



Town of Loxahatchee Groves
Regular Meeting, January 18, 2011 at 7:00 p.m.
MINUTES

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

Frank R. Spence, Town Manager
Michael D. Cirullo, Jr. Town Attorney; Goren, Cherof, Doody & Ezrol, P.A.
Ann Harper, Town Clerk

1. OPENING

- A. Call to Order/Roll Call**
- B. Pledge of Allegiance**
- C. Invocation**

Mayor David Browning called the meeting to order at 7 p.m. In addition to Mayor Browning, the following Council members were present: Councilmen Ron Jarriel, and Jim Rockett, and Vice-Mayor Dennis Lipp. After the Pledge of Allegiance, Mayor Browning gave the Invocation. Present from Staff were Frank Spence, Town Manager, Michael Cirullo, Town Attorney, and Ann Harper, Town Clerk.

D. Additions and Deletions

Mr. Spence asked that agenda item #5 be moved to the first part of the meeting because it is time sensitive.

E. Approval of Agenda

Vice-Mayor Lipp suggested that since we have the Public Hearing tonight, we have the public speak first. He also suggested that that the Council members hold their comments on this until our next workshop. Mayor Browning said Attorney Cirullo would make an explanation first, and then the public will speak.

Councilman Ryan Liang arrived at 7:05 p.m.

Motion was made by Vice-Mayor Lipp, seconded by Councilman Jarriel, to approve the Agenda as amended. The motion carried by voice vote, 5/0.

2. CONSENT AGENDA

- A. Approval of November 16, 2010 Minutes of Town Council Meeting**

Motion was made by Vice-Mayor Lipp, seconded by Councilman Jarriel, to approve the Consent Agenda. The motion passed by voice vote, 5/0.

3. PRESENTATIONS - None

4. COMMITTEE REPORTS – None

7. RESOLUTIONS – Moved to beginning of agenda

RESOLUTION NO. 2011-001

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUPPORTING THE LEGISLATION REQUESTED BY THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT TO PROVIDE FOR CERTAIN DEDICATIONS OF ROADWAY WIDTHS WITHIN THE BOUNDARIES OF THE DISTRICT AND THE TOWN; AMENDING AND SUPERSEDING RESOLUTION 2010-012 TO CONFIRM THE SUPPORT OF THE TOWN COUNCIL OF THE REVISED, PROPOSED LEGISLATION; PROVIDING THAT COPIES OF THIS RESOLUTION BE FORWARDED TO THE PALM BEACH COUNTY LEAGUE OF CITIES, THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, THE PRESIDENT OF THE FLORIDA SENATE, AND THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES; AND PROVIDING FOR AN EFFECTIVE DATE.

- A. Review of the revised proposed Local Bill being presented by the Loxahatchee Groves Water Control District to the local legislative delegation.

Mr. Spence said the Council will consider the revised proposed Local Bill being presented by the Water Control District to the local legislative delegation. When the original Bill was submitted to the Delegation, the Palm Beach County League of Cities filed an objection to it and opposed its being endorsed or sponsored by the Legislative Delegation. After many hours and weeks of negotiations between the League's Attorney Trela White, the Town's Attorney Mike Cirullo, the Water Control District's Attorneys Frank Pallen & Mary Viator, and the District's Lobbyist David Ramba, we finally have a Bill that is acceptable to all parties. The Water Control District's Board of Supervisors unanimously approved the new version at their meeting on January 10, 2011. Attorney Cirullo and Mr. Spence both spoke with League Attorney Trela White, who told them that if the Town Council approves this revised Bill, she will advise the full Board of Directors of the League of Cities at their next meeting on January 26, 2011, that we have reached an agreement acceptable to all parties and recommend that the League withdraw its opposition.

Mr. Spence read the title of the Resolution.

Motion was made by Councilman Jarriel, seconded by Councilman Rockett, to approve the Resolution.

Public Comments

Marge Herzog said she was not in favor of Council approving this Resolution. She said that Laura Tindall also wishes to speak against this agenda item, but she will not be at the meeting until later.

Roy Parks said he is against anything that provides them with the ability to take land.

