



Town of Loxahatchee Groves  
Regular Town Council Meeting  
Tuesday, August 21, 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 Eichhorn  
Town Attorney Michael D. Cirullo, Jr.

## MINUTES

### 1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:02 p.m. Upon roll call, those present were Mayor David Browning, Vice Mayor Jim Rockett, and Council Members Tom Goltzené, Ronald Jarriel and Ryan Liang. Also present were: Managing Partner of Underwood Management Bill Underwood, Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, Town Attorney Michael D. Cirullo, Jr., and Town Clerk Susan Eichhorn.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda -

Mayor Browning announced that staff had requested that all items (Items 5.a., 5b., and 7.a.) related to the Palm Beach State College application would be heard together.

**Motion: Councilman Liang moved approval of the Agenda, as amended. The motion was seconded by Vice Mayor Rockett. The motion passed 5/0**

### 2. CONSENT AGENDA

a. Minutes for Approval: June 26, 2012; July 17, 2012; July 31, 2012; August 7, 2012

**Motion: Vice Mayor Rockett moved approval of the Minutes of June 26, 2012, July 17, 2012, July 31, 2012 and August 7, 2012. The motion was seconded by Councilman Liang. The motion passed 5/0.**

### **3. PRESENTATIONS**

- a. Certificate of Completion – Vice Mayor Jim Rockett  
2012 Institute for Elected Municipal Officials held June 22-24 in Tampa, Florida

Bill Underwood Managing Partner Underwood Management, representing the Florida League of Cities and the Institute of Elected Officials, presented the Certificate of Completion to Vice Mayor Rockett.

- b. Waste Pro of Florida, Inc. – Pete Reilly, Division Manager and Patricia Christensen, Municipal Marketing Manager

Pete Reilly, Division Manager Waste Pro of Florida, Inc. addressed the Town Council, stating that Waste Pro was offering no increase for this year, if the Town was willing to sign another contract for five years. The Town would save \$21,000 by making a decision, and not getting the increase this year. Waste Pro would also provide the 95 gallon carts at their cost, with serial numbers, and imprinted with the Town logo. The carts could be delivered as early as the first of the year. Everyone would not have to take them, but the 1,260 homes on the books would have carts delivered to them.

Councilman Goltzené asked if there was a renewal in the current contract. Town Manager Kutney responded that it appeared that the contract ran through 2012, and that Town Attorney Cirullo and he would meet to discuss the procurement issues, and then return at the September Town Council meeting with all information.

### **4. COMMITTEE REPORTS—None**

### **5. PUBLIC HEARINGS (Ordinances 2<sup>nd</sup> Reading)**

- a. Ordinance No. 2012-04 (2<sup>nd</sup> reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA COMPREHENSIVE PLAN TO: AMEND THE COMPREHENSIVE PLAN TEXT TO RESCIND SPECIAL POLICY 1.15.1 UNDER OBJECTIVE 1.15 OF THE FUTURE LAND USE ELEMENT; AND (2) AMEND THE FUTURE LAND USE MAP FLU-1.10 TO RESCIND THE MULTIPLE LAND USE DESIGNATION AND SPECIFIC REFERENCE TO SPECIAL POLICY 1.15.1 ON THE 96.7 ACRES LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD LOXAHATCHEE GROVES, FLORIDA, THUS RESTORING THE RR-5 LAND USE DESIGNATION ON THE PROPERTY; AMENDING THE FUTURE LAND USE MAP TO ASSIGN THE COMMERCIAL LOW DESIGNATION TO THE 21.73 CARES LOCATED

**TOWN OF LOXAHATCHEE GROVES**  
**MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, AUGUST 21, 2012**

AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD  
LOXAHATCHEE GROVES, FLORIDA AS INDICATED ON EXHIBIT 1 HERETO;  
PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT  
SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;  
AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Browning recognized the presence of some of the public officials in attendance: Village of Royal Palm Beach Mayor Mattioli, Indian Trails Improvement District President Michelle Damone, Palm Beach County Commissioner Jess Santamaria, and former Indian Trails Improvement District Supervisor Mike Erickson.

