



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, February 18, 2014 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 Janet K. Whipple
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 Browning, Vice-Mayor Jarriel, Councilmen Tom Goltzené, Ryan Liang, and Jim Rockett. Also present were Town Manager Mark Kutney, Town Attorney Mike Cirullo, Town Planning Consultant Jim Fleischmann, and Town Clerk Janet K. Whipple.

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

Motion: Councilman Liang made a motion to approve the Agenda as presented. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.

2. **CONSENT AGENDA**

- a. Minutes for Approval: January 14, 2014 and February 4, 2014

Motion: Councilman Liang made a motion to approve the Consent Agenda. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.

3. **PUBLIC COMMENTS**

Roxana (Roxie) Colman, 3924 147th Avenue North, working at the Yesteryear Village Schoolhouse at the South Florida Fairgrounds, brought vintage photos from schools in the Loxahatchee Groves area. She spoke of the Schoolhouse and the Military Museum at Yesteryear Village, along with war service awards given to Loxahatchee Groves' area resident. Ms. Colman handed out copies of the photos to Council.

Keith Harris, 2580 C Road, referenced Agenda Item 9.b. of Manure Ordinance No. 2012-03. He mentioned that he is enrolled in the Florida Best Practices Equestrian Policy, and keeps manure in concrete containers. He requested that Council ban any manure from coming into the Town from outside sources.

4. **PRESENTATIONS - NONE**

5. **COMMITTEE REPORTS - NONE**

6. **RESOLUTIONS - NONE**

7. **ORDINANCES**

- a. **ORDINANCE NO. 2013-11 / SECOND READING / PUBLIC HEARING:**
(Historical Legacy):

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO HISTORICAL LEGACY USES AND APPROVALS; AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO AMEND SECTION 75-035, ENTITLED

“USES AS OF OCTOBER 1, 2006” TO ADD THE TERM HISTORICAL LEGACY TO THE SECTION TITLE; TO SPECIFY THE CATEGORY OF SPECIAL EXCEPTION NECESSARY FOR CERTAIN USES IN THE ZONING CATEGORY; TO REQUIRE THAT THE PROPERTY ON WHICH THE USE IS LOCATED SHALL HAVE BEEN OWNED AND SUBJECT TO A HOMESTEAD EXEMPTION IN THE NAME OF THE OPERATOR OR HIS OR HER DIRECT RELATIVE RELATED BY BLOOD OR MARRIAGE; TO REQUIRE THAT THE USE DOES NOT PRESENT A THREAT TO PUBLIC HEALTH; TO REQUIRE THAT THE USE HAS NO HISTORY OF CODE VIOLATIONS OR THE USE HAS BEEN BROUGHT INTO CODE COMPLIANCE; TO REQUIRE THAT THE OWNER-OPERATOR SUBMIT AN AFFIDAVIT STIPULATING TO COMPLIANCE WITH CERTAIN CONDITIONS; AND TO REQUIRE REVIEW AND INSPECTION BY THE TOWN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo stated that there was a discrepancy in the advertised title of Ordinance No. 2013-11. The titles of the ordinance did not match on the first and second reading legal notice newspaper advertisements. Ordinance No. 2013-11 will be re-advertised and go back to Town Council for a second first reading on March 4, 2014, to be followed by a second, second reading.

Council discussed qualifying issues and the loss of agriculture exemption, and whether the basis was cost recovery or fee based, and to change Commission to Council as a clerical matter.

Town Manager Kutney noted that the Town would try to review in house as much as possible so there would not be so much cost recovery imposed on the applicant.

8. ADMINISTRATIVE UPDATE – *Town Manager Kutney*

a. RETGAC Vacant

Town Manger Kutney reported to Council that Dr. Bill Louda submitted his resignation from the RETGAC (Roadway, Equestrian, Trails, and Greenway Advisory Committee) effective January 22, 2014. This was Mayor Browning’s appointment.

b. Compton Road Equipment Demonstration

Town Manager Kutney provided a video on the state of the art vegetation clearing equipment. There will be a meeting with Florida Power and Light (FPL) possibly on February 25th to watch the machine work on Compton Road.

