



Town of Loxahatchee Groves
Town Council Meeting

Tuesday, January 20, 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 Attorney Michael D. Cirullo, Jr.

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 Ron Jarriel, Councilmen Ryan Liang, and Jim Rockett. Councilman Goltzené was not present at this time. Also present was Town Manager Bill Underwood, Town Attorney Mike Cirullo, Town Planning Consultant Jim Fleischmann, 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. Councilman Liang seconded the motion. Upon vote, the motion passed 4/0.

2. **CONSENT AGENDA**

a. Minutes:

- November 4, 2014, Regular Town Council Meeting

Motion: Councilman Liang made a motion to approve the Consent Agenda, as presented. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.

3. PUBLIC COMMENTS

Jerry Wuhrman, from Waste-Wise Disposal and Recycle LLC, came back to Council to present his business plan concerning waste disposal solutions.

Motion: Councilman Liang made a motion to *Receive and File* documents presented by Mr. Wuhrman. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.

Darlene Snowball, 3116 161st Terrace North, hoped that 161st Terrace would get OGEM resurfacing. She was glad the Palm Beach State College was finally breaking ground, and she had noticed Ron Jarriel's and Ryan Liang's campaign signs going up for re-election, she expressed her congratulation. She hoped everyone would get along and show some courtesy.

Joyce Batcheler, 760 E Road, expressed her concerns about the dump trucks driving through Loxahatchee Groves and how can it be determined which ones were legal and which ones were not.

Bill Louda, 1300 E Road, spoke about the "Letter to the Editor" in last week's *Town Crier*. He commented that he did not leave the Roadway, Equestrian Trails and Advisory Committee (RETGAC) because of Nina Corning. He also mentioned Councilman Goltzené had commented the Committee had done nothing while Mr. Louda and Mrs. Corning were members. He proceeded to mention items that had been accomplished.

Motion: Councilman Rockett made a motion to *Receive and File* documents presented by Mr. Louda. Councilman Liang seconded the motion. Upon vote, the motion passed 4/0.

Phyllis Maniglia, 359 West D Road, spoke of the robbery at Boonies Restaurant and Lounge, and it had taken two (2) phone calls to the Sheriff's Office before an officer came to investigate.

4. PRESENTATIONS

- a. Ms. Andrea Green, Loxahatchee Groves Elementary School's PTO President would like to make a presentation concerning the School's Annual Spring Carnival and Silent Auction on May 15, 2015.

Andrea Green and Joannie Hopkins, from the Loxahatchee Groves Elementary School PTO, spoke to Council in hopes of receiving a contribution for the School's Annual Spring Carnival and Silent Auction.

The discussion will be brought back to Council during the February 3, 2015, Council Meeting for a decision.

5. COMMITTEE REPORTS - NONE**6. RESOLUTIONS****a. RESOLUTION NO. 2015-05: *(Loxahatchee Groves Commons Site Plan)***

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE LOXAHATCHEE GROVES COMMONS SITE PLAN, FOR LAND OWNED BY ERNEST G. SIMON, AS TRUSTEE OF TRUSTS "A" AND "B" U/W/O ALEXANDER ABRAHAM SIMON, CONSISTING OF 21.73 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo stated these items are relating to B Road and Southern Boulevard. The applicants had contacted the Town last Thursday (January 15, 2015), and there is additional work to be done. Mr. Cirullo requested a motion to continue until a date certain of the February 17, 2015, Town Council Meeting.

Motion: Councilman Liang moved to continue Resolution No. 2015-05 to a date certain of February 17, 2015. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.

b. RESOLUTION NO. 2015-06: *(Black Baud Financial System Software)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND BLACKBAUD, INC., FOR MUNICIPAL FINANCIAL SYSTEM SOFTWARE AS A SERVICE (SAAS); AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Manager Underwood explained the negotiations and the agreement, and noted the Finance Advisory and Audit Committee (FAAC) approved the Black Baud System during their meeting.

Town Attorney Cirullo read the title of Resolution No. 2015-06.

Motion: Councilman Rockett made a motion to approve Resolution No. 2015-06. Councilman Liang seconded the motion. Discussion by Council. Upon roll call vote, the motion passed 4/0.

c. **RESOLUTION NO. 2015-07:** *(Renewal of Local Mitigation Strategy Agreement)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES APPROVING AND ADOPTING THE 2015 REVISED PALM BEACH COUNTY LOCAL MITIGATION STRATEGY PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of Resolution No. 2015-07.

