



Town of Loxahatchee Groves Town Council Meeting

Tuesday, April 21, 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 Liang made a motion to approve the Agenda as presented. Councilman Rockett seconded the motion. Upon vote, the motion passed 5/0.

2. CONSENT AGENDA

- a. Minutes: **February 17, 2015** – Regular Town Council Meeting

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

3. PUBLIC COMMENTS

Virginia Standish, Chair of the Finance Audit and Advisory Committee (FAAC), responded to a request concerning Public Comments during Board Meetings, which had been made by Councilman Rockett.

4. PRESENTATIONS – NONE

5. COMMITTEE REPORTS - NONE

(Clerk Note: Due to potential lengthy discussion on Resolution No. 2015-09, it will be placed on the Agenda as the last resolution. The resolution numbers will be out of sequence).

6. RESOLUTIONS

- a. **RESOLUTION NO. 2015-13:** *(Council Board Appointments for Financial Audit and Advisory Committee (FAAC)).*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____,
_____, _____,
_____, AND
_____, AS VOTING MEMBERS OF THE FINANCE ADVISORY AND AUDIT COMMITTEE, TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR AMENDMENT OF SECTION 2(I)(E) OF RESOLUTION 2009-014, TO PROVIDE FOR TERMS OF VOTING MEMBERS TO BE ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

(Clerk Note: There will be two motions – one for approval of the names selected, and one for the Resolution)

Town Manager Underwood explained the procedure for Council appointments for the Finance Advisory and Audit Committee (FAAC).

Upon roll call, the following were the Council appointees: Councilman Rockett appointed Greg Tindall; Councilman Liang appointed Elise Ryan; Mayor Browning appointed Ken Johnson; Vice-Mayor Jarriel appointed Lung Chiu; and Councilman Goltzené appointed Virginia Standish.

Town Attorney Cirullo read the title of Resolution No. 2015-13, with appointee names included.

Motion: Councilman Liang made a motion to adopt Resolution No. 2015-13, as presented. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 5/0.

- b. **RESOLUTION NO. 2015-14:** *(Council Board Appointments for Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC)).*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, _____, _____, AND _____, AS VOTING MEMBERS OF THE ROADWAY, EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE, TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR AMENDMENT OF SECTION 2(I)(E) OF RESOLUTION 2011-005, AMENDED BY RESOLUTION 2015-014 TO PROVIDE FOR TERMS OF VOTING MEMBERS TO BE ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

(Clerk Note: There will be two motions – one for approval of the names selected, and one for the Resolution)

Town Manager Underwood explained the procedure for Council appointments for the Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC).

Upon roll call, the following were the Council appointees: Mayor Browning appointed Bill Louda; Vice-Mayor Jarriel appointed Nina Corning; Councilman Goltzené appointed Jo Siciliano; Councilman Rockett appointed Kathy Strehlow; and Councilman Liang appointed Katie Davis.

Town Attorney Cirullo read the title of Resolution No. 2015-14, with appointee names included.

Motion: Councilman Liang made a motion to adopt Resolution No. 2015-14, as presented. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 5/0.

QUASI JUDICIAL

- c. **RESOLUTION NO. 2015-09 / QUAIS JUDICIAL/PUBLIC HEARING:** *(Big Dog Ranch Special Exception & Site Plan Approval). (Moved to a date certain from the April 7, 2015 Town Council Meeting).*

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.

Town Attorney Cirullo explained the quasi-judicial hearing process, and provided the procedures for the amount of time allowed for each presentation. After all presentations, reverse order would be in play. He explained relevancy. At the end of the hearing Council will determine the outcome, and the Town Attorney will prepare a written order.

Town Attorney Cirullo swore in those who wished to speak under the quasi-judicial hearing.

Marty Perry, Esq., attorney for Big Dog Ranch, asked if there were any Council Members who have had ex-parte communications.

Mayor Browning stated that various people had call him for information concerning Big Dog Ranch.

