

Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, June 5, 2012 at 7:00 p.m.

Loxahatchee Groves Water Control District, 101 West "D" Road

Mayor David Browning (Seat 4)

Vice Mayor Jim Rockett (Seat 2)

Councilman Tom Goltzené (Seat 5)

Councilman Ronald D. Jarriel (Seat 1)

Councilman Ryan Liang (Seat 3)

Town Manager Mark Kutney

Town Clerk Susan A. Eichhorn

Town Attorney Michael D. Cirullo, Jr.

PUBLIC NOTICE/AGENDA

1. OPENING

- a. Call to Order & Roll Call
- b. Pledge of Allegiance & Invocation
- c. Approval of Agenda

2. CONSENT AGENDA

- a. Invoices from Goren, Cherof, Doody & Ezrol, P.A.

3. PRESENTATIONS - None

4. COMMITTEE REPORTS - None

5. ORDINANCES

- a. 1st Reading – Public Hearings

1. Ordinance No. 2012-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR A MORATORIUM UNTIL NOVEMBER 30, 2012, ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN, INCLUDING FUTURE LAND USE MAP AMENDMENTS AND TEXT AMENDMENTS, WITHIN THE CORPORATE BOUNDARIES OF THE TOWN AS OF APRIL 17, 2012; PROVIDING FOR EXCEPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

6. RESOLUTIONS - None

7. ADMINISTRATIVE UPDATE - Town Manager Kutney

8. OLD BUSINESS - None

9. NEW BUSINESS

- a. Planning process for the determination of non-district roadways that will merit OGEM treatment. (Councilman Jarriel)
- b. Consideration of town council approval of the application of OGEM for 161st Terrace. (Councilman Jarriel)

10. CLOSING COMMENTS

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

11. ADJOURNMENT

The next Town Council Meeting is scheduled for Tuesday, June 19th, 2012 at 7:00 p.m.

Comments Cards: Anyone from the public wishing to address the Town Council must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.

GOREN, CHEROF, DOODY & EZROL, P.A.
Attorneys at Law
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500



TOWN OF LOXAHATCHEE GROVES
Att: Mayor Dave Browning
14579 Southern Boulevard
Suite 2
Loxahatchee FL 33470

Page: 1
05/30/2012
ACCOUNT NO: 1574-0702400R
STATEMENT NO: 66

General Matters

	HOURS
04/26/2012 MDC Review various notice, publication requirements for Town items per JM; telephone conference with MV on Town/District "merger" issues, preparation of memo.	1.00
04/27/2012 MDC Review items for May 1 Council meeting; telephone conference with JF on moratorium; prepare moratorium ordinance; prepare memo on District/Town structure; telephone conference with MK on PZ matters, lease issues.	2.30
04/28/2012 MDC Review and revise Moratorium ordinance; prepare Moratorium on ordinance, review agenda materials for May 1st Council meeting.	1.50
04/30/2012 MDC Review agenda materials for May 1 meeting; review, revise Notice for Planning and Zoning Board Meeting.	0.50
05/01/2012 MDC Telephone calls with council members; telephone conference with MK; review materials, prepare for, attend Council meeting.	6.80
05/02/2012 MDC Follow up on items from 5/1 Council meeting.	0.30
05/07/2012 MDC Telephone conference with MK on pending items, P&Z Board meeting, IGC items.	0.40

