner, provided a power point presentation, noting that the request was for master plan approval and two waiver requests for parking space size requirements and a waiver for separation criteria for alcoholic beverage establishments, since we are not sure where the school buildings will be located on the site. He noted that bars and nightclubs were prohibited on the property. He also noted that the master plan reflects the comments of both the Planning and Zoning Board and the RETGAC. Prior to second reading there would be agreement between the three parties relative to B Road, and the agreement would be adopted by all of the parties involved.

Councilman Rockett asked to see the old plan that was previously shown to the Town Council. Mr. Bentz provided a power point of the previous plan and explained the changes that had been made.

Councilman Rockett observed that parking accessibility to the park has changed and been reduced in the new plan.

Mr. Bentz replied that when you think of a park you think of associated amenities to that park. The idea of moving it made it a lot more usable when it was adjacent to the lake area.

Staff Report:

Town Planning Consultant Fleischmann provided the staff report and advised that it was the recommendation of staff that Ordinance No. 2013-09 is approved, subject to the Master Plan and conditions of approval included in exhibit B of the ordinance.

Staff recommended two agreements relative to B Road— one that addresses the paved section, and one that addresses the OGEM section that commences north of the paved section and because of different issues, such as right of way, etc, that should be the subject of a separate agreement, which would include that funds would be contributed to an escrow account to pay for construction of the improvements. Staff also recommended that the waivers requested are granted.

Public Comments:

Keith Harris, 2580 C Rd.: Commented that he recalled four outbuildings during the Planning and Zoning Board review, and he now sees a fifth outbuilding. He is curious as to how that occurred.

Nina Corning, E Rd.: Commented as Chair of RETGAC and cautioned that it said that we approved it and it was going along with our Comprehensive Plan and we did not make any such remark. To say that we approved this as is – we were not quite as happy with this as the other development that is coming up next. We were concerned about the future development over the years and future traffic. We asked that the numbers really be looked at and studied to be sure that the exits out to Southern would work. We also asked that it be made clear that traffic would not be going down B Rd. , and asked that there be a turnaround for traffic that accidentally went north. Suggested that there be some fencing in the equestrian area.

Mayor Browning requested any further public comment.

There was none.

Motion: Councilman Rockett made a motion to approve Ordinance No. 2013-09 on first reading, with the conditions as recommended. The motion was seconded by Vice Mayor Jarriel. Upon roll call vote the motion passed 4/0.

*****A short break was taken at 9:20 p.m. The meeting resumed at 9:25 p.m.*****

g. ORDINANCE No. 2013-10 – 1st Reading Quasi Judicial Public Hearing

Ordinance No. 2013-10 – Quasi Judicial Public Hearing

(Solar Sportsystems, Inc. – Groves Town Center)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 90.33 ACRES, MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT “A” TO THIS ORDINANCE, FROM LOXAHATCHEE GROVES ZONING DESIGNATION AGRICULTURAL

RESIDENTIAL (AR) TO THE LOXAHATCHEE GROVES ZONING DESIGNATION MULTIPLE LAND USE PLANNED UNIT DEVELOPMENT (MLU/PUD); PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read ord. No. 2013-10 by title as printed above.

Town Attorney Cirullo swore in all those who would be providing testimony.

Marty Perry, on behalf of the applicant, addressed the Town Council. He introduced planner Bradley Miller who would provide details of the conceptual master plan.

Bradley Miller, Miller Land Planning, provided a power point presentation of the proposed master plan.

Mr. Perry noted that there would be a horse crossing over Collecting Canal, which was an expensive proposition that the applicant agreed to. Also, the buffer areas consist of 27 acres.

Town Planning Consultant Jim Fleischmann provided the staff report and advised that staff recommendation was to approve Ordinance No. 2013-10, subject to the master plan and conditions of approval which were contained in exhibit B of the proposed ordinance. Staff also recommended that the applicant be allowed to come back and request a parking space waiver at the time of site plan approval. Staff also recommended that the second reading will not occur until the three party agreements for B Road construction are finalized.

