

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, July 17, 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 10:04 a.m. Present were Town Manager Mark Kutney, Town Clerk Susan Eichhorn, Beverly Tew, President of Tew & Taylor, Inc., Code Enforcement Officer Russell Elgin. Also present was Jerry Hastings, representative of 1930 D Road, LLC.

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) (Continuance – Hearing/Status
Conference)**

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

Bev Tew provided an update regarding the fine certification hearing, noting that the hearing today is following a continuance granted at the June meeting. She submitted Exhibit 1 – Order Continuing Hearing dated June 21, 2013. She submitted Exhibit 2 – Site Photos, dated July 8, 2013, that depict what appeared to be the remnants of a chipping and mulching operation being retained on that site. She submitted as Exhibit 3 - Site Photos dated July 17, 2013. Ms. Tew addressed Code Enforcement Officer Russ Elgin, who testified as to the site photos and the current conditions at the property.

Special Magistrate admitted the Exhibits 1-3 into evidence, and questioned Mr. Elgin as to the activity that was on-going at the property site.

Mr. Hastings had some questions regarding what would be permitted on the property, as had been discussed at the last hearing he had attended. He stated that he had received a letter from the Town indicating the potential legal uses for the property. However, he had been looking for a “yes” or a “no,” and had received a “lawyer’s” answer. He contended that a composting and soil producing operation was being operated on the property and that a vindictive neighbor seemed to have nothing better to do but ride up and down the road and report him. He requested 30 days to remove everything from the property and get out of Loxahatchee Groves.

Ms. Tew stated that she would like to make it clear that if an order was entered, it would clarify that the property owner had 30 days to remove the chipping and mulching equipment and remove the debris.

Special Magistrate Doney admitted into evidence as Exhibit 4- a letter dated June 12, 2013 from Town Manager Kutney and Planning Technician Garret to Mr. Hastings. He reviewed the letter and advised Mr. Hastings that there were options in the letter as far as potential zoning approvals that might make his use of the property legal. The letter also mentions a possible amendment to the Town’s ULDC as a potential solution to the current matter. The fourth option was to cease operations. He advised that if Mr. Hastings was agreeable to clearing the property out and removing the equipment within 30 days that

would be a fair resolution. That would avoid fines and achieve the compliance with the code that the Town wants.

Mr. Hastings replied that he would do his best to see that the tenant removes the equipment and materials from the property. He added that he would like to put one more thing on the record, and that was that the Town Council and administration of the Town thought they were doing good things for the Town, however, land values are going up in most areas, but are going down in Loxahatchee Groves. He believed these type of activities of limiting what can be done agriculturally were limiting the property values in Loxahatchee Groves.

Special Magistrate Findings:

I will enter an Order that provides the property owner with an additional 30 days from today's date to remove the chipping, mulching and grinding equipment and piles of vegetative materials from the property. If that is not done, then there will be a fine certification hearing on August 21, 2013.

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 July 17, 2013, was adjourned at 10:40 a.m.

A List of Exhibits Admitted Into Evidence at the July 17, 2013, Special Magistrate Hearing is attached to these minutes



Susan Eichhorn, Town Clerk



William P. Doney, Special Magistrate

(SEAL)

Date Signed: July 18, 2013

**LIST OF EXHIBITS ADMITTED INTO EVIDENCE AT THE JULY 17, 2013,
SPECIAL MAGISTRATE HEARING**

Petitioner (Town) Exhibits – Case No. 2012-311:

- 1 Order Continuing Hearing, dated June 21, 2013
2. Site Photos, dated July 8, 2013
3. Site Photos, dated July 17, 2013
4. Letter dated June 12, 2013, from Town of Loxahatchee Groves (Town Manager Kutney and Planning Technician Garrett) to Jerry Hastings