



TOWN OF LOXAHATCHEE GROVES

TOWN COUNCIL MEETING AGENDA

Tuesday, February 3, 2014 @ 7:00 P.M.

ADDENDUM #1:

Item 9.a. OLD BUSINESS - Addition - (Central Palm Beach County Chamber of Commerce Land Purchase)

Item 10.b. OLD BUSINESS - Correction – (Change reference from Palm Beach County delaying project to FDOT delaying project)

Mayor David Browning (Seat 4)

Vice Mayor Ron Jarriel (Seat 1)

Councilman Tom Goltzené (Seat 5)

Councilman Ryan Liang (Seat 3)

Councilman Jim Rockett (Seat 2)



Town of Loxahatchee Groves Town Council Meeting

Tuesday, February 3, 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.

Tentative
Subject to Revision

PUBLIC NOTICE/AGENDA

1. OPENING

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

2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Minutes:
 - **November 18, 2014** Town Council Minutes

3. PUBLIC COMMENTS

4. PRESENTATIONS – NONE

5. COMMITTEE REPORTS

- a. Virginia Standish, Chair of the Finance Advisory and Audit Committee (FAAC) to present the Financial Report for November and December Fiscal Year 2015.

6. RESOLUTIONS

- a. **RESOLUTION NO 2015-10:** *(Welcome to Commissioner Melissa McKinlay)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA WELCOMING THE ELECTION OF COMMISSIONER MELISSA MCKINLAY AS COUNTY COMMISSIONER FOR DISTRICT 6; EXPRESSING THE TOWN COUNCIL'S OPTIMISM FOR WORKING WITH COMMISSIONER MCKINLAY FOR THE BENEFIT OF THE RESIDENTS OF THE TOWN; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE. *(Requested by Vice-Mayor Jarriel during January 20, 2015, Town Council Meeting).*

7. ORDINANCES

- a. **ORDINANCE NO. 2014-08: PUBLIC HEARING/SECOND AND FINAL READING** *(Okeechobee Boulevard Corridor Moratorium)*

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.

- b. **ORDINANCE NO. 2015-01: PUBLIC HEARING/SECOND AND FINAL 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.

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

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

9. OLD BUSINESS

- a. Authorization to take all actions necessary to acquire the Central Palm Beach County Chamber of Commerce land from Palm Beach County.

10. NEW BUSINESS

- a. Appointment of new Planning and Zoning Board Member in light of the resignation of Board Member Keith Harris effective November 6, 2014. Appointment will be made by Councilman Ryan Liang.
- b. Discussion on change to Resolution No. 2015-03 in support of the State Road 7 extension between Okeechobee Boulevard and Northlake Boulevard to be constructed in Fiscal Year 2016. Original Resolution stated that Palm Beach County was contemplating a

delay when in fact it was the Florida Department of Transportation (FDOT). (*Town Attorney Cirullo to explain.*)

- c. Consideration of approval for appreciation letter to be sent to Former Palm Beach County Commissioner Jess Santamaria, District 6. (*Requested by Vice-Mayor Jarriel during the January 20, 2015, Town Council Meeting.*)

11. CLOSING COMMENTS

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

12. ADJOURNMENT

The next regular Town Council Meeting is tentatively scheduled for February 17, 2015.

Comment 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.



Item 9.a.

OLD BUSINESS

Central Palm Beach County Chamber of Commerce Land Purchase

Town of Loxahatchee Groves, FLORIDA
Town Council
AGENDA ITEM REPORT
AGENDA ITEM No. 9.a. (By Addendum 02/02/2015)

MEETING DATE: 2/03/2015

PREPARED BY: William F. Underwood, II

SUBJECT: Ratify Staff Offer and Acceptance to Purchase Land from Palm Beach County.

1.BACKGROUND/HISTORY

Problem Statement: The Town Council requested the ownership of land upon which the Central Palm Beach County Chamber of Commerce is located at Southern Boulevard and F Road.

Problem Solution: Ratify the Town's offer to purchase the land with stipulations from Palm Beach County.

At the January 6th Town Council meeting, the Council approved item 7. b., Resolution 2015-02, requesting Palm Beach County waive the cost of the land upon which the Central Palm Beach County Chamber of Commerce building sits in order for the Town to purchase the building. Additionally, the Council approved a motion to instruct staff to negotiate with County staff on the acquisition of the property.

Town staff worked with the County staff to arrive at an offer that would not be rejected by the County. This office prepared and sent confirmation the Town would be willing to pay the value of the property as indicated for park land which is \$20,000. Additionally, we confirmed the Town could agree to the stipulations the County is requesting. First, the property is to be used for public purpose and secondly, the County would retain 75% of the mineral rights of the property.

2.CURRENT ACTIVITY

On January 26, Mayor David Browning and I met with Commissioner McKinlay and discussed the Town's desire to acquire the land. We were pleased with her reaction to the request and anticipate the Commissioner will offer a motion in support of the Town's offer.

Additionally, Mayor Browning submitted an email requesting the County Commission support for the Town's purchase of the land.

Staff will report at the February 3rd Council meeting the results of the County Commission decision and request acceptance of any modifications.

