



# **Town of Loxahatchee Groves**

## **Regular Meeting, March 1, 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  
James P. Fleischmann, Town Planner, Land Research Management, Inc.

#### **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, Ryan Liang, 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, James Fleischmann, Town Planner, and Ann Harper, Town Clerk.

#### **D. Additions and Deletions**

- A. Additions and Deletions**

Mr. Spence added item 9D, scheduling a meeting date for the Canvassing Board.

Vice-Mayor Lipp added item 9E, Resolution from the Town of Palm Beach regarding the Office of the Inspector General.

- B. Approval of Agenda**

Motion was made by Councilman Liang, seconded by Councilman Rockett, to approve the agenda as amended. The motion carried by voice vote, 5/0.

#### **2. CONSENT AGENDA**

- A. Approval of Minutes of Regular Town Council Meeting on February 1, 2011**
- B. Approval of February 2011 Invoice from Goren, Cherof, Doody & Ezrol, P.A., Town Attorneys**

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

#### **3. PRESENTATIONS – None**

#### 4. COMMITTEE REPORTS

##### A. Intergovernmental Coordination Committee (Councilman Liang)

Councilman Liang reviewed the subjects discussed by the Committee at their February 25 meeting, including the culvert on 40<sup>th</sup> Street North and 22<sup>nd</sup> Street.

##### B. Finance Committee (meeting of 2/28/11) (Elise Ryan)

- (1) Restated November 2010 Financial Statements
- (2) Restated December 2010 Financial Statements
- (3) January 2011 Financial Statements

Mrs. Ryan said the Committee approved the financial statements on the agenda and asked Staff to provide the statements in a more timely manner.

Motion was made by Councilman Rockett, seconded by Councilman Jarriel, to approve the financial statements for November and December 2010, and January 2011. The motion passed by voice vote, 5/0.

#### 5. PUBLIC HEARINGS – Ordinances 2<sup>nd</sup> Reading

##### A. ORDINANCE NO. 2011-008

**AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), ARTICLE 20 ENTITLED, "RESIDENTIAL ZONING DISTRICTS", SECTION 20-015, "PERMITTED USES" TO PROVIDE FOR A MOBILE HOME AS A SPECIAL EXCEPTION USE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE. (2<sup>nd</sup> Reading)**

Mr. Spence read the title of the Ordinance. Attorney Cirullo said this is a "housekeeping" matter relating to the new ULDC's. This provides for mobile homes to be permitted as a special exception to the Code.

Motion was made by Vice-Mayor Lipp, seconded by Councilman Liang, to approve the Ordinance on second and final reading.

The Public Hearing was opened. No one came forward to speak, and the Public Hearing was closed.

There were no comments from Council members.

Mayor Browning called for a roll-call vote on the motion, which carried as follows:

AYES: Councilman Liang, Jarriel, and Rockett; Vice-Mayor Lipp, Mayor Browning.

NAYS: None.

**B. ORDINANCE NO. 2011-009**

**AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR A TOWN ORDINANCE RELATING TO CODE ENFORCEMENT AUTHORITY AND PROCEDURES WITHIN THE TOWN PURSUANT TO CHAPTER 162, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE. (2<sup>nd</sup> READING)**

Mr. Spence read the title of the Ordinance. Attorney Cirullo said this ordinance was approved on first reading, and approval on second reading will provide the Town with authority for its own code enforcement program, including the amount of fines.

Motion was made by Councilman Liang, seconded by Councilman Rockett, to approve the ordinance on second and final hearing.

Mayor Browning opened the Public Hearing. No one came forward to speak, and the Public Hearing was closed.

Mayor Browning called for a roll-call vote on the motion, which carried as follows:

AYES: Councilman Liang, Jarriel, and Rockett; Vice-Mayor Lipp, Mayor Browning.

NAYS: None.