Mr. Perry questioned whether Councilman Rockett would be recusing himself.

Councilman Rockett stated yes, he would be recusing himself, as he owns property south of the Big Dog Ranch proposed location. He left the dais.

Mr. Perry made his introductions, and noted others will be utilizing the thirty (30) minute allotment. The Big Dog Ranch is similar to the existing facility of Peggy Adams Animal Rescue League.

Town Attorney Cirullo interjected that the special exceptions are included in Agenda.

Mr. Perry addressed the Town requirements to date. He stated the licensed vet is being withdrawn.

Jeff Brophy, Land Design South Professional Services, introduced himself and provided a PowerPoint on the Big Dog Ranch redesigned site plan. He described the location and showed photos of the current Big Dog Ranch facility, and also addressed the text amendment that was approved in 2013, (2013-013). He reviewed the requirements for the condition of approval, noting minimum setbacks, and the architecture must meet rural vista guidelines. Noise levels were addressed, along with reference to supervised dog runs, landscaping, security fencing, sound system for acoustics to listen for barking, waste disposal, pressure washers and drains for sanitary conditions, outdoor manure it is promptly pick up and put in dumpster and picked up three time per week, solid waste will be disposed of in the sanitary sewer system. In the new site plan the dogs will be located next to the fire rescue station. There will be four hundred (400) grown dogs, and 100 additional puppies and housed inside. There will be fifteen (15), plus or minus, dogs per acre. Since the organization is a not for profit they have agreed to contribute approximately \$7,000.00 to the Town in lieu of taxes. A fifteen (15) foot horse trail easement

will be allocated along D Road and on Okeechobee Boulevard. Additionally, there are ten (10) criteria that need to be met; adoptions are open from 10:00 a.m. to 6:00 p.m. every day. Public access will be limited.

Mr. Perry will provide a thumb drive for the record.

Town Attorney Cirullo stated some of the people who spoke during the video had not been sworn in so Council will have to take it as it is.

Council discussed various aspects of the plan with Mr. Brophy.

Mr. Perry referenced the \$50,000 for the OGEM road resurfacing, and noted the \$7,000 is a down payment. The developer will build the road; however, they would like the Town to proceed.

Council discussed with Mr. Perry the road resurfacing, different proposed road developments for traffic calming, and waste elimination at the facility.

Town Attorney Cirullo swore in Lauree Simmons.

Lauree Simmons, President of Big Dog Ranch Rescue, spoke on how linear drainage will be disbursed underground to pea rock.

Council continued to discuss noise monitoring and who will be responsible, the current location no meeting the Town's requirements, size comparisons to Peggy Adams Animal Rescue League,

Jim Fleischmann, Town Planning Consultant explained Staff responsibility, and finds the proposed site plan is consistent with the Town's criteria, and recommends approval subject to the conditions of approval on pages fifty-one to fifty-four (51-54). He provided floor to area ratio, and listed the ten (10) conditions which need to be met. Three (3) site plan requirements must be met. Special exception review standards were evaluated. Noise and buffers had been addressed, as well as, restriction for time use on outdoor runs. Sound monitoring devices must be approved by Town Council.

Millage was discussed.

Numerous members of the audience expressed their opinions, approvals, disapprovals, and concerns over the Big Dog Ranch proposal.

Councilman Liang made a motion to Receive and File documents presented by resident Karen Piesley. There was no second.

Mayor Browning closed Public Comments at 9:48 p.m.

Mayor Browning called for a break. 9:48 -9:58 p.m.

Town Attorney Cirullo explained the reverse Rules of Order for Quasi Judicial Proceedings.

Jim Fleischmann, Town Planning Consultant, provided additional information on the Big Dog Ranch proposal.

