



Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, October 20, 2015 at 7:00 p.m.

MINUTES

1. OPENING

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice Mayor Ronald Jarriel, and Council Members Tom Goltzené, Ryan Liang and Jim Rockett. Also present was Town Manager Bill Underwood, Town Attorney Michael D. Cirullo, Jr. and Town Clerk Virginia Walton.

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

Vice Mayor Jarriel requested that items # 7a and #10d be removed from the agenda. Vice Mayor Jarriel thought Item #7a matter should be left up to the State agencies, and felt the Council should direct the Manager to contact the State agencies and see what the Town could do to assist them. With regard to item #10b, reference was made to Wellington's policy on RV's and thought a lot of people did not want this policy. The idea of a special hotline was brought up. Town Manager Underwood requested that the items at least be discussed by Council and public comment, even if the items were removed or continued.

Motion: After further comments by Council, Vice Mayor Jarriel moved to **approve** the Agenda as revised to remove items #7a and #10d, but allow public comment. Councilman Goltzené seconded the motion. Motion passed 4-1, with Councilman Rockett dissenting.

2. CONSENT AGENDA

- a. Minutes of May 5, 2015 Council Meeting
- b. Minutes of September 29, 2015 Council Meeting

Motion: Councilman Rockett moved to **approve** the Consent Agenda. Councilman Liang seconded the motion. Motion passed 5 – 0.

3. PUBLIC COMMENTS

Virginia Standish welcomed the news that the I.G. was reviewing Loxahatchee Groves; thought the overlay of Okeechobee Blvd was dangerous and Council should stop and look more at this; and did not want D Road to become an urban highway.

Marge Herzog announced that the (LO?) meeting had a new date of October 29, 2015, and the Property Appraiser's Office would be speaking about Agriculture Exemptions.

Bill Louda felt laws should be enforced with regard to animal cruelty and the RV issue. Also, the Agriculture Reserve meeting was on October 26, 2015.

Simon Fernandez felt the previous meetings on the Okeechobee Blvd overlay had disregarded opinions of the public, citizens and landowners. This plan was not pro-business, the data was old and the reference to "like businesses" was not very clear, and modular homes should be clarified.

Jo Siciliano stated the Council should move first to get horse trails and greenways, instead of trying to find space for them later. The Council needs to get control of Okeechobee Blvd.

Valerie and Bob Solaas suggested a solution to the RV issue might be to consider an RV Park in a Commercial Area, possibly run by the Town, which was attempted and denied years ago.

John Ryan stated the RV issue and Manure issue have well known problems; however, he was concerned about this resolution avoiding existing regulations. We have ordinances in place and need to enforce them.

Dennis Lipp stated the RV and Manure issue would not be solved through the Special Magistrate because of the extended time frame between citation and code hearing. The horse season would be over and the violation would be voided. Maybe look at issuing a ticket with a substantial fine.

Bill Louda stated this resolution would at least do something to get a rid on the problems until a more definite ordinance could be adopted.

4. PRESENTATIONS

Add:

- a. Presentation of Plaque to Mayor Browning from Vice Mayor Jarriel

Vice Mayor Jarriel attended the Literacy Reading Day Luncheon on behalf of the Mayor and received a plaque thanking the Mayor for his participation in reading to the elementary school students. Vice Mayor Jarriel added that the Town thanked the Mayor for this involvement with the community.

- a. B Road Improvements Update – Randy Wertepny, Keshavarz Associates

Mr. Wertepny stated they were on schedule to submit plans by November 4th and letters had gone out to residents for the 10 foot easements. Residents were advised that all fences would go back to their original locations after work was completed. Seminole speed tables would be 20 feet wide; however, he had been advised by the Town that if needed they could go to 22 feet wide. The College Plan would include equestrian trails along the eastern boundary and the Collecting Canal bridge would be replaced.

Council wanted assurances that when the road was paved, it would extend ¼ mile into connecting roads, as was done with all other roads in the Town. Mr. Wertepny responded that this was

not in their scope of work, but could be added. Manager Underwood stated the agreement was based on the budgeted amount for this project, and this would require a change order. If the development would not pay for this change, then the Town would have to cover the cost. Council also requested that the width be kept at 20 feet, rather than 22 feet, if possible. Wider roads means more traffic.

In response to Council questions about the catch basins, Mr. Wertepny responded they would be 5 – 6 feet with 2 ½ feet covered. In response to questions from Council about when the Bid would be ready, Mr. Wertepny responded that per schedule it would be in March 2015, contingent from comments from South Florida Water Management District (SFWMD).

Public Comment on Item:

Jo Siciliano stated the easterly property owners had already had enough land taken by the Water District and wanted to see the easements taken on the other side of the road.

Dennis Lipp stated narrower roads were safer with less traffic and agreed with 20 feet instead of 22 feet.

Motion: A motion to accept and file this report was made by Councilman Rockett and seconded by Vice Mayor Jarriel. Motion passed 4 – 0, since Councilman Goltzené had left the room.