A Notice to Proceed and permit for the culverts was issued by the Town and filed with the Loxahatchee Groves Water Control District (LGWCD). The culvert is on order. Keshavarz, the Town Engineers, has until March 3, 2014 to respond on the engineering.

Town Attorney Cirullo reported that the Road Resurfacing Agreement is almost ready and he is waiting on the Engineer's Report.

Council discussed the filling of holes on Compton Road.

Mayor Browning stated he did not want to delay filling any potholes but wanted to make sure that what was being used worked with the OGEM Process.

Town Manager Kutney will do a Notice to Proceed.

Town Manager Kutney mentioned that he will be meeting with Mr. Weisberg, Traffic Engineer from Palm Beach County concerning the signal on D Road and Okeechobee Boulevard. Mr. Harris will also attend.

Councilman Rockett asked if Council members could attend the meeting.

Town Manager Kutney and Jim Fleischmann, Town Planning Consultant, met with Mr. Yee's Architect Marcello Penso, on February 13th to review the site plan on the Palms West Plaza.

Town Manager Kutney reported that per a request by Councilman Rockett he was providing an update on the speed hump matter. Mr. Kutney had given a Notice to Proceed to Simmons and White, Town Traffic Engineers, for them to provide a template profile as it relates to the speed humps on Sycamore Drive and at 140th Avenue and 44th Street. He issued this on February 11th and asked that the information be returned by February 26th

Council discussed templates for speed humps, and specifications.

Town Manager Kutney stated speed humps and spacing will be on the March 4, 2014 Town Council Agenda.

Council discussed speed humps versus speed tables, and which road might be the best example to study.

John Ryan, 3508 A Road, reported he sat in on many discussions concerning speed humps, and expressed concerns that the engineers would not sign off on the roads without guardrails along the canals.

Council discussed resurfacing roads and who would take over the ownership.

Town Attorney Cirullo stated that once the B Road agreement is executed, it will be the Town doing the work. Once the road work has been completed, the Loxahatchee Groves Water Control District (LGWCD) can maintain the canal.

Dr. Bill Louda 1300 B Road, stated roads without guard rail are fine.

Town Manager Kutney, in response to an inquiry from Councilman Rockett concerning the home occupational license business going to a Planning and Zoning (P&Z) Meeting; stated, the P&Z Board had no development matters for the meeting in February so it did not meet. Council can direct Staff to convene the P&Z Board for the home occupational matter during March or April.

Motion: Councilman Rockett made a motion to submit the home occupational item for the Planning and Zoning Board Meeting scheduled for March 13th. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/1 with Councilman Goltzene casting the dissenting vote.

9. OLD BUSINESS

- a. Reconciliation of ULDC work authorization (*Town Manager Kutney*)

Town Manager Kutney requested the Town Council authorized \$1,500 to complete the Unified Land Development Code Review Committee (ULDC) Annual Summary Report; and \$222.50 for the overages and any additional final expenses for the Historical Legacy.

Motion: Councilman Liang made a motion approved the authorization of requested funds for ULDC and Historical Legacy. Councilman Goltzené seconded the motion.

Council discussed costs, review of the ordinance, gun uses, the fact that the ULDC was overregulated, possibly reducing staff at the meetings, Attorney General Opinions, and how the ULDC Board was directed to proceed.

John Ryan, 3508 A Road, expressed his opinions on the reference to the term “ag” and its uses. **Upon vote, the motion passed 4/1 with Councilman Rockett casting a dissenting vote.**

b. Discussion of Manure Ordinance No. 2012-03.

Town Manager Kutney reaffirmed that as long as the Management Company has been employed by the Town, they have attempted to get a handle on the problem with regulating the hauling of manure. He further explained the procedures Staff has implemented in order to keep the hauling under control. He stated that during the IGC (Intergovernmental Coordination Committee) Meetings, approximately seven (7) or eight (8) months ago, when Mayor Browning served as Council Representative, and Frank Schiola served as the Loxahatchee Groves Water Control District (LGWCD) Representative, Mr. John Bonde, and Mr. Michael O’Dell from Wellington, who shared some of the nightmares Wellington had dealing with the phosphorus issues. The regulations that are in place are from Ordinance No 2012-03.

Motion: Councilman Rockett made a motion to impose a moratorium immediately, and move through the committees to make a change to Ordinance No. 2012-03. Councilman Goltzené seconded the motion, for discussion.