Motion: Councilman Liang made a motion to approve Resolution No. 2015-07. Councilman Rockett seconded the motion. Discussion by Council. Upon roll call vote, the motion passed 4/0.

7. **ORDINANCES**

QUASI JUDICIAL ORDINANCES

a. **ORDINANCE NO. 2013-09: QUASI JUDICIAL / PUBLIC HEARING**
SECOND AND FINAL READING *(Loxahatchee Groves Commons)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 21.73 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE, FROM LOXAHATCHEE GROVES ZONING DESIGNATION AGRICULTURAL RESIDENTIAL (AR) TO THE LOXAHATCHEE GROVES ZONING DESIGNATION COMMERCIAL LOW PLANNED UNIT DEVELOPMENT (CL/PUD); PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo explained why Ordinance No. 2013-09 needed a continuation to a date certain of February 17, 2015.

Motion: Councilman Liang made a motion to continue Ordinance No. 2013-09 until the February 17, 2015 Town Council Meeting. Councilman Rockett seconded the motion. Upon vote, the motion passed 4/0.

b. **ORDINANCE NO. 2013-10: QUASI JUDICIAL / PUBLIC HEARING**
SECOND AND FINAL READING *(Loxahatchee Groves Town Center)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 90.33 ACRES, MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES,

FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE, FROM LOXAHATCHEE GROVES ZONING DESIGNATION AGRICULTURAL RESIDENTIAL (AR) TO THE LOXAHATCHEE GROVES ZONING DESIGNATION MULTIPLE LAND USE PLANNED UNIT DEVELOPMENT (MLU/PUD); PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo explained Ordinance No. 2013-10 and requested a continuance to a date certain of February 17, 2015.

Motion: Councilman Liang made a motion to continue Ordinance No. 2013-10 to a date certain of February 17, 2015. Vice-Mayor Jarriel seconded the motion. Upon vote the motion passed 4/0.

PUBLIC HEARING ORDINANCES

- c. **ORDINANCE NO. 2014-08: PUBLIC HEARING/2ND FIRST READING**
(Okeechobee Boulevard Corridor Moratorium (Tabled At First Reading On 12/02/2014)).

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR A MORATORIUM UNTIL MAY 31, 2015, ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN, INCLUDING FUTURE LAND USE MAP AMENDMENTS AND TEXT AMENDMENTS, RELATING TO COMMERCIAL LAND USES ON PROPERTIES FRONTING ON OKEECHOBEE BOULEVARD WITHIN THE CORPORATE BOUNDARIES OF THE TOWN AS OF DECEMBER 2, 2014; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo explained this is a Public Hearing, and then proceeded to read the title of Ordinance No. 2014-08.

Mayor Browning explained the reasoning behind the moratorium.

Motion: Councilman Liang made a motion to approve Ordinance No. 2014-08 on 2nd First Reading. Councilman Rockett seconded the motion.

No discussion under the Public Hearing.

Upon roll call vote the motion passed 4/0.

d. **ORDINANCE NO 2015-01: PUBLIC HEARING/FIRST READING**

(Wildlife)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE TOWN'S UNIFIED LAND DEVELOPMENT CODE; AMENDING PART I, ENTITLED "ADMINISTRATION AND DEFINITIONS," ARTICLE 10 ENTITLED "DEFINITIONS, ABBREVIATIONS, AND CONSTRUCTION OF TERMS", SECTION 10-015, ENTITLED "DEFINITIONS," TO AMEND THE DEFINITION OF WILDLIFE PETS, AND TO DELETE THE DEFINITION OF WILDLIFE PETS FROM PART II, ENTITLED "ZONING DISTRICTS," ARTICLE 20 ENTITLED "RESIDENTIAL ZONING DISTRICTS," SECTION 20-010, ENTITLED "GENERAL PROVISIONS", SECTION (B), ENTITLED "ANIMALS AND LIVESTOCK"; TO AMEND PART II, ENTITLED "ZONING DISTRICTS," ARTICLE 20 ENTITLED "RESIDENTIAL ZONING DISTRICTS," SECTION 20-015, ENTITLED "PERMITTED USES" AND PART II, ENTITLED "ZONING DISTRICTS," ARTICLE 25 ENTITLED "COMMERCIAL ZONING DISTRICTS," SECTION 25-015, ENTITLED "PERMITTED USES," AND PART II, ENTITLED "ZONING DISTRICTS," ARTICLE 40 ENTITLED "CONSERVATION DISTRICT," SECTION 40-015, ENTITLED "PERMITTED USES" TO CLARIFY THAT AVICULTURE USE IN THE AGRICULTURAL RESIDENTIAL ZONING DISTRICT, EXHIBITION OF WILDLIFE PETS IN THE COMMERCIAL AND COMMERCIAL LOW ZONING DISTRICTS, AND WILDLIFE OBSERVATION IN THE CONSERVATION DISTRICT ARE PERMITTED AS REGULATED BY STATE LAW; TO DELETE PART III, ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 80 ENTITLED "CONDITIONAL USES," SECTION 80-045, ENTITLED "EXHIBITION OF CLASS I AND CLASS II WILDLIFE", AND SECTION 80-050, ENTITLED "AVICULTURE"; PROVIDING FOR INTENT OF THE TOWN TO COMPLY WITH THE STATE'S PREEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo explained Ordinance No. 2015-01 and then proceeded to read the title.

