



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, April 7, 2015 - 7:00 p.m. to 10:30 p.m.

(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)

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 William F. Underwood, II
Town Clerk Janet K. Whipple
Town Planning Consultant Jim Fleischmann
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:01 p.m. Present were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen Tom Goltzené, Ryan Liang, and Jim Rockett. Also present were Town Manager Bill Underwood, Town Planning Consultant Jim Fleischmann, Town Attorney Mike Cirullo, and Town Clerk Janet K. Whipple.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Motion: Councilman Rockett made a motion to approve the Agenda as presented. Vice-Mayor Jarriel seconded the motion.

Vice-Mayor Jarriel requested to table New Business, 10.c. until the May 5, 2015, Town Council Meeting.

Councilman Goltzené felt this should be left up to Councilman Liang. He also requested to switch Item 11. b. and 11. c. as he will have to recuse himself for the Minto discussion.

Councilman Liang requested to add under New Business, which will become the new 10.c. a discussion on landscape maintenance operations in Loxahatchee Groves.

Motion: Councilman Rockett amended his motion to approve the Agenda as amended. Vice-Mayor Jarriel agreed to change his second. Upon vote, the motion passed 4/1 with Councilman Goltzené casting the dissenting vote.

d. **Appointment of Mayor**

Motion: Councilman Goltzené made a motion to appoint David Browning to continue as Mayor for the new three-year term. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.

e. **Appointment of Vice-Mayor**

Motion: Councilman Rockett made a motion to appoint Ron Jarriel to continue as Vice-Mayor for the new three-year term. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

2. **CONSENT AGENDA**

a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.

b. Minutes:

- **January 6, 2015** – Town Council Meeting
- **January 20, 2015** – Town Council Meeting
- **February 3, 2015** – Town Council Meeting

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

3. **PUBLIC COMMENTS**

Vice-Mayor Jarriel stated that he felt the people who are here this evening will be saying the same thing during the next meeting (concerning the Big Dog Ranch), and wanted to know if that was alright.

Karen Piesley, 2201 D Road, provided a presentation concerning issues she felt were important concerning the Big Dog Ranch. She spoke for herself, and four (4) other people, which allowed her a fifteen (15) time frame to present her concerns.

Laura Danowski, 1032 E Road, noted that two (2) members of the Town Council were under investigation. This matter has to be repaired, and the Town cannot move forward until the matter has been taken care of. She cautioned the Council.

Simon Fernandez, 14701 Okeechobee Boulevard, stated he was against the Big Dog Ranch proposal.

Rick Eifler, 2141 D Road, stated he was against government getting involved. Dogs barking can affect property values. If Council votes to allow Big Dog Ranch, they will be responsible to all the residents

Canidad Trujillo, 14689 21st Road North, is opposed to Big Dog Ranch; as feels the barking will increase the heart rate and affect health.

Joyce Batcheler, 760 E Road, thanked those involved for the research. She also felt the Municipal Election was an embarrassment. Town residents have constantly asked for horse trails and roads, she is not sure the trail system will ever happen. She also feels there are safety issues with dust on the roads.

Ken Johnson, 15409 Collecting Canal Road, felt the Town does need horse trails, but he wanted to talk about fairness for all residents. He discussed the garbage pickup in Town noting that businesses should have dumpsters and not put their garbage on the roads for the residents to pay for. The Town needs an ordinance, to in fact, insure that commercial businesses do have dumpster, and to also establish a fee based on what is or is not on the property.

Josh Lininger reported he has a situation of the nursery adjoining his property. Their trash is a problem; he requested Council please help stop this from happening.

Todd McLendon, reference illegal activity during the Municipal Election.

Mayor Browning stated public comments should not be personal.

4. PRESENTATIONS – NONE

5. COMMITTEE REPORTS

- a. Virginia Standish, Chair of the Finance Advisory and Audit Committee (FAAC) to present the Financial Report ending February, Fiscal Year 2015.