Public Comment:

Nina Corning, E Rd.: Commented regarding some minor items in the staff report.

In response to Vice Mayor Jarriel, Mr. Perry explained that the horse trail bridge will be a horse bridge, not a vehicle bridge. He advised that he would be concerned with putting a bridge on D road or some other location, and that would be a whole new discussion. Vice Mayor Jarriel explained that he is looking at what will help all equestrians in Loxahatchee Groves.

Further discussion took place regarding a possible roundabout on B Road, signage on Okeechobee Blvd. to point out where the college was located and a conservation easement or a deed restriction.

Mayor Browning stated that he really does not want a sign on Okeechobee Blvd. regarding the location of the college.

Public Comment:

Keith Harris, 2580 C Rd.: Commented regarding the horse trail bridge.

Motion: Vice Mayor Jarriel made a motion to approve on first reading Ordinance No. 2013-10 with the recommended staff conditions. The motion was seconded by Councilman Liang. Upon roll call vote, the motion passed 4/0.

7. ADMINISTRATIVE UPDATE – *Town Manager Kutney*

1. State Road (SR) 7 Extension: Town Manager Kutney noted that Councilman Rockett had asked him to look into this and he stated that he would provide the bullet points made at the Chamber of Commerce meeting to the Town Council.

Councilman Rockett said that his concern is that the Town Council needs to allow for us to contribute to an effort by the communities to help fund the lobbyist to help move this forward. He would like to authorize up to \$5,000 to contribute to a fund, if requested, by the Western Community Council, or one of the other cities that may take a lead.

Motion: Councilman Rockett made a motion to authorize up to \$5,000 to be contributed to a lobbyist effort to move the SR 7 project out of the Fish and Wildlife Department of the federal government, and make that payment to whoever takes the lead. The motion was seconded by Councilman Liang.

Public Comment:

Penny Riccio, 71st Place N : Appreciates that and will bring back to the supervisors of Indian Trail improvement District. Commented regarding the SR 7 extension.

The motion passed 4/0.

2. Western Plaza/Mr. Yee: Town Manager Kutney reported that Mr. Yee's architect met with staff and is familiarizing himself with the Codes and they are looking at doing some improvement on the Plaza Center. He will continue to report on this.
3. Literacy Coalition: Town Manager Kutney reported that he would be handing out plaques from the Literacy Coalition at the December meeting.
4. The Certificate of Achievement for Excellence in Financial Reporting was awarded to the Town of Loxahatchee Groves for its comprehensive annual financial report (CAFR), by the Government Finance Officers Association. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.
5. Town Manager Kutney distributed the first two monthly reports by the LGWCD relative to Town road maintenance.
6. Town Manager Kutney reported that Town Clerk Eichhorn has family obligations that necessitate her pulling back on the number of hours that she can work with the company. Starting on November 12, 2013, Janet K. Whipple will be taking on the duties of Town Clerk for the Town of Loxahatchee Groves.

Vice Mayor Jarriel requested that the Town Manager add 2380 C Road to the vacant registry list, and check on the property on Morrow Court off C Road. Town Manager Kutney replied that he would check the properties.

8. OLD BUSINESS

- a. Discussion Regarding Resurfacing of Bryan Road (*Added to Agenda by Vice Mayor Jarriel*)

Vice Mayor Jarriel explained that there was a contractor working nearby that could do micro-resurfacing and that Bryan Road needs repair, and since the contractor was in the area, perhaps it

could be repaired if procurement was not a problem. He hoped that direction could be made tonight to Management to send letters out to the occupants on Bryan Road making them aware of the steps necessary to allow the road to be paved.

Town Attorney Cirullo replied that now that we have the information from the surveyor, the next step is that those folks on Bryan Road would need to complete the same documents that were done by the County for Marcella and Compton. Once we get those documents in place the work on resurfacing the road could occur.

It was the consensus of the Town Council to have a generic letter sent to all residents on Bryan Road to let them know of the procedure necessary for paving to occur.

Vice Mayor Jarriel referred to the procurement policy and requested that Town Manager Kutney talk to North Florida Emulsions to obtain some costs.

