



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, March 18, 2014 at 7:00 p.m.

(Or As Soon As Possible following the Special Workshop)

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 7:08 p.m. In attendance were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen Tom Goltzené, Ryan Liang, and Jim Rockett. Also in attendance were Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, Town Attorney Michael D. Cirullo, and Town Clerk Janet K. Whipple.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Councilman Rockett questioned why the speed hump information was not on the agenda.

Town Manager Kutney stated speed humps will be a topic on the next Town Council Agenda.

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

d. **SWEARING IN OF COUNCIL MEMBER TOM GOLTZENÉ (SEAT 5).**

Councilman Goltzené was sworn into office by Town Clerk Janet K. Whipple.

Mayor Browning called for a brief recess at 7:10 p.m., to have cake in acknowledgement of Councilman Goltzené taking office for an additional three (3) years.

Note: Appointment of Mayor and Vice-Mayor will be conducted during the April 1, 2014, Town Council Meeting. (Pursuant to the Town Charter. Section 2(2)(a))

2. CONSENT AGENDA

- a. Minutes for Approval: **February 18, 2014**

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

3. PUBLIC COMMENTS

4. PRESENTATIONS - NONE

5. COMMITTEE REPORTS – NONE

6. RESOLUTIONS - NONE

7. ORDINANCES

- a. **ORDINANCE NO. 2014-03: FIRST READING (Livestock Waste - Haulers)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO HAULING OF LIVESTOCK WASTE WITHIN THE TOWN; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITS AND PERMIT FEES; PROVIDING FOR THE DISPOSAL OF LIVESTOCK WASTE ONLY AT APPROVED DISPOSAL SITES WITHIN THE TOWN; PROVIDING FOR PERMITTED HOURS OF HAULING LIVESTOCK WASTE WITHIN THE TOWN; PROVIDING FOR REQUIRED RECORDS AND AUDITING OF SUCH RECORDS BY THE TOWN; PROVIDING FOR CHANGES TO LIVESTOCK WASTE REGULATIONS; PROVIDING FOR REVOCATION OF PERMITS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo explained the background of Ordinance No. 2014-03 and Ordinance No. 2014-04. Notification letters were sent to both haulers and property owners. He then reviewed context of the Ordinances No. 2014-03.

Town Council discussed the pros and cons of the regulations within this ordinance.

Town Attorney Cirullo will take into consideration the concerns of Council, rewrite the regulations, and bring Ordinance No. 2014-03 back for first reading.

Member of the audience came to the podium to discuss stopping Wellington haulers from coming into Loxahatchee Groves, as the Town does not have enough staff for Code Enforcement. Council was requested to be clear and concise. There is a cost saving factor to having manure hauled onto personal property for ground amities, as much of the soil is sand based. The Town needs to keep a prospective, and to monitor, and not contaminate the canals.

Town Attorney Cirullo will rewrite Ordinance No. 2014-03 as per Council direction, and bring the ordinance back for first reading.

Town Attorney Cirullo stated Ordinance No. 2014-04 affects the ULDC (Unified Land Development Code) and will have to go the Planning and Zoning Board for review.

Mayor Browning called for a five minute break, 8:42 – 8:45 p.m.

b. ORDINANCE NO. 2014-04: FIRST READING (Livestock Waste - Property Owners)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO DEPOSITING OF LIVESTOCK WASTE WITHIN THE TOWN; AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE BY AMENDING PART III ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 50 ENTITLED "PUBLIC NUISANCES" BY ADDING A NEW SECTION 50-035 TO BE ENTITLED "USE OF LIVESTOCK WASTE;" PROVIDING FOR DEFINITIONS; PROVIDING THAT DEPOSITING OF LIVESTOCK WASTE IS A PUBLIC NUISANCE EXCEPT AS PROVIDED BY THIS SECTION; PROVIDING FOR REGISTRATION AND PERMITS, REQUIREMENTS AND LIMITATIONS ON THE DELIVERY AND USE OF LIVESTOCK WASTE REPORTING AND NOTICE REQUIREMENTS; PROVIDING FOR REVOCATION OF PERMITS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo provided background on Ordinance No 2014-04 for waste hauling concerning property owners. He also referenced the Good Neighbor Guidelines.

Council reviewed the contents of Ordinance No. 2014-04 and advised Town Attorney Cirullo of changes that needed to be made.

Town Attorney Cirullo provided a recap of changes.