Motion: Councilman Rockett made a motion to approve Ordinance No. 2015-01 on First Reading. Councilman Liang seconded the motion. Upon roll call vote, the motion passed 4/0.

Mayor Browning explained the Town cannot conflict with State Statutes, and cannot override them.

No comments from the Public.

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

- a. **AGENDA ITEM REPORT (AIR)** - Updates on various activities and issues concerning the Town.

Town Manager Underwood reviewed items on his Manager's Report.

- b. Fire Rescue Annual Report, October 1, 2013 thru September 30, 2014.

Council discussed various items of interest with Town Manager Underwood.

9. OLD BUSINESS – *NONE*

10. NEW BUSINESS

- a. Consideration to provide a waiver to Damian Marrero and Wendy Pimentel to seek permit for trailer, septic and water while tree mitigation issues are being resolved. *(requested by Mayor Browning)*

Town Manager Underwood explained the situation, and noted that he did not have authority to provide a waiver, and asked Council for direction.

Council discussed alternatives to the situation.

Motion: Vice-Mayor Jarriel made a motion authorizing Staff to execute the proper documents allowing the owners to apply for temporary permits. Councilman Rockett seconded the motion.

Discussion by Council and members of the audience.

Upon roll call vote, the motion passed 4/0.

- b. Consideration requesting a motion for Council to authorize Staff to prepare a resolution welcoming Commissioner Melissa McKinlay (District 6) to the Palm Beach County Board of County Commissioners, and a letter thanking Former Commissioner Jesse Santamaria for his services. *(requested by Vice-Mayor Jarriel)*

Motion: Vice-Mayor Jarriel made a motion for Staff to draft a resolution welcoming Palm Beach County Commissioner Melissa McKinlay, and a thank you letter for Former Palm Beach County Commissioner Jess Santamaria. Councilman Liang seconded the motion. Upon vote, the motion passed 4/0.

11. CLOSING COMMENTS

- a. Public

Bill Louda, 1300 E Road, provided his comment concerning the Planning and Zoning Board (P&Z), and the Roadway, Equestrian Trails, and Greenway Advisory Committee (RETGAC).

Phyllis Maniglia, 359 W D Road, commented about a previous presentation she had made to Council and wanted the Finance Committee (FAAC) and the Town Manager to verify the invoices of the vendors she spoke about.

b. Town Attorney

Town Attorney Cirullo announced "Go Gators".

c. Town Council Members

Vice-Mayor Jarriel thanked everyone for coming, and wished them to be safe going home.

Councilman Liang made an apology to Council, and noted the adjournment time is going to make a record night. He extended thanks to all.

Councilman Rockett commented on needing a standard for speed humps. He also requested Council be prepared to choose a substitute for road resurfacing.

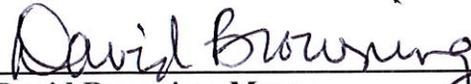
Council discussed with Town Manager Underwood various aspects concerning speed humps, and bringing the topic back for further discussion.

12. ADJOURNMENT 8:00 P.M

There being no further business to come before Town Council, Mayor Browning adjourned the meeting at 8:00 p.m.



Janet K. Whipple, Town Clerk



David Browning, Mayor

These minutes were approved during the April 7, 2015, Town Council Meeting.