John Ryan said he would like to clarify the bill. The Bill is involved with formalizing existing prescriptive easements on the road's surface, that is road edge to road edge. There is no taking of land that is being used for any other purpose.

Council Action

There were no Council comments. Mayor Browning called for a voice vote on the motion to approve the Resolution, which carried 5/0.

5. PUBLIC HEARINGS

- A. Consideration of the Proposed SETTLEMENT AGREEMENT between CALLERY-JUDGE GROVE, L.P., and SEMINOLE IMPROVEMENT DISTRICT, Petitioners, v. TOWN OF LOXAHATCHEE GROVE and THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, Respondents.

Attorney Cirullo said this Public Hearing is the procedure the Council requested to provide an additional public input opportunity. This is not an approval or an adoption hearing. As we move forward with this, there will be formal adoption and approval hearings. He reviewed actions which led to this settlement agreement, and said there are four main areas of the settlement, outlined as follows:

- (1) Policies, goals and objectives relating to capacity of Okeechobee Boulevard within the Town's boundaries - One of the main concerns is that nothing will be done to inhibit the efficiency of the traffic flow on Okeechobee within the Town. Requirements will be placed on property owners along Okeechobee Boulevard if they come in for new development permits to make changes to their property or change land use. They will have to provide additional access and dedications which would allow Okeechobee to be widened under the County plan of four lanes.
- (2) Roadway Connections – additional roadways are required to connect to the West and to the North. Right now the roadway that is in place is 140th and D, and this requires the Town to improve that connection to be more direct. The Town Council is also required to identify two additional North/South connectors within three years, and we are required to construct in three years of being notified that the Seminole Improvement District is ready to proceed with new development. The Agreement calls for 2 additional East/West connectors; one North of Okeechobee and one South of Okeechobee. The North one has been discussed, and the other one is to be identified within three years. Once identified, the Town has two years to construct once “triggered” by issuance of building permits.
- (3) Intergovernmental coordination – the effort is to provide additional dialog with neighboring Western communities about mixed uses in other jurisdictions. It also provides for coordination on transportation issues.
- (4) Funding mechanism – this provides some additional funding for any capital improvements that the Town is committed to do as part of the Settlement Agreement. It provides for a proposed impact fee, but not as part of the Agreement. The Town is agreeing to do it because within a year there must be studies to support and to correlate the amount of the fee with what it is being used for. This would only be applicable to new development

Attorney Cirullo described the next steps to be taken if the Town Council wishes to proceed down this path and reviewed the results of the conference call on January 18, with eighteen participants and about sixteen people calling in to speak. The DCA is expected to move this forward on the departmental level.

Mayor asked Attorney Cirullo to talk about funding. The Attorney said the Town must be able to fund the items that the Town agrees to in the settlement agreement. The Town has gas tax dollars that can be used to construct roads or to acquire right-of-way. Impact fees, which will be available only when new development comes in, could also provide funding for capital improvements. Those are the two main sources.

Public Comments

The following people spoke in opposition to the proposed agreement:

Doreen Baxter
Grace Joyce
James Wells
Betty Ahlborn
Roy Parks
Neil Enos
Marge Herzog
Neil Schiller, Attorney, Becker & Policoff, representing Bill Day
Kieran Kilday, representing Bill Day
Patrick Painter
John Ryan
Nina Corning
Frank Schiola

Council Comments

Vice-Mayor Lipp said he appreciates everyone coming to the meeting and said he has listened carefully to their comments. He described how he would change policy sections 211-.1 and .2 and said this is not a workable agreement.

Councilman Jarriel said we need one more workshop for the people who live on Okeechobee Boulevard. He said the people who came here tonight have let the Council know that they want this case to go before a judge.

Councilman Liang said it was good to hear comments from the public and said he liked improving the connections at E Road and at Sycamore.

Councilman Rockett also thanked the people who came to the meeting and said a lot of good points were made. He asked for the financial cost of the settlement, and he said he understands the speakers want the Council to fight for the rights of the residents and landowners and push back from this agreement.

Mayor Browning said he was chosen to negotiate with Callery Judge to get the best deal we could get, but this agreement does not reflect where he stands and where his heart is. He thanked the residents for coming to the meeting and said the Town will be working with Okeechobee residents in workshops.