Several members of the audience voiced their thoughts on the subject.

Mayor Browning called for a short break 9:25 – 9:30 p.m.

c. ORDINANCES – PUBLIC HEARING

ORDINANCE NO. 2013-11 – SECOND AND FINAL 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; TO REQUIRE THAT THE USE DOES NOT PRESENT A THREAT TO PUBLIC HEALTH; TO REQUIRE THAT THE USE IS NOT CURRENTLY THE SUBJECT OF A TOWN CODE ENFORCEMENT ACTION; TO REQUIRE THAT THE OWNER-OPERATOR SUBMIT AN AFFIDAVIT STIPULATING TO COMPLIANCE WITH CERTAIN CONDITIONS; TO REQUIRE REVIEW AND INSPECTION BY THE TOWN; PROVIDING THAT CERTAIN USES ARE NOT ELIGIBLE FOR APPROVAL UNDER THIS SECTION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of Ordinance No. 2013-11; reported changes directed by Council, had been made, and notice for requirements are now included.

Motion: Councilman Goltzene made a motion to approved Ordinance No. 2013-11 on second reading. Vice-Mayor Jarriel seconded the motion.

Mayor Browning opened the Public hearing at 9:31 p.m. There being no Public Comments, Mayor Browning closed the Public hearings at 9:32 p.m.

Upon roll call vote, the motion passed 5/0.

8. ADMINISTRATIVE UPDATE – *Town Manager Kutney*

a. Gas Tax Maps Report

Town Manger Kutney reported the Gas Tax maps were received during the last League of Cities Meeting he attended. After any requests on road usage, the adjustments will be due by April 30, 2014, which will give Council a chance for input during the April 1, 2014 and April 15, 2014 Town Council Meetings.

Town Manager Kutney reported the Town Engineers are about ninety-eight (98%) to ninety-nine percent (99%) complete on their plans for Compton Road, Bryan Road, and Marcella Boulevard.

Town Manager Kutney received an email from Mary Mc Nicholas concerning speeding vehicles Folsom Road. He asked Council if there was anything else they would like to do other than PBSO (Palm Beach Sheriffs' Office) coverage. The Council answered in the negative, but advised Town Manager Kutney to notify PBSO of the situation.

Mr. Kutney reported on the traffic signal at Okeechobee Road and D Road. He received notification that there was no warrant for the signal. Simmons and White, Town Traffic Engineers, will be meeting with George Webb, Palm Beach County Engineer personally to find out about the warrant so there is a definitive answer.

9. OLD BUSINESS

a. Auditor Retention Letter

Motion: Councilman Liang made a motion to approve the new agreement with the Town's External Auditors, Nowlen, Holt and Miner. Councilman Rockett seconded the motion.

Discussion followed concerning the amendments.

Upon vote, the motion was approved 5/0.

10. NEW BUSINESS - *NONE*

11. CLOSING COMMENTS

a. Public

Frank Schiola, 13434 Marcella Boulevard, reported that the lady who worked for Waste Pro was killed, and her husband lost his left leg in a crash. On Folsom Road, the night duty PBSO Deputy is getting writer's cramp.

Nina Corning, 2834 E Road, also spoke on the subject of traffic, and suggested looking at Okeechobee Boulevard and maybe E Road. Concerning water, there is suspicion of construction materials being dumped in Loxahatchee Groves

b. Town Attorney

Town Attorney Cirullo announced "Go Gators" and congratulated Councilman Goltzené.

c. Town Council Members

Councilman Rockett thanked everyone for coming, and for them to have a good night.

Councilman Liang felt this was a very productive meeting, and also announced "Go Gators".

Vice-Mayor Jarriel congratulated Councilman Goltzené.

Councilman Goltzené thanked everyone for their congratulations, and for staying.

Mayor Browning also extended his congratulations to Councilman Goltzené, and thanked everyone.

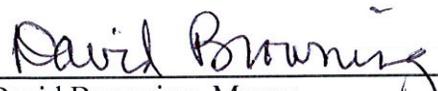
12. ADJOURNMENT

There being no further business to come before Council, Mayor Browning adjourned the meeting at 9:45 p.m.

The next regular Town Council Meeting is tentatively scheduled for April 1, 2014.



Janet K. Whipple, Town Clerk



David Browning, Mayor

These minutes were approved at the April 15, 2014, Town Council Meeting.