Town Attorney Cirullo stated that there may be alternatives to contract and move forward. Staff would report in December what the plan would be to procure Bryan Road.

Town Manager Kutney advised that this issue would need to be brought back to the Town Council, because of procurement, and a budgetary consideration.

9. NEW BUSINESS

a. Work Authorizations for Underwood Management Services Group

Town Manager Kutney referred to his Agenda Report, dated October 31, 2013, and included in the back-up material. After explaining the contents of the Agenda Report, he requested additional funds to finish the projects referred to: Work Authorization 12-02, Capital Improvement Element would need an additional \$1,000.00 to complete the transmittal/adoption phase. Work Authorization 12-03, Okeechobee/Southern Moratorium Amendments to the Comprehensive Plan would need an additional \$8,000.00 to finish the amendments. Work Authorization 12-04, ULDC Review Committee activities would need an additional \$5,370.00 to complete. The total of the requested additional funds was \$14,370.00

Motion: Councilman Liang made a motion to authorize additional funding in the amount of \$14, 370. The motion was seconded by Vice Mayor Jarriel.

Vice Mayor Jarriel commented that the ULDC Review Committee should not be terminated. He thinks we ought to pay for that committee to finish what they started.

Councilman Rockett commented that he was concerned that the monies for the ULDC Review Committee activities have been mismanaged. There was discussion about noise at the ULDC and that was not part of anything we directed the ULDC to talk about. I would like them to complete only one thing – the historical legacy piece of the ULDC only. Then come back to the Town Council and let the Council consider other things that we would want them to do. End it at the end of the year with the idea that we will start again with another resolution to form the committee. If we are going to approve any more money at least assign specific limitations on what should be discussed. The one thing that is still opened is the historical legacy issue.

Town Manager Kutney replied that the Committee has addressed historical legacy. The final issues that they have not gotten around to are environmental preservation, and nonconforming uses. Right now there is nothing before them that he could think of that was not directed by Town Council.

Councilman Rockett suggested that the environmental preservation and nonconforming issues are held aside and we revisit what we want to have done and we revisit what we want the Committee to address.

Town Manager Kutney stated that he would let the Committee know that we will put them on hold for a while until we let them know what is next.

Town Attorney Cirullo noted that whatever list is put together for the Committee to address you would need to be put together on December 3rd ; you would have to do it so that they could accomplish that work in December. If not, we will have to bring you a Resolution to extend the Committee in January -- a Resolution to extend the committee, perhaps by 90 days to March 2014.

Motion: Councilman Liang amended his motion to authorize \$1,000.00 for the CIE, and \$8,000 for completion of moratorium amendments on Okeechobee/Southern Blvds.

Town Manager Kutney referred to the foreclosure issue, and advised that the agreement with the County did not provide Loxahatchee Groves with a building official. The ULDC Review Committee had recommended that the Town Council consider having a private vendor as the Town's building official. Mr. Kutney explained that there was a disconnect with the County in that regard, and he and the Town Attorney are discussing it. He explained that the issue of

foreclosures and unsafe structures brought that item to the forefront of the discussion at the ULDC Review Committee.

Town Attorney Cirullo advised that the County would be contacted to determine what the options were for declaring a structure unsafe, and that staff would report back.

The motion passed 4/0.

- b. Roadway, Equestrian Trails & Greenway Advisory Committee (RETGAC) Proposal Regarding Controlled Equestrian Crossings for B and F Roads at Okeechobee Blvd. (*Keith Harris, Member of RETGAC*)

Keith Harris, on behalf of RETGAC referred to the motion made by RETGAC at its last meeting for controlled crossings at Okeechobee Blvd., B and F roads. He presented some visual aids regarding what the crossings would look like, and discussed the sources of funding. He requested that the Town Council implement controlled crossings with equestrian, pedestrian, and bicycle signage.

Vice Mayor Jarriel stated that we need to communicate with the County and find out what it would cost to install these, such as what was installed at Loxahatchee Elementary School.