Town Attorney Cirullo explained that there were three items on the agenda related to Palm Beach State College: the second reading of Ordinance No. 2012-04, which was the adoption hearing of the comp plan amendment which would change the land use designation of the property currently owned by Mr. Simon; the second reading of Ordinance No. 2012-05 which was a text change amendment; Resolution No. 2012-10, which was a resolution to consider adoption of the Master Site Development Plan. He noted that the second readings were public hearings. The resolution was a quasi-judicial matter, so persons providing testimony to that item would be formally sworn.

Town Attorney Cirullo read Ordinance No. 2012-04 by title as printed above.

Town Planning Consultant Jim Fleischmann provided the staff report. He noted that submittals had been made to the required local, regional and State agencies, and no issues had been raised by any of those agencies. Staff recommended approval.

Mayor Browning announced that he had received many comment cards. He noted that many people were opposed to the college proposal, and questioned if that meant that they wanted the property to remain as commercial property.

At this time Mr. Bob Benz, Land Design South provided a power point presentation relative to the comp plan amendments. He explained that the amendment was not specific to the college, however, it would allow a land use to permit the college to be on the property. He discussed the road and traffic issues associated with the development plan.

Marsha Newell, 3508 "C" Road: Questioned how much tax money would be lost if the college was approved, and if the Town would get taxes on the commercial property if the college owns it.

Mayor Browning replied that the Town would receive taxes from the commercial portion of the property. Councilman Jarriel explained that the 21 acres that would be zoned commercial low (CL) could be offices, restaurants, etc., and the taxes received from that would be roughly ten times the amount the Town has received to date from that property. He added that he was not looking for revenue from the college; he was looking for benefits for students, and such benefits as employment.

Bill Louda, 1300 "E" Road: Commented that the first concept was nothing nearly as intense as the current plan; concerned as to height of buildings, equestrian concerns; concern that planning should

not be done piecemeal; suggested that the Town Council should think about what it was doing on a long term basis; that he would love to see the college here; perceived that the proposed plan was unbelievably large.

Mayor Browning commented that he did not believe that the horse trail had been eliminated.

Nina Corning 2834 "E" Road: Commented that she agreed with Dr. Louda that this was the first step; the use of the land for a college was not reflected in the traffic studies; provided a statistical handout for the Town Council; discussed figures regarding square footage and numbers of students.

In response to Mayor Browning, Town Attorney Cirullo explained that the ordinance would take out MLU, putting back the RR5, and on the corner putting CL and rescinding the policy that previously applied to this,.

**Motion: Vice Mayor Rockett made a motion to adopt Ordinance No. 2012-04. The motion was seconded by Councilman Jarriel. The motion passed 5/0.**

Town Attorney Cirullo noted that the Town Charter required 4 votes, and for the record, Ordinance No. 2012-04 was adopted by a 5/0 vote.

b. Ordinance No. 2012-05 (2<sup>nd</sup> reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA COMPREHENSIVE PLAN TO (1) AMEND THE COMPREHENSIVE PLAN TEXT TO CREATE SPECIAL POLICY 1.15.4 UNDER OBJECTIVE 1.15 OF THE FUTURE LAND USE ELEMENT WHICH REGULATES DEVELOPMENT ON THE 74.99 ACRE PROPERTY LOCATED GENERALLY AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD LOXAHATCHEE GROVES, FLORIDA, AS SPECIFICALLY INDICATED ON EXHIBIT 1, KNOWN AS THE PALM BEACH STATE COLLEGE PARCEL; AND (2) AMEND THE FUTURE LAND USE MAP FLU-1.10 TO INCORPORATE A SPECIFIC REFERENCE TO SPECIAL POLICY 1.15.4; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read ordinance No. 2012-05 by title as printed above.

Town Planning Consultant Jim Fleischmann provided the staff report. He noted that submittals had been made to the required local, regional and State agencies, and no issues had been raised by any of those agencies. Staff recommended approval.

Town Council Comments:

Councilman Goltzené commented with concerns regarding the site buffers planned, and stated that it looked as though the Town received a short shrift with the landscaping. He indicated that he would like to see more of a buffer along Southern Blvd. He expressed concern with the possibility of excessive building heights, and whether there was an adequate buffer for a 90 acre site.

Colleen Walter, Principal Urban Design Kildray Studios, on behalf of PBSC, responded that there would be a very detailed presentation on the next item which would address Councilman Goltzené's comments and other comments relative to building height. The item being heard now was the comp plan amendment. She requested that a response to specific questions be done when the full presentation was done on the Master Site Plan later this evening. The special policies would be the comp plan amendments that would govern development on the site and that was the item being considered right now.