3.ATTACHMENTS

Letter to Mr. Robert Weisman, County Administrator.
Email to County Commissioners.

4.FINANCIAL IMPACT

Will be presented at the Council meeting.

5.RECOMMENDED ACTION

Motion to ratify Town staff offer and acceptance of County stipulations.



Town of Loxahatchee Groves

14579 Southern Boulevard, Suite 2 ▪ Loxahatchee Groves, Florida 33470 ▪ (561) 793-2418 Phone ▪ (561) 793-2420 Fax ▪ www.loxahatcheegrovesfl.gov

January 15, 2015

Mr. Robert Weisman, County Administrator
Palm Beach County
301 Olive Avenue
West Palm Beach, FL

Dear Mr. Weisman:

The Loxahatchee Groves Town Council, at its regular meeting of January 6, 2015, authorized the Town Manager and Town Attorney to negotiate with the Palm Beach County Administrative staff for the conveyance of the land (1.34 acre parcel) currently leased to the Central Palm Beach County Chamber of Commerce located within the PBC Loxahatchee Groves Park.

At that same meeting, the Town Council also adopted Resolution No. 2015-02 requesting Palm Beach County to waive payment by the Town for the identified land. As you know, Loxahatchee Groves is Palm Beach County's newest municipality, and unlike most municipalities had very little infrastructure in place when it incorporated. Even though Town revenue sources are limited, it has been providing much needed services to its residents. Additionally, the Town has been working to put its building blocks together for a bright and successful future for its residents. This action by the Town Council to invest a significant portion of its available funds in this acquisition for a Town Hall further reflects its commitment to being a viable, prosperous community and neighbor in Palm Beach County.

To be sure, we understand the County's position on this sale and realize the amount the County is recommending is very reasonable from a County perspective; however, the cost of the building along with the land acquisition represents an enormous amount for our Town. The Town would respectfully request that the County accept a purchase price of \$20,000, and the Town would agree to a deed restriction that the real property be used solely for proper public purposes and would not be sold, transferred or conveyed to a private individual or non-governmental entity without the County's prior written consent. Additionally, the Town would accept the County reserving onto itself the $\frac{3}{4}$ interest in mineral rights it currently has.

Thank you for your consideration.

Sincerely,

William F. Underwood, II
Town Manager

cc: Honorable Melissa McKinley, Palm Beach County Commissioner
Honorable Mayor and Town Council
Michael Cirullo, Town Attorney

Janet Whipple

From: Janet Whipple
Sent: Friday, January 30, 2015 4:53 PM
To: MMcKinlay@pbcgov.org
Cc: William (Bill) Underwood, II
Subject: Town of Loxahatchee Groves/Central Palm Beach County Chamber of Commerce Building 01/30/2015

Honorable Commissioner Melissa McKinlay (District 6),

For Mayor David Browning, I am transmitting his thoughts below on behalf of the Town of Loxahatchee Groves.

As you may recall when we last met, I had mentioned the Town of Loxahatchee Groves had the possibility of purchasing the Central Palm Beach County Chamber of Commerce building located within our Town at Southern Boulevard and F Road. At the time, it was our hope the County Commission would donate the land to the Town. Previously, Palm Beach County had leased a portion of the park land to the Chamber for \$1 per year. Since I met with you, the Town Council has committed to purchasing the Chamber of Commerce Building, and Town Staff has worked with your County Staff to purchase the land from the County. I am now respectfully requesting your support in the Town's efforts to establish a permanent governmental center at the County owned park land. The Town is prepared and able to meet the proposed stipulations of the sale. The Town is willing to pay the value of the land as park property which is reflected in the County appraisal of \$20,000. Please accept my appreciation, in advance, for your support of the Town's purchase. Additionally, I plan to be in attendance at your February 3, 2015, meeting where the item will be considered. If you should have any questions, I would be pleased to address any questions you might have during the meeting. Thank you.

Sincerely,

David Browning
Mayor

Janet K. Whipple, MMC
Town Clerk
Town of Loxahatchee Groves
jwhipple@loxahatcheegrovesfl.gov
www.loxahatcheegrovesfl.gov
Phone: (561) 793-2418
Fax: (561) 793-2420





Item 10.b.

NEW BUSINESS

Correction to Resolution No. 2015-03

Janet Whipple

From: Nick Uhren <NUhren@palmbeachmpo.org>
Sent: Tuesday, January 20, 2015 4:59 PM
To: Janet Whipple
Subject: RE: Town of Loxahatchee Groves - Resolution 2015-03 re State Road 7 Construction

Hi Janet,

Thanks for forwarding this to our attention. I will ensure that all MPO Board members receive it. One quick clarification – it is FDOT that is proposing to delay the SR 7 project from FY 16 to FY 20 in their proposed work program, not Palm Beach County.