**6. ORDINANCES - 1<sup>st</sup> Reading**

**ORDINANCE 2011-001**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE CURRENTLY EFFECTIVE COMPREHENSIVE PLAN TO REVISE THE MULTIPLE LAND USE (MLU) FUTURE LAND USE CATEGORY TO BETTER REFLECT THE CHARACTER AND CIRCUMSTANCES OF THE TOWN, TO REVISE SECTION II.C.10: MULTIPLE LAND USE DEVELOPMENT OF THE FUTURE LAND USE ELEMENT AND TO CREATE OBJECTIVE 2.10: SPECIAL LAND USE POLICIES TO THE FUTURE LAND USE ELEMENT; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**ORDINANCE 2011-002**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE ADOPTED COMPREHENSIVE PLAN TO INCORPORATE THE MULTIPLE LAND USE (MLU) FUTURE LAND USE CATEGORY, INCLUDING AMENDING TABLE 1-8 OF THE FUTURE LAND USE ELEMENT AND TO CREATE POLICY 1.1.14 AND OBJECTIVE 1.15 TO THE FUTURE LAND USE ELEMENT; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**ORDINANCE 2011-003**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AN AMENDMENT TO THE TOWN OF LOXAHATCHEE GROVES CURRENTLY EFFECTIVE COMPREHENSIVE PLAN, IN ACCORDANCE WITH CHAPTER 163, SPECIFICALLY SECTION 163.3184, FLORIDA STATUTES, CONCERNING A LARGE-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY LAND DESIGN SOUTH, DESIGNATED AGENT FOR THE APPLICANT, ATLANTIC LAND INVESTMENTS, LLC, THE CONTRACT PURCHASER FOR PROPERTY OWNED BY ERNEST G. SIMON, AS TRUSTEE OF TRUSTS "A" AND "B" U/W/O ALEXANDER ABRAHAM SIMON**

TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 10 ACRES) TO MULTIPLE LAND USE (MLU) FOR THE PURPOSE OF INCORPORATING COMMERCIAL LOW, COMMERCIAL LOW-OFFICE, AND RURAL RESIDENTIAL 5 LAND USES WITHIN A UNIFIED DEVELOPMENT CONCEPT FOR FUTURE DEVELOPMENT OF PROPERTY ON 97 ACRES LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA (AMENDMENT 11-1.2A); PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2011-004**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AN AMENDMENT TO THE TOWN OF LOXAHATCHEE GROVES ADOPTED COMPREHENSIVE PLAN TO BE EFFECTIVE WHEN THE ADOPTED COMPREHENSIVE PLAN IS EFFECTIVE, IN ACCORDANCE WITH CHAPTER 163, SPECIFICALLY SECTION 163.3184, FLORIDA STATUTES, CONCERNING A LARGE-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY LAND DESIGN SOUTH, DESIGNATED AGENT FOR THE APPLICANT, ATLANTIC LAND INVESTMENTS, LLC, THE CONTRACT PURCHASER FOR PROPERTY OWNED BY ERNEST G. SIMON, AS TRUSTEE OF TRUSTS "A" AND "B" U/W/O ALEXANDER ABRAHAM SIMON TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 5 ACRES) IN THE TOWN'S ADOPTED PLAN, TO MULTIPLE LAND USE (MLU) FOR THE PURPOSE OF INCORPORATING COMMERCIAL LOW, COMMERCIAL LOW-OFFICE, AND RURAL RESIDENTIAL 5 LAND USES WITHIN A UNIFIED DEVELOPMENT CONCEPT FOR FUTURE DEVELOPMENT OF PROPERTY ON 97 ACRES LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA (AMENDMENT 11-1.2B); PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2011-005**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AN AMENDMENT TO THE TOWN OF LOXAHATCHEE GROVES CURRENTLY EFFECTIVE COMPREHENSIVE PLAN, IN ACCORDANCE WITH CHAPTER 163, SPECIFICALLY SECTION 163.3184, FLORIDA STATUTES, CONCERNING A LARGE-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, SOLAR SPORTS SYSTEMS, INC. AND LOXAHATCHEE EQUESTRIAN PARTNERS, LLC TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 10 ACRES) TO MULTIPLE LAND USE (MLU) FOR THE PURPOSE OF INCORPORATING COMMERCIAL LOW, COMMERCIAL LOW-OFFICE, AND INSTITUTIONAL LAND USES WITHIN A UNIFIED DEVELOPMENT CONCEPT FOR FUTURE DEVELOPMENT OF PROPERTY ON 90.34 ACRES LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA (AMENDMENT 11-1.3A); PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2011-006**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AN AMENDMENT TO THE TOWN OF LOXAHATCHEE GROVES ADOPTED COMPREHENSIVE PLAN TO BE EFFECTIVE WHEN THE ADOPTED COMPREHENSIVE PLAN IS EFFECTIVE, IN ACCORDANCE WITH CHAPTER 163, SPECIFICALLY SECTION 163.3184, FLORIDA STATUTES, CONCERNING A LARGE-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY THE OWNERS OF THE PROPERTY, SOLAR SPORTS SYSTEMS, INC. AND LOXAHATCHEE EQUESTRIAN PARTNERS, LLC TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL (1 DU PER 5 ACRES) IN THE TOWN'S ADOPTED PLAN, TO MULTIPLE LAND USE (MLU) FOR THE PURPOSE OF INCORPORATING COMMERCIAL LOW, COMMERCIAL LOW-OFFICE, AND INSTITUTIONAL LAND USES WITHIN A UNIFIED DEVELOPMENT CONCEPT FOR FUTURE DEVELOPMENT OF PROPERTY ON 90.34 ACRES LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA (AMENDMENT 11-1.3B); PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Cirullo said these six ordinances are related to the three proposed amendments to the Comprehensive Plan. The first amendment is to add the multiple use designation to the Plan, and the other two amendments are applications for two parcels of land on Southern Boulevard. The Council met as the Local Planning Agency and recommended bringing these proposed amendments forward to the Council. The odd-numbered ordinances (1, 3, and 5) relate to the Palm Beach County Plan, which is in place until the Town's Plan is in effect. Ordinances 2, 4, and 6 relate to the Town's Adopted Plan, which is subject to the Administrative Challenge. Last week he received a call from the DCA (Department of Community Affairs) saying that the only amendments they will consider are the ones relating to the plan currently in effect, which is the County plan. The other ordinances (2, 4, and 6) should be tabled and brought back when the Town's Plan is in place.

#### Council Action

There were comments from the public, and no discussion by the Council members.

Motion was made by Councilman Jarriel, seconded by Councilman Liang, to table Ordinances 2011-2, 2011-4, and 2011-6 until such time that they can be brought back when the Town's plan is in place. The motion carried by voice vote, 5/0.

Motion was made by Vice-Mayor Lipp, seconded by Councilman Liang, that the documents and records from the LPA (Local Planning Agency) meeting of February 1<sup>st</sup>, 2011, are part of the record and become part of the three Public Hearings in the meeting tonight. The motion carried by voice vote, 5/0.

#### **Ordinance 2011-001**

#### Staff Presentation

Attorney Cirullo said Staff would make a presentation. He noted that in order for Ordinances 2011-3 and 5 to pass, four affirmative votes are required.

James Fleischmann, Town Planner, requested the following action on the three Ordinances: (1) Approve the proposed amendments on first reading; and (2) Authorize Staff to transmit the amendments to the FDCA. If the Council approves the Ordinances on first reading, there are several more steps to go through. The most critical is the review by DCA and the issuance of their report. During that process they solicit comments from other State agencies and regional planning councils. The total review takes six to seven months.

The first amendment to consider is the multiple land use category. The Palm Beach County Plan currently has a multiple land use category in it, but we are recommending modifications to their current criteria so it will be consistent with the Town's adopted Plan.