Dr. Dennis Gallon, President Palm Beach State College, addressed the Town Council, remarking that other individuals from the college were present: three members of the district board of trustees; Dr. Peter Barbatis, Vice President for Student Services; members of the staff of Palm Beach State College. He stated that the college had listened to all input received and had tried to incorporate that input into the presentation that would be seen tonight. The presentation would be in two different phases: opening remarks by Dr. Gallon, and then the planner and architect would explain what the facility was all about. PBSC had been serving the community for almost 80 years, and had four full service campuses operating, because it was believed that access was very important. It was attempted to place facilities within commuting distance, and residents in this community deserved to have easy access. If you walked on each of the four campuses you would see the kind of track record that the college had embraced.

Mayor Browning requested public comment:

Nina Corning 2834 "E" Road: Commented that once you have agreed to this today you have no further power; the staff report indicated that approval of the Planning & Zoning Board had been obtained, however the language was vague. She presented some figures related to the square footage and the square foot per student ratio, and applied her figures to the number of students that would be attending the proposed college in the Town of Loxahatchee Groves. She said that once this was voted on today, you cannot go back; it would be with the State, and they were required only to give a five year update; these amendments were inconsistent with the Comprehensive Plan to preserve the Town of Loxahatchee Groves, and violated the Comprehensive Plan and the Vision Plan; the amount of commercial and the amount of damage to the Town would be tremendous.

Attorney Brian Seymour, Gunster Law Firm, on behalf of PBSC, responded that the math produced by Ms. Corning while technically accurate, was not legally correct; this was not a lot coverage question; it was not about the number of stories. There was also a full-time equivalent (FTE) cap that the college must adhere to. He stated that he wanted to clarify the point in case there was any confusion.

Mike Erickson, identifying himself as a former Indian Trails Improvement District Supervisor, and a community leader, commented in support of the college, noting that the buffers, trees, etc., could be decided and would need to match the community. He noted that this was a regional issue, and encouraged the Town Council to support putting the college on the site.

Michelle Damone, President Indian Trails Improvement District: Commented that she appreciated the opportunity to speak, since it was a western community issue and extremely beneficial to the area; churches and schools really were the characteristics of a community; the college would be a great opportunity, and the location was perfect for a college campus. She encouraged support for the college.

Palm Beach County Commissioner Jess Santamaria commented that he was speaking as a 38 year resident of the central-western communities, and would like to be considered as a friend and neighbor tonight. He recounted that he had lived within a 20 minute walk to a college as a young person, and his family was blessed, because all of his three brothers went to that college and walked to school every day. Therefore, he was familiar with having the blessing of being in the immediate vicinity of a college, both for educational programs and extracurricular activities. He said that he had encouraged Dr. Gallon to choose this site, and that it was the ideal site, because it was on a main thoroughfare. The traffic really did not have to go into the community. It could be directed in and out of Southern Blvd. The children and grandchildren and great grandchildren of the community would be the beneficiaries of this.

Mayor Browning commented that he had yet to hear anyone complain about the extra height of Palms West Hospital, and that with some of the angles in this area, those buildings really could not be seen. He noted that none of us wanted a bare front with two or three trees, and that the Palm Beach Gardens campus design was beautiful.

**Motion: Vice Mayor Rockett made a motion to adopt Ordinance No. 2012-05. Councilman Jarriel seconded the motion. The motion passed 4/1, with Councilman Goltzené dissenting.**

\*\*\*\*\* A five-minute break was taken at 8:25 p.m. The meeting resumed at 8:30 p.m.\*\*\*\*\*

c. Ordinance No. 2012-07 (2<sup>nd</sup> reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF THREE ADJOINING PARCELS, TOTALING APPROXIMATELY 2.1879 ACRES, MORE OR LESS, LOCATED AT OR NEAR 15003 AND 14955 SOUTHERN BOULEVARD, EAST OF "C" ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS ORDINANCE, FROM PALM BEACH COUNTY ZONING DESIGNATION COMMERCIAL GENERAL (CG) TO THE TOWN'S ZONING DESIGNATION COMMERCIAL LOW

(CL); PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo stated that this was a Quasi-Judicial proceeding, and administered the oath to anyone who would be providing testimony.

Town Attorney Cirullo reads Ordinance No. 2012-07 by title as printed above.