6. ORDINANCES - 1st Reading - None

7. Moved to first part of meeting

8. OLD BUSINESS

- A. Notice that the moratorium on development as contained in Ordinance 2010-1 expired on January 1, 2011

Mr. Spence said the moratorium on development expired on January 1st. Attorney Cirullo recommended the Council authorize him to prepare an ordinance to extend the moratorium.

Motion was made by Vice-Mayor Lipp, seconded by Councilman Liang, to authorize the Attorney to prepare an ordinance for next meeting which will extend the moratorium for six months with the same provisions as the previous ordinance. The motion carried by voice vote, 5/0.

- B. Notice that the Town Council will sit as the Town's Local Planning Agency (LPA) on Tuesday, February 1, 2011 beginning at 5:30pm at the Loxahatchee Groves Water Control District headquarters (501 West D Road) to consider three proposed Amendments to the Land Use Plan: 1) Adopting a Multiple Land Use (MLU) category; 2) Simon property / Loxahatchee Groves Commons – Application 11-1.2; and 3) Loxahatchee Equestrian Partners LLC / Solar Sports Systems, Inc. – Application 11-1.3

Mr. Spence gave notice of the LPA meeting on February 1st, 2011, beginning at 5:30 p.m.

9. NEW BUSINESS

- A. Addendum Items (if needed)

10. ADMINISTRATIVE UPDATE

- A. January/February 2011 Calendar

11. CLOSING COMMENTS

- A. Public Comments

Ken Soule appeared on behalf of the officers of American Legion Post 367 and offered to provide the services of a Color Guard or Honor Guard if the Council would like them at any time.

Marge Herzog requested financial support from the Council for the Girls State Program of the American Legion. The student has been selected to participate, and she is from the Acreage and attends Seminole Ridge High School.

Motion was made by Councilman Jarriel, seconded by Councilman Rockett, to provide \$300 towards the cost of sending the student to Tallahassee for the Girls State Program. The motion carried by voice vote, 5/0.

- B. Town Attorney Comments – Attorney Cirullo said he would be out of the office from January 23rd through January 30th.

- C. Town Council Member Comments

Vice-Mayor Lipp announced his intent to run for a second term in office in the election on March 8th, 2011.

Councilman Rockett said the Western Communities Council met and asked for support from the cities on the project to extend State Road 7 to the Northwest. If the Town has not already passed such a Resolution, he asked the Attorney to prepare a Resolution for Council approval. Next meeting of the Western Communities Council is scheduled for April 14th.

Councilman Jarriel asked how soon can the Council make a decision on the Agreement, and do we have to follow a process. Attorney Cirullo said the Council does not have to follow a process, and an update is due to the Administrative Law Judge on January 31st. The Attorney outlined various actions the Council could take and said it is the Council's call.

Mayor Browning said the Council had agreed to have a Public Hearing tonight so the residents could be heard, but the Council would not make a decision tonight.

Attorney Cirullo said he would advise the Judge that the Council needs another thirty days. He said the Council could then authorize him to schedule a meeting with them to go over the comments made this

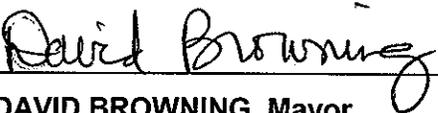
evening and report back to the Council whether there is anything further that can be done with this agreement.

Councilman Rockett said he would like for the Attorney to repeat the tone and the statements which were made tonight when he meets with the Callery Judge representatives.

Vice-Mayor Lipp asked Mr. Spence to work on a date for a combined workshop on Okeechobee Boulevard and the Settlement Agreement to be held on a Saturday. Mr. Spence said single-subject workshops would be better. Vice-Mayor Lipp suggested that having the Settlement Workshop at the Presbyterian Church and the Okeechobee workshop at Pastor Lyera's Church since he offered the building as a meeting place.

D. Adjournment

There being no further discussion and no additional public comment, the meeting was adjourned at 8:40 p.m.



DAVID BROWNING, Mayor

February 15, 2011
Date Council Approved

Attest: 

Ann Harper, Town Clerk