The second amendment is for the Loxahatchee Groves Commons property, and the third amendment is for SolarSports property.

In response to Mayor Browning's request to explain the advantages and why we are doing this, Mr. Fleischmann said the Town's Comprehensive Plan has many directives or activities they would like to see along Southern Boulevard. These include creating a town center, creating job opportunities, incorporating an assisted living facility, and extending Citrus/Tangerine. He described how these applications coordinate the Town's directives that are in the Town's planning documents.

### Public Comments

Bridget Subramanya said these changes will change the traffic and density and recommended waiting until you get advice of the new legal counsel before making any changes.

Grace Joyce said she found inconsistencies with the Town policies.

Nina Corning spoke about various issues with the applications.

### Council Comments

Councilman Liang, Vice-Mayor Lipp, and Councilman Rockett all asked Mr. Fleischmann specific questions regarding the applications, and he answered their questions.

After discussion regarding provisions for a 300' buffer, Council agreed to remove the 300' and add a reference to Section 2.10. Vice-Mayor Lipp suggested adding a provision that properties abutting Connecting Canal have a minimum buffer, and others must have a buffer as established by Section 2.10. Council agreed with this suggestion.

### Public Comments

Nina Corning commented on the requirements for buffers.

### Council Comments

Councilman Rockett brought up concerns about the "double dipping" approach and two-and-a-half acre lots.

Vice-Mayor Lipp suggested making the reference to five acres instead of two-and-a-half acres, and Council agreed.

### Public Comments

Nina Corning commented on the number of homes that can be built by using those measurements.

### Council Action

Attorney Cirullo described the number of homes that could be built on specific lots using "clustering".

Attorney Cirullo read the title of Ordinance 2011-001.

Motion was made by Vice-Mayor Lipp, seconded by Councilman Liang, to approve Ordinance 2011-001 on first reading and authorize transmittal to the Florida Department of Community Affairs (DCA). The motion carried by roll-call vote, as follows:

AYES: Councilmen Jarriel, Liang, and Rockett; Vice-Mayor Lipp; Mayor Browning.

NAYS: None.

### **Ordinance 2011-003**

Mr. Fleischmann said this ordinance is the application for development of 97 acres on the northwest corner of Southern Boulevard and B Road, known as the Simon property. The present land use is rural residential, and the request is to change the land use to multiple land use. The mixed use requested is for 21 acres zoned commercial low, 21 acres zoned

commercial low office, and 55 acres zoned rural residential. The applicant has voluntarily placed limitations on the amount of development.

Joe Lelonek, Land Design South, said he could make a presentation, if requested. His presentation would be the same as was given at the LPA meeting on February 1<sup>st</sup>.

#### Public Comments

Grace Joyce said the density of the commercial part of the plan is not consistent with Loxahatchee Groves; it is more consistent with Wellington and Royal Palm.

John Ryan asked the Council to consider as a condition to approving transmittal of these ordinances that the two applicants pay for the Town's defense of the Comprehensive Plan as is being challenged by Callery-Judge, and this payment obligation should start now.

Nina Corning reviewed comments she had made concerning the applications.

#### Council Comments

Councilman Rockett asked Mr. Fleischmann whether or not it is necessary for these ordinances to identify the multiple land use components, and Mr. Fleischmann responded that we have to identify at a minimum the land use components, but not the square footage. Councilman Rockett said he would like another public meeting on these applications and he would like to table Ordinances 3 and 5.

#### Public Comments

John Ryan repeated that the applicants should pay the costs of the Comprehensive Plan challenge going forward because they have the greatest economic benefit from the land use change.