Town Attorney Cirullo advised that the applicant (the applicant was the Town) was limited to 30 minutes.

Town Planning Consultant Jim Fleischmann provided a brief report: The Morello property already had a future land use designation and had a commercial general zoning designation in the county. The application was to rezone the property, in order to make it consistent with the Town's Comprehensive Plan. The subject property was three small lots immediately east of C road; the application was to rezone from Commercial General (CG) in Palm Beach County to Commercial Low (CL) in the Town, which would make it consistent with the Town's Comprehensive Plan. Staff recommended approval.

Town Council comments: Councilman Goltzené commented that Mr. Morello had this zoning for a long time, and the restaurant was there before his house was ever there.

Public Comment: none

**Motion: Councilman Liang made a motion to adopt Ordinance No. 2012-07. The motion was seconded by Vice Mayor Rockett. The motion passed 5/0, on roll call.**

## 6. ORDINANCES (1<sup>st</sup> Reading) -

### a. Ordinance No. 2012-09

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 1.76 ACRES, MORE OR LESS, LOCATED ON SOUTHERN BOULEVARD, APPROXIMATELY 900 FEET EAST OF "C" ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE, FROM PALM BEACH COUNTY ZONING DESIGNATION COMMUNITY COMMERCIAL (CC) TO THE TOWN'S ZONING DESIGNATION

COMMERCIAL LOW (CL); PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read Ordinance No. 2012-09 by title, as printed above.

Town Planning Consultant Jim Fleischmann provided the staff report. He stated that it was a request by the property owner to rezone their property from Commercial General (CG) in Palm Beach County to Commercial Low (CL) in the Town. The property was 1.76 acres. Staff recommended approval:

Public Comments: None.

**Motion: Vice Mayor Rockett made a motion to adopt Ordinance No. 2012-09, on first reading. The motion was seconded by Councilman Liang. The motion passed 5/0, on roll call.**

## **7. RESOLUTIONS *(heard immediately following Ordinance Nos. 2012-04 and 05)***

### **a. Resolution No. 2012-10 - Quasi Judicial Public Hearing**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE MASTER SITE DEVELOPMENT PLAN FOR THE PALM BEACH STATE COLLEGE CAMPUS, PURSUANT TO SPECIAL POLICY 1.15.4 UNDER OBJECTIVE 1.15 OF THE FUTURE LAND USE ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN, FOR THE DEVELOPMENT OF THE 74.99 ACRE PROPERTY LOCATED GENERALLY AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD LOXAHATCHEE GROVES, FLORIDA, KNOWN AS PALM BEACH STATE COLLEGE, AS SPECIFICALLY INDICATED WITHIN THE MASTER SITE DEVELOPMENT PLAN ATTACHED HERETO AS EXHIBIT 1; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read Res. 2012-10 by title, as printed above.

Town Attorney Cirullo advised that this was a quasi-judicial matter, and that he would swear in those who wanted to provide testimony; those making public comments that wanted to present facts also needed to be sworn. The Mayor would remain the Chair.

Town Attorney Cirullo advised that the Town Council would make a determination tonight as to whether there has been compliance with the Comprehensive Plan. The Applicant had asked for 30 minutes for the presentation. At the end of the presentation, staff would have 30 minutes for presentation. Other persons who wished to submit relevant information could come up during the public hearing, which the Mayor would call after staff presentation. He noted that homeowners and civic organizations would have five minutes to speak; other speakers would have three minutes, as set forth in the Town Code.. Members could present non expert opinions, but public sentiment was not relevant to the Town Council decision; the Town Council must consider the facts and weigh it against the criteria. At the end of public comments, Town staff would speak, then the applicant would have the opportunity to speak. It would then be turned over to the Town Council for deliberation, and there would be no more testimony and evidence, unless there was a motion and a second made by the Town Council to re-open the public hearing.

At this time, Town Attorney Cirullo administered the oath to swear in everyone that was going to present evidence or speak in a manner that would require swearing in. If anyone thought he/she might speak and give some facts and thought it might be considered as evidence, those persons would need to be sworn in.