Motion: Vice Mayor Jarriel made a motion to direct staff to contact the County and reference the lights at the school and find out who we can communicate with at the County to have crossings installed at B and F and Okeechobee Blvd. The motion was seconded by Councilman Liang. The motion passed 4/0.

- c. E-Mail from Southern States (*Removed from Agenda under Item 1.c. "Approval of Agenda."*)
- d. Special Acts – Legislation Regarding Roadways

Town Attorney provided a current draft of the proposed bill. The LGWCD was scheduled to meet on November 18, 2013, and request a motion to support the proposed legislation, subject to whatever minor changes the LGWCD may make to it.

Motion: Councilman Rockett made a motion to support the proposed legislation subject to any minor changes that the LGWCD may make to it. The motion was seconded by Councilman Liang. The motion passed 4/0.

Motion: Councilman Rockett made a motion that the Town shares the cost of a lobbyist in regard to the proposed legislation. The motion was seconded by Vice Mayor Jarriel. The motion passed 4/0.

Town Attorney Cirullo referred to the second bill – I want to make sure that the LGWCD considers the concept that you want in that second bill. It would address the same concept of the roads, but on the other side of the road where there was an easement, and recognition that the easement could be used for equestrian trails and that would satisfy what the Town would need for grants.

Motion: Councilman Liang made a motion to approve the concept for the second bill, as stated by Town Attorney Cirullo. The motion was by seconded by Vice Mayor Jarriel. The motion passed 4/0.

John Ryan, 3508 A Rd.: Commented on situation with funding of the two local bills. The LGWCD would ask the town to share 50/50 of the direct costs of the lobbyist to move these bills through, and the LGWCD was under the assumption that we could use part of the costs of the Town subsidy to the LGWCD, and that may not qualify as a road maintenance expense, so that portion would need to come out of general funds, as opposed to gas tax.

Mayor Browning replied that he thought that it is a Town issue, not a District issue. If the people in the Town had to pay all of it in order to get access to the trails, he was for it.

Town Attorney Cirullo explained that it is a LGWCD issue in that they would secure the easement that they have been using for maintenance of the canals, and then part and parcel the Town would kind of piggy back on that to get our equestrian trails.

Town Attorney Cirullo and Town Manager Kutney advised that they would work out the financial portions, and come back to the Town Council with that.

d. Minto West Land Use Amendment and Rezoning

Town Attorney Cirullo explained that the Minto West application had been filed with the County, however it is not yet available on the internet. Once we can review the application we will review it and update you in December and seek further direction.

Vice Mayor Jarriel commented that the only way to change the County's mind is through buses of people protesting.

Mayor Browning commented that, to him, it is probably the most important fight we have faced in our Town. If Minto is allowed to increase their density, it will effectively triple the population our there from what it could be.

f. Discussion and Approval of all Concerns of LGWCD Proposed Legislation Regarding Roadways) (*Removed from Agenda under Item 1.c. "Approval of Agenda."*)

g. Review of Council's policies, practices and procedures not included in Town Ordinances and Resolutions to determine if any modifications or changes need to be made (*Councilman Jim Rockett*)

Councilman Rockett advised that this item would be put off for discussion at a future date.

10. CLOSING COMMENTS

a. Public
None

b. Town Attorney
None

c. Town Council Members

Councilman Rockett: Thanked everyone for attending.

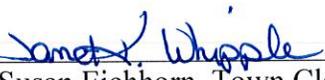
Councilman Liang: Thanked everyone for attending.

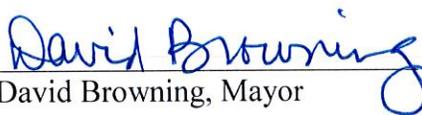
Vice Mayor Jarriel: Thanked everyone for attending.

Mayor Browning: Thanked everyone for attending.

11. ADJOURNMENT

There being no further business, the Town Council Meeting of November 5, 2013, was adjourned at 11:10 p.m.

for: 
Susan Eichhorn, Town Clerk


David Browning, Mayor

(SEAL)

These minutes were approved at the December 3, 2013, Town Council Meeting