Councilman Goltzené discussed keeping the manure dumping within Town limits. He suggested shutting out loads coming in from outside, but not hauling out.

Town Attorney Cirullo explained a couple of concepts of a moratorium. A moratorium needs to go through a formal adoption process. The Town can stop the hauling while it goes through procedures. The changes will have to go through the Planning and Zoning Committee and two readings before Town Council.

Councilman Rockett revised his motion to state the Town would have a moratorium to allow only intra-movement within the Town.

Town Manager Kutney stated we would have to beef up our code enforcement.

Councilman Liang reinforced the comments of excessive manure hauling and suggested placing a ban during the winter months when the haulers are hauling and dumping twenty-four (24) hours a day. The Town does need someone at night to stop the haulers.

Discussion followed concerning hiring someone to watch for haulers at night, using the fine money to hire someone, restricting hauling from October through March, and providing a dumping site within the Town until the situation is resolved,

Town Attorney Cirullo asked if this would be an absolute ban, and also if the load size would be reduced. He also questioned that this motion would include no ban for taking manure out of Town. The answer to each question was in the affirmative.

Water quality issues were a concern, as well as, best management practices.

Town Manager Kutney will provide a copy of the Best Management Practices Policy Mr. Harris had referred to.

Councilman Rockett recapped on the motion he made and modified, which was that the Town have a *zoning in progress* for manure hauling restricting anything coming into the Town, and that the Town will be working on distribution within the Town. Councilman Liang made the second.

Bill Louda, 1300 E Road, provided a report on water quality basically on the Town canals. He suggested that by making the hauling internal the Town could make it like a co-op with no fees.

John Ryan, 3508 A Road, referred to the State Statutes for reference.

Lt. Combs, from the Palm Beach County Sheriff's Office (PBSO), stated any illegal dumping is a felony.

Upon vote the motion passed 5/0.

Mayor Browning called for a break 9:00 – 9:05.

10. NEW BUSINESS

- a. Discussion of Town Management/Council Priorities/Business Plan Initiatives.

Town Manger Kutney brought the Priorities/Business Plan Initiatives back to Council for their review and comments. He requested that if Council would like any item reclassified to please let him know.

Council requested a degree of completion, if any completion dates were known, and the annual road list for gas tax.

Town Manager Kutney will provide the information via separate correspondence.

- b. Bernardo Alzate Nursery Request to end the one (1) year permit restrictions for Property Owner Manure Permit per Ordinance No. 2012-03.

Town Manager Kutney reported that Mr. Rios representing Alzate Nursery was the gentleman who had two (2) permits to haul one thousand (1000) loads of manure. The Town did approve an additional permit for fifty (50) loads. Now that the Town has direction, this matter has been taken care of. The Town will not renew Mr. Rios' permit when it lapses in March.

11. CLOSING COMMENTS

- a. Public

Ann Parker, 15565 Collecting Canal Road, felt this had been a good meeting.

- b. Town Attorney

Town Attorney Cirullo apologized for Ordinance No. 2013-11 not being able to be heard this evening due to an advertising matter. The Boca Raton case concerning citizens' initiatives had been resolved.

- c. Town Council Members

Councilman Goltzene thanked everyone for coming to the Town Council Meeting.

Vice-Mayor Jarriel also thanked everyone for coming, and wished Councilman Liang a Happy birthday.

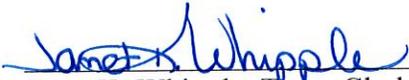
Councilman Liang thanked everyone for coming and celebrating his birthday with him.

Councilman Rockett mentioned a large Minto Development meeting, in the evening, on February 19, 2014 at Seminole Ridge. He mentioned that he would like the golf cart ordinance posted on the website. Thanks to everyone for coming.

Mayor Browning also thanked everyone for coming, and noted that Gary Morello (Gary Midway) passed away last week. As a note, everyone in three zip codes area can vote their opinion on the Minto project at the meeting.

12. ADJOURNMENT

There being no further business before the Town Council, Mayor Browning adjourned the meeting at 9:17 p.m.


Janet K. Whipple, Town Clerk


David Browning, Mayor

(SEAL)



These minutes were approved at the March 18, 2014, Town Council Meeting.