5. COMMITTEE REPORTS – None

QUASI JUDICIAL

6. ORDINANCES

a. ORDINANCE NO. 2015-07 (FIRST READING)

(Okeechobee Blvd. Rural 5 Overlay to the Maps Element)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES, FLORIDA COMPREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3184(3) FLORIDA STATUTES TO: (1) ADD MAP #FLU 1.10.1: OKEECHOBEE RURAL 5 OVERLAY TO THE MAPS ELEMENT; (2) AMEND TABLE 1-8 FUTURE LAND USES OF THE FUTURE LAND USE ELEMENT TO ADD THE OKEECHOBEE RURAL 5 (OR 5) LAND USE CATEGORY; AND (3) ADD OBJECTIVES 1.16, 1.17, 1.18 AND 1.19, INCLUDING SUPPORTIVE POLICIES, TO THE TEXT OF THE FUTURE LAND USE ELEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Jim Fleishmann presented a power point presentation showing the proposed changes to the Loxahatchee Groves Land Use Map to include the Rural 5 Overlay and answered Council questions. The objective of this overlay was to control development, have intensity varied by uses, establish generic uses and to keep Okeechobee Blvd as two lanes, if possible. Mr. Fleishmann stated this overlay project had been worked on for over a year and the presentation was based on comments from Staff and the public. Some of the public comments had stated that this was development driving and eliminated

property owner concerns. The Local Planning Agency had recommended approval at their meeting on September 17, 2015. After first reading, the ordinance and proposal would be submitted to the Department of Economic Opportunity (DEO) for comments and then possible second reading of the ordinance at the December Council Meeting. This ordinance had been advertised in the Palm Beach Post and the Town Crier and mailed to the 71 property owners whose lands front directly on Okeechobee or would need to access onto Okeechobee Blvd.

Council had many concerns about the uses that were prohibited in this plan, the FARs not including porches, as well as the section on Okeechobee Blvd, which should make no reference to the County being allowed to increase to four lanes. Council also suggested in conjunction with this ordinance, the Town Landscaping Code might need to be reviewed.

Public Comment on this item:

Dennis Lipp stated that the Planning & Zoning Board had many meetings on this, but direction for them was limited. Someone should reach out personally to the 71 property owners.

Attorney Ryan McConnell stated he was here to speak on behalf of the NW Folsom property owners, who opposed the ordinance in its present form as being unfair and too restrictive.

Bill Louda stated the Town needed to address horse crossings, east/west connectivity and two lanes only for Okeechobee Blvd.

Simon Fernandez was against continuing the moratorium because this had gone on for more than a year and was holding things up and increasing the cost of everything.

Patricia Althouse stated she was an Okeechobee Blvd. property owners who had attended all the workshops and found this plan to be too restrictive, not creative and too detailed.

Keith Harris suggested restricting the businesses allowed to smaller businesses and not larger franchise type businesses.

Virginia Standish stated to remove this item from the agenda and then allow discussion was inappropriate.

It was consensus of Council that this ordinance was not ready to proceed. Town Attorney Cirullo asked for direction from Council.

Motion: A motion to table this ordinance was made by Councilman Liang and seconded by Councilman Rockett. Motion passed 5 – 0.

Motion: A motion to extend the moratorium until June 30, 2016 was made by Councilman Goltzené and seconded by Vice Mayor Jarriel. Motion passed 5 – 0.

Motion: After further discussion by Council, a motion was made to have an Okeechobee Blvd. Overlay Workshop on December 5, 2015, beginning at 9:00 a.m.

7. RESOLUTIONS

a. **RESOLUTION NO. 2015- 35**

(Zoning in progress for Recreational Vehicle Uses on Residentially-Zoned Properties)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING A PILOT PROGRAM TO REVIEW TEMPORARY RECREATIONAL VEHICLE USES ON RESIDENTIALLY-ZONED PROPERTIES WITHIN THE TOWN; PROVIDING FOR A ZONING IN PROGRESS CONSISTENT WITH THE PROVISIONS SET FORTH HEREIN TO PERMIT THE PILOT PROGRAM THROUGH MAY 1, 2016, TO ALLOW TOWN MANAGEMENT AND PLANNING STAFF TO STUDY SUCH USES IN ORDER TO POTENTIALLY PROPOSE CHANGES TO THE TOWN'S UNIFIED LAND DEVELOPMENT REGULATIONS TO REGULATE TEMPORARY RECREATIONAL VEHICLE USES WITHIN THE TOWN; PROVIDING FOR THE RULES AND REGULATIONS FOR TEMPORARY RECREATIONAL VEHICLE USES DURING THE PERIOD OF THE ZONING IN PROGRESS SET FORTH HEREIN; PROVIDING FOR APPLICATIONS; PROVIDING FOR FEES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REVIEW AND REPORT BY THE TOWN MANAGER; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

This item was removed from the agenda.