#### Council Comments

Councilman Rockett said the component of paving B Road is not part of multi-use and not part of this transmittal. We can nail that down at some point in the future. It is a conditional statement that I would almost attach to this that this designation brings with it the condition that this road is paved with speed bumps and costs should be borne by those two parties. But what if one property is way ahead of the other, and it would be disproportionate for that party to pay. How do we make sure it is nailed down. Mr. Fleischmann and Attorney Cirullo explained how it would take place when they come in for zoning.

#### Public Comments

Nina Corning explained her concern with Callery-Judge and how we are adding more residents.

#### Council Action

Attorney Cirullo read the title of Ordinance 2011-003.

Motion was made by Councilman Liang, seconded by Councilman Jarriel, to approve Ordinance 2011-003 on first reading and authorize transmittal to the Florida Department of Community Affairs (DCA). The motion carried by roll-call vote, as follows:

AYES: Councilmen Jarriel, Liang, and Rockett; Vice-Mayor Lipp; Mayor Browning.

NAYS: None.

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Mayor Browning recessed the meeting at 8:50 p.m. The meeting reconvened at 9 p.m.  
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### **Ordinance 2011-005**

Attorney Cirullo said this is the future Land Use Amendment for the northeast corner of Southern Boulevard and B Road.

Mr. Fleischmann said this is the application for Solar Sportsystems and Loxahatchee Equestrian Partners and requests a Land Use change from Rural Residential to Multiple Lane Use for the 90.34 acres. He described the plans for the mixed uses of Commercial Low, Commercial Low Office, and Institutional with a buffer along Connecting Canal.

#### **Council Comments**

Vice-Mayor Lipp said this is the first time that outside agencies will be looking at this application and giving us their feedback, and that is one advantage of transmitting these applications.

#### **Public Comments**

Grace Joyce said the density is not consistent with the Town's rural character.

Nina Corning spoke about limiting density.

#### **Council Action**

Attorney Cirullo read the title of the Ordinance.

Motion was made by Councilman Liang, seconded by Councilman Jarriel, to approve Ordinance 2011-005 on first reading and authorize transmittal to the Florida Department of Community Affairs (DCA). The motion carried by roll-call vote, as follows:

AYES: Councilmen Jarriel, Liang, and Rockett; Vice-Mayor Lipp; Mayor Browning.

NAYS: None.

#### **7. RESOLUTIONS - None**

#### **8. OLD BUSINESS**

##### **A. Renewal of Agreement with Buena Fe Center (Acts II Church)**

Mr. Spence withdrew this item and said it would be placed on the next agenda. Mayor Browning said we need to notify the Sheriff's Office that the problem of workers congregating is back again, and we need to do something about it.

#### **9. NEW BUSINESS**

##### **A. Update on Callery-Judge Administrative Challenge**

##### **(1) Status of Callery-Judge Response**

Attorney Cirullo said at the last meeting the Council (1) rejected the proposed settlement and (2) directed him to contact their Counsel to see if they would like to submit another proposal

and (3) to contact qualified law firms to get their proposals to so the Town can retain Special Counsel for the litigation. All three tasks were accomplished. The Town received a response from Nat Roberts on Friday recognizing that the settlement was not acceptable to the Town and suggesting that the two parties request additional time from the Administrative Judge. He also suggested that attending the workshop scheduled for March 26 might be beneficial to them. The first step the Council needs to determine is whether or not they wish to provide more opportunities for discussion. We have until April 1<sup>st</sup> to provide another update.

#### Council Comments

Councilman Rockett said we need to pursue two paths: retain outside counsel and ask Callery-Judge to participate in an open meeting and see if that goes anywhere.

Councilman Liang commented on the Callery-Judge response.

Councilman Jarriel said he would like the public to know that there will be no more shade meetings because Nat Roberts is willing to work with the Town and build a better relationship.

Vice-Mayor Lipp said he agrees with Councilman Rockett to secure outside counsel and to have him come to a meeting.