General Matters

		HOURS
05/08/2012		
MDC	Telephone call with JM on agenda preparation; telephone conference with Mark Kutney on ULDC issues; telephone conference with JF on zoning interpretation process.	1.00
JGH	Telephone conference with J. Fleischman, prepare for 5/10/12 P & Z meeting, review Moratorium matters.	0.60
05/10/2012		
JGH	P & Z Board meeting, review ULDC amendments re: PUD and meeting preparation.	4.50
05/11/2012		
MDC	Telephone conference with MK, review agenda items for May 16 meeting; review materials for May 14 meeting with MK on pending items.	1.00
05/14/2012		
MDC	Review materials for 5/15 Council meeting; meet with MK on meeting items; meet with MK, SH on code, ULDC matters.	2.00
05/15/2012		
DJD	Review responses from State relative to equestrian trails.	0.40
MDC	Review correspondence and documents regarding site control, grant from state; review audit information request letter; prepare notice for moratorium hearing; revise moratorium ordinance; telephone conference with MK on grant/legal issues, code matters.	2.00
05/16/2012		
MDC	Review materials, prepare for Council meeting; telephone conference with Council; attend Council meeting; review audit request; prepare audit response letter.	5.20
05/17/2012		
MDC	Review task items from 5/16/12 Council meeting; telephone conference with MK on purchasing issues; review DEP grant issues; materials; telephone conference with DEP; prepare termination letter to GRD Solutions; telephone conference with Council members on various issues; letter to PBOIG regarding Hurricane Management Services.	2.70
05/18/2012		
MDC	Review code materials, finalize letters to GRD and PB-OIG.	0.40
SRW	Draft memo re: changes to chapter 162, Florida Statutes.	0.50
DJD	Conference relative to application with DEP for equestrian trail grant, site control for (proposed equestrian trail).	0.50

General Matters

		HOURS		
05/21/2012	MDC	Review materials, attend meeting with Mark Kutney on roads, code issues, pending matters.	2.30	
05/22/2012	MDC	Telephone conference with MK on code lien matters; review proposed budget schedule, provide comments to MK, BU, PU on schedule, review correspondence on LGWCD Interlocal Agreement.	0.60	
05/23/2012	MDC	Review planning/zoning issues with JF, MK, review correspondence regarding LGWCD Interlocal Agreement.	0.40	
05/25/2012	MDC	Telephone conference with MK regarding pending code cases, lien settlement.	0.40	
05/29/2012	MDC	Review status of agenda items; prepare updated memo to Council regarding moratorium ordinance.	0.40	
FOR CURRENT SERVICES RENDERED			37.70	6,969.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D.J. DOODY	0.90	\$185.00	\$166.50
MICHAEL D. CIRULLO	31.20	185.00	5,772.00
JACOB G. HOROWITZ	5.10	185.00	943.50
STACEY R WEINGER	0.50	175.00	87.50

TOTAL CURRENT WORK 6,969.50

BALANCE DUE \$6,969.50

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

Please note that this matter has been assigned a new number. Please reference this number when making inquiries or payments and contact Trish Piro at 954-771-4500 with any questions.

GOREN, CHEROF, DOODY & EZROL, P.A.
 Attorneys at Law
 3099 East Commercial Boulevard
 Suite 200
 Fort Lauderdale, Florida 33308
 Telephone (954) 771-4500



TOWN OF LOXAHATCHEE GROVES
 Att: Mayor David Browning
 14579 Southern Blvd. Ste. 2
 Loxahatchee FL 33470

Page: 1
 05/30/2012
 ACCOUNT NO: 1574-1004840R
 STATEMENT NO: 13

Loxahatchee Groves Commons

		HOURS		
05/02/2012	MDC	Review, revise published notice for 5/16 hearing; telephone conference with JF, review and confirm compliance with notice requirements.	0.60	
05/03/2012	MDC	Prepare Comprehensive Plan Amendment ordinances, review materials, telephone conference with JF on issues with ordinance preparation.	2.10	
05/04/2012	MDC	Revise ordinances for Comp Plan.	0.30	
05/07/2012	MDC	Finalize ordinance for Comp Plan Amendment.	0.30	
05/14/2012	MDC	Review materials, attend road issue meeting with PBSC, Lox Groves Commons representatives, LGWCD, Town Administration.	0.80	
05/16/2012	MDC	Review materials, prepare for transmittal hearings, telephone conference with B. Seymour.	0.20	
05/23/2012	MDC	Conference with JF, MK on process for application.	0.40	
FOR CURRENT SERVICES RENDERED			4.70	869.50

RECAPITULATION			
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	4.70	\$185.00	\$869.50