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

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

Attachment - FY2016 Town Hall Holiday Schedule
Simmons & White Traffic Signal Analysis

b. **Palm Beach County Sheriff's Office (PBSO)**, District 15 Loxahatchee Groves Monthly Report: August 2015 (*on file*)

Regarding pilot programs, such as the resolution removed from the agenda, Attorney Cirullo advised the Council that there were legal opinions that state pilot programs were prohibited; however those opinions were under Appeal with the Supreme Court.

Council and Town Attorney discussed a possible alternate ordinance with a table of offenses and established fines. Town Attorney Cirullo stated an Appeal for this type of offense would require County Small Claims Court. A motion was made by Councilman Rockett to give direction to the Manager and Attorney to come back with an alternate program or ordinance to address the issues in Resolution No. 2015-35. Motion was seconded by Vice Mayor Jarriel. Motion passed 4 – 1, with Council Goltzené dissenting.

There was also consensus of Council for this issue of substandard housing to be brought back to Council as a separate item.

Manager Underwood updated the Council on the balance of outstanding items in his report.

9. OLD BUSINESS – NONE

10. NEW BUSINESS

a. FY2016 Town Council Meeting Schedule

The new meeting schedule called for one meeting in November and December 2015, and one in March 2016 due to the Presidential Primary date. A motion was made by Councilman Rockett to keep the second meeting in November 2015. Motion died for lack of second. A motion to accept the meeting schedule as presented was made by Councilman Goltzené and seconded by Vice Mayor Jarriel. Motion passed 4 – 1, with Councilman Rockett dissenting.

b. Work Authorization for Trail Grants

After discussion, a motion to table this authorization until the Town had the trails was made by Councilman Liang and seconded by Councilman Rockett. Motion passed 5 – 0.

c. Discussion and Direction on Establishment of Policy relating to the acceptance of Quit Claim Deeds to the Town – Sean Rice and Rachel Lotero – 14721 Paradise Trail

Council felt this was a good start, but to do drainage we would need to own the whole road. To relocate the driveway, the area the Town would give up had no trees that needed moving. Town Attorney Cirullo recommended that title issues/descriptive easement be checked.

d. Instruction and authorization for Town Manager, Town Attorney, and Workgroup to draft appropriate language to prohibit animal slaughtering

e. Attendance at Florida League of Cities 55th Annual Legislative Conference – Town Council and Town Manager

Motion: A motion was made by Vice Mayor Jarriel to encourage attendance at the FLC Annual Legislative Conference. The motion was seconded by Councilman Goltzené, and passed 5 – 0. Mayor Browning and Vice Mayor Jarriel stated they would be attending.

f. Discussion and direction on Culvert Replacement Policy – *Postponed to November 6, 2015*

Motion: Councilman Goltzené moved to extend the meeting five more minutes for Council and then final public comments. Councilman Liang seconded the motion. Motion passed 5 – 0.

11. COUNCIL REPORTS

a. Vice Mayor Jarriel

1. IGC Meeting Schedule

Vice Mayor Jarriel requested that the Council rotating appointments to this Committee be changed from 3 months to 6 months in order for more to be accomplished. Councilman Rockett felt the schedule should take up where left off since he had not served for some time.

John Ryan requested this change be delayed until the ICG could review this at their next meeting and change the meeting date from October 26th to November 9th. Council consensus was to direct Manager to send a letter to the IBC requesting a meeting on October 26, 2015.

Motion: A motion to have Vice Mayor Jarriel extend his appointment to this Committee for an additional 3 months to replace Mayor Browning for that time frame was made by Vice Mayor Jarriel and seconded by Councilman Goltzené. Motion passed 4 – 1, with Councilman Rockett dissenting.

12. CLOSING COMMENTS

- a. Public
- b. Town Attorney
- c. Town Council Members

Final Public Comment:

Keith Harris, Virginia Standish and John Ryan brought up the slaughtering, manure and other issues outlined in Resolution No. 2015-35, and made suggestions to be proactive in addressing these problems.

Mayor Browning responded he understood the problems but it was frustrating to hear residents that were interviewed on Channel 12 say they knew about the problems but never said anything. Maybe an anonymous hotline should be looked at.

Laura Denowski stated she had agreed to serve on the IGC and the October 26, 2015 date.

Dennis Lipp stated the center property with the chain link fence on Folsom Road had an auto gate now and he had seen a truck waiting to enter. He wanted code enforcement to check. Vice Mayor Jarriel added that the property belonged to a church.

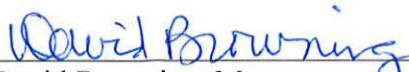
Councilman Rockett, Vice Mayor Jarriel, Councilman Liang, Councilman Goltzené and Mayor Browning all thanked everyone for coming tonight.

Mayor Browning announced the next regular Town Council Meeting would be November 3, 2015, starting at 7:00 pm.

13. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 10:53 p.m.


Virginia Walton, Town Clerk


David Browning, Mayor

These minutes were adopted at 11-3-2015 meeting of Town Council.