Mr. Perry provided a rebuttal, especially on violation of noise. He spoke of the OGEM (road resurfacing material) and stated Mr. Tuttle will be paying for the OGEM and/or allocating \$100,000 for road resurfacing from Okeechobee Boulevard to the end of the property line or provide the money for use at the Town's discretion; and that veterinarian services will be stricken from the the plans. Every effort has been made to adhere to the requirements they want to be a member of the community. Council are judges tonight since it is a quasi judicial. The proponents of Big Dog Ranch phone surveyed one-hundred (100) residents.

Council provided comments, asked question of which Mr. Perry and Ms. Simmons responded, and expressed their concerns.

Town Attorney Cirullo read the title of Resolution No. 2015-09, and listed the criteria to be added or amended.

Motion: Vice-Mayor Jarriel made a motion to adopt Resolution No. 2015-09, as amended. Councilman Goltzené seconded the motion. Upon roll call vote, the motion passed 3/1 with Councilman Liang casting the dissenting vote.

Town Attorney Cirullo explained that due to the late hour, a motion would have to be made to continue the Council Meeting passed 10:30 p.m.

Motion: Councilman Goltzené made a motion to adjourn the meeting at 10:29 p.m., and table the remainder of the items until the next Regular Town Council Meeting. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.

The remainder of the items have been postponed until the date certain Town Council Meeting of May 5, 2015.

7. ORDINANCES

- a. **ORDINANCE NO. 2015-02 / FIRST READING:** *(Council Board Appointment for Planning & Zoning Board / Local Planning Agency (LPA) Members).*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2011-011, WHICH ESTABLISHED THE TOWN'S PLANNING AND ZONING BOARD, AS AMENDED BY ORDINANCE 2012-02, TO AMEND SECTION 2, SUBSECTION ENTITLED "COMPOSITION AND TERM OF OFFICE", TO CHANGE THE TERM OF OFFICE FOR PLANNING AND ZONING BOARD

MEMBERS FROM THREE YEAR TERMS TO ONE YEAR TERMS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

- b. **ORDINANCE NO. 2015-03 / FIRST READING:** *(Prohibiting Disposal of Waste Materials)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROHIBITING THE DISPOSAL OF WASTE MATERIALS, AS DEFINED HEREIN, WITHIN THE TOWN; PROVIDING FOR DEFINITIONS; FINDING THAT A VIOLATION OF THIS ORDINANCE SHALL BE DEEMED A NUISANCE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- a. **AGENDA ITEM REPORT (AIR)** - Updates on various activities and issues concerning the Town.
- b. **PBSO District 15, Loxahatchee Groves Monthly Report March 2015:** *(On File)*
- c. **Fire Rescue Response Time for February and March 2015:** *(On File)*

9. **OLD BUSINESS**

a. Consideration for donation to the Loxahatchee Groves Elementary School's PTO Annual Spring Carnival and Silent Auction. Presentation was made during the January 20, 2015 Town Council Meeting, and Council chose to make a decision during a following meeting.

10. **NEW BUSINESS**

- a. Consideration to engage the Town's engineer to undertake and perform all activities necessary to implement the B Road improvements as envisioned through the B Road Agreement, the Town's portion of the B Road improvements and Resolution No. 2015-08.

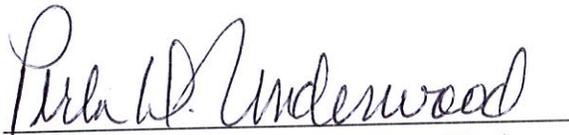
11. **COUNCIL REPORTS**

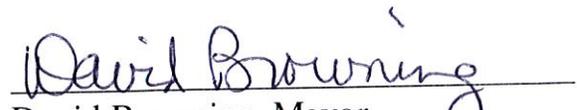
11. CLOSING COMMENTS

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

12. ADJOURNMENT

There being not further business to come before Council, Mayor Browning adjourned the meeting at 10:29 p.m.


for: Janet K. Whipple, Town Clerk


David Browning, Mayor

These minutes were approved during the October 6, 2015 Town Council Meeting.