TOWN OF LOXAHATCHEE GROVES

Loxahatchee Groves Commons

Page: 2
05/30/2012
ACCOUNT NO: 1574-1004840R
STATEMENT NO: 13

TOTAL CURRENT WORK	869.50
BALANCE DUE	<u>\$869.50</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

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TOWN OF LOXAHATCHEE GROVES
 Att: Mayor David Browing
 14579 Southern Boulevard
 Suite 2
 Loxahatchee FL 33470

Page: 1
 05/30/2012
 ACCOUNT NO: 1574-0706600R
 STATEMENT NO: 16

Solid Waste Special Assessment

		HOURS	
05/21/2012			
MDC	Review materials, meet with MK regarding schedule, assessment issues.	0.70	
05/22/2012			
MDC	Telephone conference with MK, review correspondence on assessment schedule.	0.30	
	FOR CURRENT SERVICES RENDERED	1.00	185.00
RECAPITULATION			
<u>TIMEKEEPER</u>		<u>HOURS</u>	<u>HOURLY RATE</u>
MICHAEL D. CIRULLO		1.00	\$185.00
			<u>TOTAL</u>
	TOTAL CURRENT WORK		185.00
	BALANCE DUE		<u>\$185.00</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

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TOWN OF LOXAHATCHEE GROVES
Att: Mayor Dave Browning
14579 Southern Boulevard
Suite 2
Loxahatchee FL 33470

Page: 1
05/30/2012
ACCOUNT NO: 1574-1104890R
STATEMENT NO: 5

Palm Beach State College

	HOURS
05/02/2012 MDC Review, revise published notice for 5/16 hearing; telephone conference with JF to review and confirm compliance with notice requirements.	0.60
05/03/2012 MDC Review materials, prepare Comprehensive Plan Amendment ordinance, telephone conference with JF on issues with ordinance preparation.	2.10
05/04/2012 MDC Continue preparing ordinance for PBSC Special Policy.	1.80
05/07/2012 MDC Finalize ordinance for Comp Plan Amendment.	0.30
05/09/2012 MDC Telephone conference with Brian Seymour on hearings, status of applications; review email correspondence on Comp Plan text changes.	0.40
05/14/2012 MDC Review materials, attend road issue meeting with PBSC, Lox Groves Commons representatives, LGWCD, Town Administration.	0.80
05/16/2012 MDC Review materials, prepare for transmittal hearings; miscellaneous telephone conference with B. Seymour.	0.20
05/23/2012 MDC Conference with JF, MK regarding status of application.	0.40

TOWN OF LOXAHATCHEE GROVES

Palm Beach State College

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05/30/2012
ACCOUNT NO: 1574-1104890R
STATEMENT NO: 5

		HOURS		
05/29/2012				
MDC	Telephone conference with B. Seymour on schedule, revised notices and ordinances.	0.30		
	FOR CURRENT SERVICES RENDERED	6.90	1,276.50	
RECAPITULATION				
<u>TIMEKEEPER</u>		<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO		6.90	\$185.00	\$1,276.50
TOTAL CURRENT WORK				1,276.50
BALANCE DUE				<u>\$1,276.50</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

Please note that this matter has been assigned a new number. Please reference this number when making inquiries or payments and contact Trish Piro at 954-771-4500 with any questions.

TOWN OF LOXAHATCHEE GROVES

MEMORANDUM NO. 2012-07

TO: Mayor David Browning
Members of the Town Council

CC: Mark Kutney, Town Manager
Jim Fleischman, Town Consultant Planner

FROM: Michael D. Cirullo, Jr., Office of the Town Attorney *MDC*

DATE: June 5, 2012

RE: Town of Loxahatchee Groves ("Town")/Moratorium Ordinance

As explained in Memorandum 2012-03, at its April 17, 2012, meeting, the Town Council authorized a moratorium on the processing and review of Land Use Amendments and Text Amendments to the Town's Comprehensive Plan as of April 17, 2012. Pursuant to that direction, an ordinance to impose a moratorium on the processing and review of Land Use Amendments and Text Amendments to the Town's Comprehensive Plan was prepared by this office.