Virginia Standish, Chair of the Finance Advisory and Audit Committee provided the Financial Report ending February Fiscal Year 2015.

Council asked questions pertaining to revenue, and when roads could be paved.

Councilman Rockett requested a discussion at the next Town Council meeting allowing public comments for all committee meetings.

Town Manager Underwood reported that a Bill had been passed and that he would discuss the topic with the Town Attorney.

Motion: Councilman Rockett made a motion to approve the Financial Report ending February, Fiscal Year 2015. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.

6. RESOLUTIONS

- a. **RESOLUTION NO. 2015-09: QUASI JUDICIAL/PUBLIC HEARING:** (*Big Dog Ranch Special Exception & Site Plan Approval*)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE BIG DOG RANCH SPECIAL EXCEPTION AND SITE PLAN, FOR LAND OWNED BY TLH 25 VILLA, LLC CONSISTING OF 33.16 ACRES MORE OR LESS, LOCATED AT THE SOUTHEAST CORNER OF OKEECHOBEE BOULEVARD AND “D” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (*Staff recommends continuation to a date certain of the April 21, 2015, Town Council Meeting*).

Town Manager Underwood noted the request to remove came from the applicant.

Council relayed their opinions on delaying the discussion as it might weaken the opposition, and that Council has already approved the proposed development. This resolution is only the site plan approval.

Mayor Browning stated if the applicant asked for a continuance the Council should comply, but he suggested that is be established that no more will be granted.

Council discussed the special exception request and needing due process; dumping along private property and Southern Boulevard and that the organization is making a lot of money even though they are not for profit.

Motion: Councilman Rockett made a motion to deny Resolution No. 2015-09. Vice-Mayor Jarriel seconded the motion.

Town Attorney Cirullo stated there has to be a Public Hearing and to not pass the motion.

Councilman Rockett withdrew his motion.

Councilman Goltzené made a motion to move Resolution No. 2015-09 to the Town Council Meeting of April 21, 2015. Councilman Liang seconded the motion. Upon vote, the motion passed 4/0 with Councilman Rockett abstaining.

Mayor Browning called for a break 8:10 p.m. to 8:16 p.m.

ORDINANCES – *NONE*

7. MANAGER'S REPORT – *Town Manager Underwood*

- a. **Agenda Item Report (AIR)** - Updates on various activities and issues concerning the Town

Town Manager Underwood provided his Manager's Report, noting the Town is now the owner of a new Town Hall Building on one and one-half acres. The new address is at 155 F Road.

Town Attorney Cirullo explained the procedures to schedule a workshop.

Motion: Vice-Mayor Jarriel made a motion requesting a one (1) hour workshop with the Loxahatchee Groves Water Control District in order to settle the trails issue on April 21, 2015, at 6:00 p.m. prior to the regular Town Council Meeting. Councilman Rockett seconded the motion.

Councilman Goltzene reminded Council that Big Dog Ranch is on the Town Council Agenda that evening.

Vice-Mayor Jarriel amended his motion to schedule the workshop the second Town Council Meeting of May, on May 19, 2015, at 7:00 p.m. Councilman Rockett amended his second, and requested to dedicate the workshop to horse trails. Upon vote, the motion passed 5/0.

There was a brief discussion on quick claiming a deed from the Loxahatchee Groves Water Control District (LGWCD) to the Town for B Road. Town Attorney Cirullo will conduct research and bring the item back for the April 21, 2015 Town Council Meeting.

Motion: Councilman Rockett made a motion to draft a letter for the Mayor to sign, and send it the LGWCD to confirm paving B Road per the agreement. Vice-Mayor Jarriel seconded the motion. Upon vote the motion passed 4/0. Councilman Goltzené recused himself as he has a business relationship with the developers of the Loxahatchee Groves Commons.

8. OLD BUSINESS

- a. Consideration to hire a reliable hunter/trapper contractor who is licensed and bonded, and having the capability and resources to remove or eradicate the current coyote nuisance problem within the Town of Loxahatchee Groves.