Thanks again!
Nick

Nick Uhren, P.E. - Executive Director
Palm Beach MPO - *Transportation Planning for the Palm Beaches*
2300 N Jog Road, 4th Floor ♦ West Palm Beach, FL 33411 2749
561-684-4042 (direct) ♦ 561-684-4170 (main) ♦ 561-876-1482 (cell)
www.PalmBeachMPO.org

From: Janet Whipple [<mailto:jwhipple@loxahatcheegrovesfl.gov>]
Sent: Tuesday, January 20, 2015 1:45 PM
To: Nick Uhren; SHaynie@ci.boca-raton.fl.us; Shelley Vana; MaryLou Berger; Hal Valeche; Paulette Burdick P.; Steven Abrams; Melissa McKinlay; Priscilla Taylor A.; Robert Weisman; Laura A. Aldrich
Cc: William (Bill) Underwood, II; mcirullo@cityatty.com
Subject: Town of Loxahatchee Groves - Resolution 2015-03 re State Road 7 Construction

MPO, PBC Board of County Commissioners, Palm Beach County Administrator, Western Communities Representative,

Attached please find Resolution No. 2015-03, from the Town of Loxahatchee Groves, expressing continued support for the extension of State Road 7 from Okeechobee Boulevard to Northlake Boulevard and urging the extension be constructed in Fiscal Year 2016. Thank you.

Janet K. Whipple, MMC
Town Clerk
Town of Loxahatchee Groves
jwhipple@loxahatcheegrovesfl.gov
www.loxahatcheegrovesfl.gov
Phone: (561) 793-2418
Fax: (561) 793-2420

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-03

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA EXPRESSING ITS CONTINUING SUPPORT FOR THE EXTENSION OF STATE ROAD 7 FROM OKEECHOBEE BOULEVARD TO NORTHLAKE BOULEVARD; OBJECTING TO THE POSTPONEMENT OF THE CONSTRUCTION OF THE STATE ROAD 7 EXTENSION AND URGING THAT THE EXTENSION BE CONSTRUCTED IN FISCAL YEAR 2016; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves' residents and businesses rely on the ability to use roadways in the area; and

WHEREAS, since 1999 the Western Communities have supported the extension of State Road 7 from Okeechobee Boulevard to Northlake Boulevard as an important roadway to address traffic needs in and around the Western Communities; and,

WHEREAS, in 2011, the Town Council adopted Resolution 2011-009, urging the Palm Beach County Metropolitan Planning Organization (MPO) to maintain the extension of State Road 7 to Northlake Boulevard in the 5-year transportation improvement program (TIP); and,

WHEREAS, the program for the extension of State Road 7 to Northlake Boulevard currently calls for its construction in Fiscal Year 2016; and,

WHEREAS, Palm Beach County is contemplating delaying the construction of the extension of State Road 7 to Northlake Boulevard until Fiscal Year 2020; and,

WHEREAS, at its December 8, 2014, meeting the MPO objected to the delay in the construction of the extension of State Road 7 to Northlake Boulevard until Fiscal Year 2020, and requested that it be funded in Fiscal Years 2016-2019; and,

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-03

WHEREAS, at its December 12, 2014, meeting the Western Communities Council adopted Resolution 2015-001, supporting the actions of the MPO and requesting that the extension of State Road 7 to Northlake Boulevard be constructed in Fiscal Year 2016; and,

WHEREAS, the Town Council of the Town of Loxahatchee Groves finds it to be in the best interests of the Town to support the actions of the MPO, and to request that the extension of State Road 7 to Northlake Boulevard be constructed in Fiscal Year 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA 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 Resolution.

Section 2. The Town Council of the Town of Loxahatchee Groves, Florida, continues its support for the extension of State Road 7 to Northlake Boulevard, supports the position of the MPO that the construction of the extension not be delayed until Fiscal Year 2020, and urges that the extension be constructed in Fiscal Year 2016.

Section 3. The Town Clerk is directed to transmit a copy of this Resolution to the MPO, all members of the Palm Beach County Commission, the Palm Beach County Administrator, and the Secretary of the Western Communities Council, Inc.

Section 4. If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

TOWN OF LOXAHATCHEE GROVES

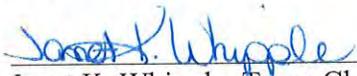
RESOLUTION NO. 2015-03

Section 5. All Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED by the Town Council of the **TOWN OF LOXAHATCHEE GROVES, FLORIDA, this 6th day of January, 2015.**

ATTEST:



Janet K. Whipple, Town Clerk

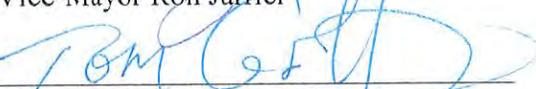
TOWN OF LOXAHATCHEE GROVES,
FLORIDA



Mayor David Browning



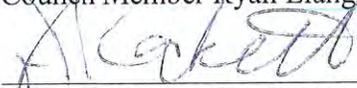
Vice-Mayor Ron Jarriel



Council Member Tom Goltzené

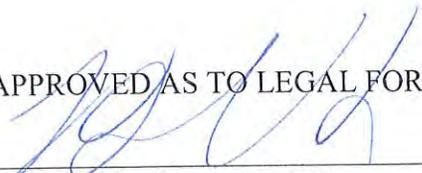


Council Member Ryan Liang



Council Member Jim Rockett

APPROVED AS TO LEGAL FORM:



Office of the Town Attorney