Applicant:

Attorney Brian Seymour, Gunster Law Firm, representing PBSC addressed the Town Council, submitting for the record the most updated and correct Florida Department of Transportation (FDT) letter, dated February 28, 2012. He introduced Architect John Wasukanis, Director of Facilities for PBSC, who would provide factual and, if necessary, expert testimony. He added that the comp plan amendments that were just approved were the framework for what would be presented this evening. He referred to the agencies who would be involved with approval, along with the approval of the Town Council of any development and design.

Dr. Dennis Gallon, President PBSC, addressed the Town Council, expressing that the four existing campuses were strategically located to serve the residents in nearby communities. He stated that the people in this community were the most underserved by the college. He reviewed the development of two of the PBSC campuses, Lake Worth and Palm Beach Gardens. He responded to the query of Councilman Jarriel regarding the area of the Palm Beach Gardens campus, which was 123 acres.

Jose Rodriguez, PBSC Architect, addressed the Town Council, referring to a power point presentation and going through how the development plan was created. The planning principal behind this campus was designed around what was unique and authentic about the area. In addition, there were buffers, and a lot of the material was already in place. The idea was to preserve and supplement them.

Colleen Walter, Principal Urban Design Kilday Studios, registered landscape architect and certified land planner, referred to page two in the Design Guideline, noting that one of the

primary goals is that the site design should incorporate native vegetation etc. She observed that one of the first things done was to look at the landscape buffers, with the intent to do more than what the Town required. The right-of-way buffers required by Town Code required a min 15' width, one tree for every 30 linear feet, and a hedge inside of the buffer. PBSC used a 25' width, one tree for every 20 linear feet, with some clustering; instead of one hedge, there would be a minimum of two tiers of hedges, or plant masses with three shrubs in depth. If there were existing native trees that can be preserved they would be preserved. The other campuses were not governed by municipal jurisdiction, so this commitment to the Town was above and beyond any commitment the college had made previously. The buffers in the proposed commercial development would be a buffer of a min of 10' in width and one shade tree for every 30 lineal feet. The two buffers (college and commercial) would work together and complement each other. For property owners along the north side of the site – structures would be kept within two stories or thirty-five feet in height. She addressed the concern of closeness to the community, since there are two homes along the northern property line. She noted that they are set back significantly from the right of way line. The northern edge had very dense trees and thick ground cover. It basically provided a fully opaque edge and is very similar to what is at the Palm Beach Gardens campus.

John Wasukanis, Director of Facilities for PBSC reviewed photos of the Palm Beach Gardens campus, indicating how the buffers on the campus worked, noting that there were similarities with the site in Loxahatchee Groves.

Mr. Rodriguez now addressed traffic control in the area, exhibiting an aerial view of the community. It was anticipated that the traffic would come from the perimeter roads, Crestwood, Southern Blvd., and Seminole Pratt Whitney. He pointed out that the plan was a 50 year plan. The site would stay virgin for a long period of time. In addition to the Master Plan, there were design guidelines that supplemented it. The guidelines incorporate the intent of harmonizing and preserving the natural landscape. The architecture would be subordinate to the landscape. He referred to the Rural Vista Guidelines, which were built into the guidelines presented in the Master Plan. The buildings would be clustered, resulting in more open space and preservation of more trees. That also followed the Rural Vista Guidelines. Courtyards and quads would also be used that allowed space in-between the buildings to be maintained. Buildings would be placed in such a way where the existing trees would be preserved. The PBSC guidelines mirrored what the Rural Vista Guidelines required. Relative to parking, various pavements would be introduced following the recommendations of the Rural Vista Guidelines. The buildings themselves would follow the ideas of the undulating roof lines, transitional spaces, and textured material throughout the campus development. The college had a history of designing sustainable facilities, and signage would be consistent with Town guidelines as far as texture and text. The Master Site Development Plan captured the spirit of the setting. Mr. Rodriguez, on behalf of PBSC, respectfully requested approval of the plan.

Town Attorney Cirullo asked Attorney Brian Seymour if the power point presentation was part of the record. Attorney Seymour responded that the power point slides were submitted with the materials submitted to Town Manager Kutney, as part of the background materials submitted.