Town Manager Underwood explained each vendor's proposal and noted that approval would have to come from each property owner for access on their land.

Council discussed cost to hunt coyotes, residents contacting the vendors personally, the Town establishing a bounty, and that residents needing a trapper could come to Town Hall and fill out a permit. Council felt something had to be done about the coyote situation.

Members of the audience also expressed their ideas and opinions.

Motion: Councilman Rockett made a motion to move forward and hire the Jupiter hunter/trapper, have legal get involved and bring a proposal back to Council for immediate action. Vice-Mayor Jarriel seconded the motion. Motion failed 2/3 with Mayor Browning, Councilman Goltzené and Councilman Liang casting dissenting votes.

NEW BUSINESS

- a. Notification to Council that during the Town Council Meeting on April 21, 2015, each Council Member will be appointing board members of their choice to the respective Town Boards.

Town Manager Underwood stated that during the next Town Council Meeting of April 21, 2015, each Council Member will appoint/reappoint their choice for members of the various Town Boards. He also stated that he would be bringing an ordinance forward to put all appointees on the same schedule for a one year term. An ordinance establishing criteria for the Planning and Zoning/Land Planning Agency (P&Z/LPA) will be presented during the April 21, 2015, Town Council Meeting. The Finance, Advisory, and Audit Committee (FAAC) and the Roadway, Equestrian Trials and Greenway Advisory Committee (RETGAC) Members will be selected during the April 21, 2015, Town Council Meeting, and the Planning and Zoning Board will be selected at the May 5, 2015 Town Council Meeting.

Mayor called for a break 9:00 – 9:10 p.m.

- b. Requesting consideration for work authorizations to perform miscellaneous ordinances and Unified Land Development Code (ULDC) reform.

Town Manager Underwood explained the need for the work authorizations.

Motion: Vice-Mayor Jarriel made a motion to proceed with a work authorization for \$3,000 to take care of the residual issues. Councilman Goltzene seconded the motion. Upon vote, the motion was approved 5/0.

- c. Consideration in determining whether forfeiture provisions to remove a Town Council Member in question, falls within the parameter of the Town Charter. *Note: New Business, Item 10. c. was removed from this meeting.*

New Business, Item 10.d. was added - referencing landscape maintenance operations in Loxahatchee Groves. Councilman Liang explained his request, noting that landscape companies are not allowed in the Town's Unified Land Development Code.

Town Attorney Cirullo stated this information needs to be placed on a future agenda.

Motion: Councilman Liang made a motion to place the landscaping discussion on the agenda for the first June meeting, Councilman Goltzene seconded the motion pending review by the Planning and Zoning Board first.

Members of the audience expressed their opinions.

Mayor Browning explained that there was a difference between landscaping and nurseries.

Upon vote, the motion failed 2/3, with Mayor Browning, Vice-Mayor Jarriel and Councilman Goltzené casting dissenting votes.

11. COUNCIL REPORTS

Vice-Mayor Jarriel:

- a. Discussion requesting the Town Attorney to draft a resolution supporting three (3) man rescue vehicles at Fire Stations 21 and 26 and all other stations.

Motion: Vice-Mayor Jarriel made a motion for legal to draft a resolution to be sent to the Palm Beach County Board of County Commissioners requesting to up staff Station 21 Fire Rescue Truck 21 to three (3) personnel units, as well as Station 26 Fire Rescue Truck in the Acreage. Councilman Rockett seconded the motion.

Town Attorney Cirullo reiterated comments by Council that in order to expedite the request, it would be more effective that a motion to write a letter to the Palm Beach County Board of County Commissioners stating that the Town of Loxahatchee Groves supports the up staffing of Station 21 and Station 26 Fire Rescue to three (3) personnel per unit, and that Vice-Mayor Jarriel has been authorized to approach topic with them personally.

The motion was changed to reflect the discussion.

Upon vote, the motion passed 5/0.

Note: 11.b. and c. were placed in reverse order at the beginning of the meeting.