At its May 10, 2012, meeting, the Town's Planning and Zoning Board reviewed the ordinance and recommended approval of such by the Town Council. The ordinance will be considered by the Town Council in the same manner as a rezoning ordinance, pursuant to Section 166.041(3)(c), Florida Statutes, which requires two (2) noticed public hearings before the Town Council. The initial public hearing by the Town Council is scheduled for June 5, 2012.

The proposed ordinance imposes a moratorium on the Town's processing and review of Land Use Amendments and Text Amendments to the Town's Comprehensive Plan. It specifically exempts any such applications that were pending as of April 17, 2012, which are the applications for the property at the northwest corner of Southern Boulevard and "B" Road. It also exempts the Town-initiated amendments that are likely upon completion of the review of the Comprehensive Plan by the Town during the time of the moratorium.

The moratorium will not affect any applications other than Land Use Amendments and Text Amendments to the Comprehensive Plan, so the Town will continue to process other development applications, such as rezonings and site plans.

The ordinance provides that the moratorium will be in place until November 30, 2012. During this time, the Town will need to actively review the comprehensive plan and proceed with

Town of Loxahatchee Groves
Memorandum No. 2012-07
June 5, 2012
Page 2

amendments that are determined to be necessary. The moratorium can be modified only by ordinance.

Please contact me if you have any questions.

H:_GOV CLIENTS\LOX 1574\070240 GM\MEMOS 2012\2012-07 Moratorium.docx

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR A MORATORIUM UNTIL NOVEMBER 30, 2012, ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN, INCLUDING FUTURE LAND USE MAP AMENDMENTS AND TEXT AMENDMENTS, WITHIN THE CORPORATE BOUNDARIES OF THE TOWN AS OF APRIL 17, 2012; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the requirements of Chapter 2006-328, Laws of Florida the Town Charter of the Town of Loxahatchee Groves, on October 10, 2006, the voters within the area of unincorporated Palm Beach County known as Loxahatchee Groves voted to incorporate as the Town of Loxahatchee Groves (the "Town"); and,

WHEREAS, one of the primary motivations of incorporation was to preserve the rural nature of the area in which the Town is located; and,

WHEREAS, the Town initially adopted its Comprehensive Plan in 2009; and,

WHEREAS, after an administrative challenge to the Town's Comprehensive Plan was dismissed, the Town's Comprehensive Plan became effective in August, 2011; and,

WHEREAS, since the Town's Comprehensive Plan has come into effect, the Town has received and considered several applications for Land Use Amendments, as well as Text Amendments, to the Town's Comprehensive Plan; and,

WHEREAS, during the review of the Land Use Amendments and Text Amendments received and reviewed by the Town since the Town's Comprehensive Plan came into effect, issues

relating to consistency between language in the Comprehensive Plan and the preservation of the Town's rural character were identified by the Town Council and the Town's Planning and Zoning Board during the above referenced review; and,

WHEREAS, the Town expects continuing pressure to develop higher density residential, commercial, and industrial uses within the Town which threaten the Town's historical rural character and lifestyle; and,

WHEREAS, the adoption of a moratorium on the receipt and processing of applications for Land Use Applications and Text Amendments to the Town's Comprehensive Plan will provide the Town with time to review its Comprehensive Plan; and,

WHEREAS, the Town Council believes that it is in the best interest of the Town, and its residents, to review the Town's Comprehensive Plan given the issues that have arisen, and to consider the need for amendments to the Town's Comprehensive Plan that will enhance the Comprehensive Plan's consistency with the Town's historical conditions and vision of remaining a rural area; and,

WHEREAS, the Town's Planning and Zoning Board considered this Ordinance at its May 10, 2012, meeting and recommended that the Town Council approve the moratorium.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Moratorium Imposed. The Town Council of the Town of Loxahatchee Groves hereby declares a moratorium as of April 17, 2012, for the time period specified in Section

4, subject to certain exceptions delineated in Section 3 on the processing and review of Land Use Amendments and Text Amendments to the Town's Comprehensive Plan.

