

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 of Loxahatchee Groves
Special Magistrate Hearing
Wednesday, May 15, 2013 at 10:00 a.m.
Central Palm Beach County Chamber of Commerce,
13901 Southern Blvd., Loxahatchee Groves, Florida 33470

Special Magistrate, William Doney

Town Manager, Mark Kutney
Town Clerk, Susan Eichhorn
Code Enforcement, Tew & Taylor, Inc.

MINUTES

1. CALL TO ORDER

Special Magistrate William P. Doney called the meeting to order at 10:00 a.m. Present were Town Clerk Susan Eichhorn, Beverly Tew, President of Tew & Taylor, Inc., Code Enforcement Officer Russell Elgin. Also present were Jerry and Pat Hastings, as representatives of Respondent.

2. SWEARING IN OF ALL WITNESSES

Special Magistrate Doney administered the oath to all witnesses.

3. FINE/LIEN CERTIFICATION

A. 2012-311 Town of Loxahatchee Groves Florida (Petitioner) vs. 1930 D Road, LLC (Hastings)

PCN: 41-31-43-17-01-115-0010

Location: 2374 A Road

Violation: Unified Land Development Code Article 20: Residential Zoning Districts, Section 20-015

Property is being used for chipping and mulching operation/commercial chipping and mulching without a permit

Beverly Tew, Tew & Taylor, provided an overview of the case history. She noted that a compliance date had been set for April 20, 2013. However, as of April 20, Respondent was waiting to attend a meeting with Town officials. The meeting ultimately took place on April 25, 2013. At that time, it was made clear that the chipping and mulching operation needed to stop immediately, i.e., as of April 25, 2013. Ms. Tew stated that it appeared that the chipping and mulching operation still existed as of May 13, 2013, and the Respondent was still not in compliance. Ms. Tew requested a decision in the fine certification process.

Discussions took place between Mr. and Mrs. Hastings, Ms. Tew, and the Special Magistrate regarding what type of operation was continuing at the property. After consulting with Mr. Elgin, Ms. Tew advised that the Town was not able to state definitively that any chipping or grinding of materials had occurred at the property since April 20, 2013. Respondent indicated that they had sent a letter to Town Manager Kutney regarding what type of operation could be approved on the site, and had not yet received a reply. After further discussion, Special Magistrate Doney suggested that he was not inclined to find the Respondent in violation at the moment. Discussions took place regarding a potential third question to be added to the letter from Respondent to the Town. This question would essentially ask whether occasional chipping and grinding of materials, in conjunction with a composting operation, would constitute a permitted use at the property. Respondent stated that they would revise their letter and then re-submit it to Town Manager Kutney. Respondent would then have the opportunity to clarify what could legally take place at the site.

Special Magistrate Doney's Findings:

Special Magistrate Doney stated that as of today's date he was not going to impose any fines until this matter was re-scheduled. He will enter an Order to re-schedule this matter at the June 19, 2013, Special Magistrate Hearing.

Admitted into evidence:

Petitioner Exhibits:

- Exhibit 1: Order Finding Violation – March 12, 2013
Exhibit 2: Notice of Hearing Fine Certification – April 16, 2013; Order Finding Violation – March 12, 2013; Affidavit of Service – April 16, 2013; Property Posting – April 16, 2013
Exhibit 3: Site Photos – May 13, 2013

Respondent Exhibits:

- Exhibit 1: Letter dated April 26, 2013 from Jerry Hastings to Town Manager Kutney
Exhibit 2: “How to Compost” information from www.howtocompost.org

4. ORDERS OF VIOLATION - None

5. FINE REDUCTION HEARINGS - None

6. STATUS UPDATE - None

7. ADJOURNMENT

There being no further business, the Special Magistrate Hearing of May 15, 2013, was adjourned at 11:00 a.m.



Susan Eichhorn, Town Clerk

(SEAL)



William P. Doney, Special Magistrate

Date Signed: May 20, 2013