- b. Discussion concerning class III waste delivery to Town properties, (class III waste is yard trash, construction and demolition debris, processed tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other appliances, or other materials approved by the Department that are not expected to produce leachate which poses a threat to public health or the environment. *(Attachment)*

Motion: Vice-Mayor Jarriel made a motion to have an ordinance drafted to stop all mulch from coming into Loxahatchee Groves by the tractor trailer loads.

Council discussed stopping illegal dumping now; class III mulch is trash; not banning legitimate mulch; the mulch site on D Road is not a good neighbors, and having to protect the community.

Motion dies for lack of a second.

Motion: Councilman Goltzene made a motion to deny class III waste.

Discussion by Council.

Councilman Liang seconded the motion.

Members of the audience provided their opinions and thoughts on this matter.

Upon vote, the motion passed 4/0.

Town Attorney Cirullo will get information for this ordinance.

- c. Discussion requesting reconsideration of cooperation with John Carter from Minto West for assistance in the planning of the Okeechobee Boulevard Corridor.

Councilman Goltzené and Councilman Liang both recused themselves from the discussion, and left the dais at 9:55 p.m.

Council discussed the need to be proactive in regard to Minto, and that the Town needs to provide a design of its own concerning the Okeechobee Boulevard Corridor before it is too late.

Councilman Rockett read, for the record, a comment from Suzanne Hetrick who was against Minto.

Comments were heard from members of the audience who expressed their opinions for or against the development.

- a. Public

Mayor Browning read into the record a Comment Card from Damon Rockett, 14095 43rd Road North and 1686 D Road North, stating of his strong opposition to the Big Dog Ranch proposal.

Bill Louda, 1300 E Road, addressed various issues of his concern regarding trails, parking at the District office, and permits for trailers/recreational vehicles.

Keith Harris, 7580 C Road, would like to offer thoughts to Council. He recommends highly that residents be available to serve the Town on committees. The Roadway Equestrian Trails and Advisory Committee (RETGAC) are passionate Board Members. He apologized for his actions during one specific meeting, and to those Board Members he may have offended.

Virginia Standish, 15410 North Road, requested the easements be referred to as recreational trails for anything non-motorized, make safety a priority, for Council and their attorneys to review the house bills, provide information to the public, and the get surveys.

Councilman Liang back at 10:10 p.m.

Dennis Lipp, 13402 North Road, regarding the Planning and Zoning Workshops for the Okeechobee Boulevard Corridor, the Board will be recommending ten foot (10') equestrian lanes, and is hoping people will drive slower. The Board will need to know how people will be getting into and out of locations, and that the results of the Workshops will be presented to Council soon, as a vision of the future

b. Town Attorney

Town Attorney Cirullo had no additional reports; however, he turned his time over to Town Manager Underwood.

Town Manager Underwood advised Council of the Town Hall move which should be April 23rd and 24th and at that time the offices will be closed.

c. Town Council Members

Vice-Mayor Jarriel read into the record a letter concerning illegal absentee ballots, which was not signed; he had a problem with the contents. He reminded everyone to be safe going home.

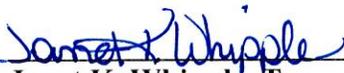
Councilman Liang thanked Keith Harris for his apology, which he appreciated. He wished everyone a good night.

Councilman Rockett wished everyone a good night.

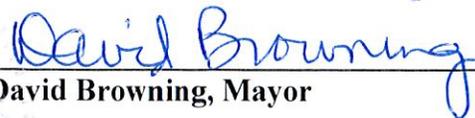
Mayor Browning encouraged everyone to come back for the next Town Council Meeting in order to participate in the Big Dog Ranch discussion. He also wished everyone a good night, and thanked Council for re-appointing him as Mayor for another year.

12. ADJOURNMENT

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 10:20 p.m.



Janet K. Whipple, Town Clerk



David Browning, Mayor

These minutes were approved during the June 16, 2015 Town Council Meeting.