Section 3. Exceptions to Moratorium. The Town Council hereby declares that the following applications shall be exempt from the Moratorium:

- a. Although filed prior to April 17, 2012, this shall confirm that the pending applications for Land Use Amendment and Text Amendment for the real property located at the Northwest Corner of Southern Boulevard and "B" Road, filed by Atlantic Land Investments, LLC., and Palm Beach State College, which are the only applications for Land Use Amendment or Text Amendments pending with the Town as of April 17, 2012, are exempt from this moratorium;
- b. Amendments to the Town's Comprehensive Plan initiated by the Town.

Section 4. Period of Moratorium. The Town Council of the Town of Loxahatchee Groves hereby declares that the moratorium shall be effective for the period through November 30, 2012, unless otherwise modified by the Town Council by ordinance.

Section 5. All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of such conflict.

Section 6. If any Section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

[Remainder of page intentionally blank]

Section 7. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ____ DAY OF _____, 2012.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2012.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

TOWN CLERK

Vice Mayor Ryan Liang

APPROVED AS TO LEGAL FORM:

Council Member

Office of the Town Attorney

Council Member

Council Member

PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Ellen Sanita**, who on oath says that she is **Call Center Revenue Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter **Moratorium on Amendments** was published in said newspaper in the issues of **May 25, 2012**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.



Sworn to and subscribed before 25th day of May, A.D. 2012.
Who is personally known to me.



NOTARY PUBLIC-STATE OF FLORIDA
 **Karen M. McLinton**
Commission #DD832672
Expires: NOV. 15, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

NO. 6733351R

**NOTICE OF MORATORIUM
ON AMENDMENTS TO TOWN
OF LOXAHATCHEE GROVES
COMPREHENSIVE PLAN**

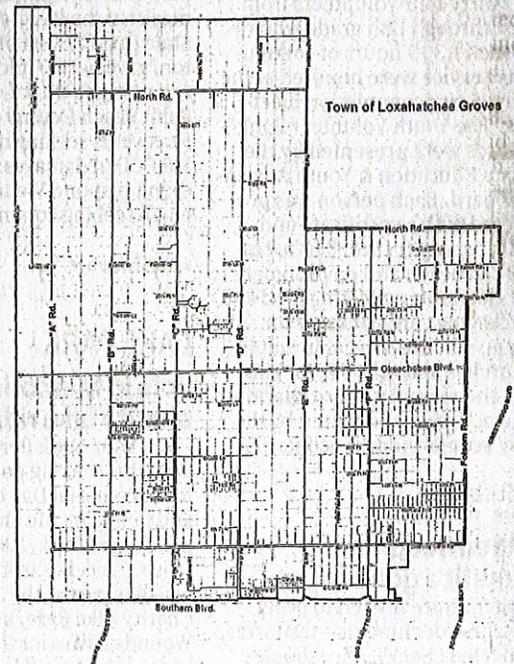
The Town Council for the Town of Loxahatchee Groves proposes to adopt the following Ordinance, No. 2012-06:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR A MORATORIUM UNTIL NOVEMBER 30, 2012, ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN, INCLUDING FUTURE LAND USE MAP AMENDMENTS AND TEXT AMENDMENTS, WITHIN THE CORPORATE BOUNDARIES OF THE TOWN AS OF APRIL 17, 2012; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Council of the Town of Loxahatchee Groves will conduct a public hearing on the ordinance on Tuesday, June 5, 2012 commencing at 7:00 p.m. The Public Hearing of the Town Council shall be held at the Loxahatchee Groves Water Control District meeting room 101 West "D" Road, Loxahatchee Groves, Florida 33470. The Town Council will consider approval of the ordinance on first reading.

All interested persons are invited to appear at the public hearing, which may be continued from time to time, and may be heard with respect to these matters. A copy of Ordinance 2012-06 is on file at the Town Management Office 14579 Southern Boulevard, Suite 2 Loxahatchee Groves, Florida, 33470 for inspection by members of the public during normal business hours.

In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Town Management Office at: (561) 793-2418 at least five days prior to the Public Hearing date.



PUBLISH: The Palm Beach Post. May 25, 2012