#### Council Action

Motion was made by Councilman Rockett, seconded by Councilman Jarriel, to request an additional sixty-days (to June 1<sup>st</sup>) to report to the Administrative Judge, and during that time set up an opportunity at a workshop or a Council meeting to work to resolve the case.

#### Public Comments

Grace Joyce said the workshops for Okeechobee Boulevard residents and the Callery-Judge people should be separate.

Doreen Baxter said she agrees with Grace about the workshop, and if Callery-Judge wanted to cooperate with us they would withdraw the challenge and work with us.

Nina Corning said she agrees with the other two speakers.

#### Council Action

Mayor Browning called for a voice vote on the motion, which carried 5/0.

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#### (2) Hiring Special Litigation Counsel

- a. Bryant, Miller & Olive
- b. Casey, Ciklin, Lubitz, Martens & O'Connell
- c. Gunster, Attorneys at Law
- d. Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, P.A.

Attorney Cirullo said he recommended selection of a Special Counsel firm who could be instructed not to take any action until told to do so, but they could file notices and prepare for a hearing.

Motion was made by Councilman Rockett, seconded by Vice-Mayor Lipp, to select a Special Counsel firm as outlined by Attorney Cirullo. The motion carried by voice vote, 5/0.

Attorney Cirullo said he reviewed the applications submitted by the firms and did conflict checks. He outlined the charges for each firm and said any of these firms would do a good job for the Town.

After review and discussion, Motion was made by Councilman Rockett, seconded by Councilman Liang, to retain the firm of Gunster, Attorneys at Law, according to the terms of their cover letter. The motion carried by voice vote, 5/0.

- B. Request from Gift of Life for Special Event Permit (Event to be held at Apostolic Ministries, 13771 Okeechobee)
- C. Request from March of Dimes for Special Event Permit (Event to be held at Portuguese-American Center)

Mr. Spence said now that the Town has adopted its own ULDC's, the Code requires the Town Council to approve all Special Event Permits for an Outdoor Event. The two applications, from the Portuguese-American Club, and the Apostolic Ministries, both located on Okeechobee Blvd., are the first two to come before Council.

Motion was made by Councilman Rockett, seconded by Councilman Jarriel, to approve the two Special Event Permits.

#### Public Comments

Marge Herzog said she was concerned because the Ministries application is for noon to 4 pm, and the last time they had such an event the blaring music disturbed other churches having services at the time.

#### Council Action

Council agreed to stipulate approval for the Ministries application on the condition that they not disturb other nearby groups with their loud music.

Mayor Browning called for a voice vote on the motion to approve, which carried 5/0.

- D. Addendum Items (if needed)

Mr. Spence said Council needs to set a date for the Canvassing Board to meet. Mr. Spence recommended and Council agreed on Monday, March 14<sup>th</sup>, 2011, at 5 p.m. Councilman Jarriel said he would be out of town. The Canvassing Board, by Charter, is composed of the Town Clerk and the Council members who are not running for re-election.

Vice-Mayor Lipp said the Town of Palm Beach has approved a Resolution recommending that the Sheriff's Office and the School Board should be under the umbrella of the new Inspector General's Office in the County. He recommended that the Town approve a similar Resolution. The Council instructed the Attorney to place it on the next agenda.

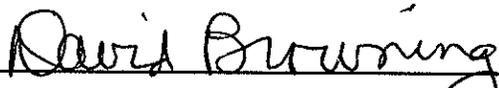
## **10. ADMINISTRATIVE UPDATE**

- A. March 2011 Calendar

**11. CLOSING COMMENTS**

- A. Public Comments
- B. Town Attorney Comments
- C. Town Council Member Comments
- D. Adjournment

There being no further discussion and no additional public comment, the meeting was adjourned at 10:30 p.m.

  
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**DAVID BROWNING, Mayor**

\_\_\_\_\_ April 5, 2011 \_\_\_\_\_  
**Date Council Approved**

**Attest:**   
\_\_\_\_\_  
**Ann Harper, Town Clerk**