Attorney Seymour responded to questions from the Town Council:

In response to Councilman Goltzené, Attorney Seymour explained that the Master Site Development Plan incorporated the design guidelines, and had the other information required by Special Policy 1.15.4 of the Future Land Use Element. He explained that this was not a detailed site plan, because, with development over a 50-year time frame it could not be known now exactly how it is going to look. Attorney Seymour advised that the exact location of the buildings could not be identified at this point; there was cleared area existing on the south, but the exact location of the building was not yet known. There was not yet funding available for that building. It would need to go through the same process of the campus master planning for all of the campuses. The Town would have input in that process, and that is when the specific location of the building would be identified. He noted that the college had worked with the Town for a year, and had tried to incorporate all input. The college has four other campuses, and without knowing that they have the opportunity to move forward, it does not make sense for them to do specific planning. Once the approval was obtained, the college would be meeting with the community to discuss specifics.

Town Planning Consultant Fleischmann indicated that the Master Site Development Plan was included on pages 218-240 of the Agenda packet.

Vice Mayor Rockett observed that it was clear that the college was listening and had incorporated the changes it could. He said that he had been to the Palm Beach Gardens campus, and was very impressed with it, and would like to see a similar campus. He suggested perhaps a fountain could be planned on the new campus, such as the one on the western border of the Palm Beach Gardens campus. He referred to the recreation type open area on the southern border of the Palm Beach Gardens campus, and asked if there was anything like that assumed on the new campus site, noting that he would not like to see property on the northern border cleared for such a purpose.

Attorney Seymour responded that there is no intent to do any mass clearing. It would be some length of time before the northern buffer was developed. The guidelines would be the guidance, as well as working with the community.

Vice Mayor Rockett referred to the idea of preference to local providers and local businesses, as a benefit to the community.

Wendy Link, Member of the PBSC Board of Trustees commented regarding the economic impact of PBSC to the County, which was \$300,000,000 last year. There was no information relative to specific areas. She could not say what would be specific to Lox Groves. She explained that the college hired through State funds, and had a process that was used. There was an application process, and bid review; the Board of Trustees and staff members review those, and then choose applicants.

Town Planning Consultant Jim Fleischmann advised that staff found that the proposed Master Site Development Plan (MDSP) was consistent with the requirements of policy of 1.15.4, and

recommended approval. The MSDP was reviewed by the P & Z Board, and they had recommended approval also.

Further discussion occurred relative to the design guidelines, and Town Manager Kutney explained that the guidelines were general at this point, because PBSC could not give any further specificity at this time.

Councilman Goltzené asked Town Attorney Cirullo if there was a point where there would be the opportunity to discuss any specificity; or was this the final vote on the Master Site Development Plan.

In response to Councilman Goltzené, Town Attorney Cirullo replied that if the applicant came back and changed the plan, the Town Council would have the opportunity to consider those changes. What was being voted on tonight was whether the Town Council believed the plan was compliant with the text of the Comprehensive Plan; whether it meets the requirements of the text amendment that was adopted earlier.

In response to Councilman Goltzené, Colleen Walter, Urban Kilday Design, explained that the intention was to preserve the native vegetation that was in that area. Along the eastern edge there was some exotic vegetation, and this plan indicates that this exotic species would be removed. It was anticipated that landscaping would be installed in conjunction with each phase of development. Conceivably there would be no development on the northern edge of the property for a long time. The college recognized the exotic vegetation and intended to address it on the northern buffer sooner rather than later.

Councilman Goltzené suggested that Brazilian pepper growth should be addressed; he would like to get the commitment that the Brazilian pepper exotic issue is dealt with, and would like to see something from them that says we are not just going to wait 30 years to deal with the issue. He would also like to see more specifics with the landscape buffer.

Attorney Seymour clarified that this campus was extremely different than any other campus. He did not have specific funding or cost figures, and therefore could not say exactly when and how the development would occur. The college was a public institution, bound to legislative whim. It was recognized the college was committed to this community, and there was a guarantee of the 50' natural buffer, and guarantee of deeper and more vegetative buffers along the right-of-ways than the Code required.

Discussion took place regarding the distinction between a university versus a state college,

Mayor Browning commented that one of the things that had been brought up several times was trust, and that the college would be a great neighbor. He noted that he had fought as hard as anyone in the community to keep the community like it is, but there was a practicality and unless the Town was willing to buy up all the empty land, a sense of trust had to develop.

Public Comments:

Robin McCloud, 795 Folsom Road: Commented against the college being built, however, she understood that there could be worse neighbors, but wanted the Town Council to be aware that all good things have drawbacks. She referred to her career with Palm Tran, and her experience with the communities of Palm Beach County; college areas draw certain elements that this community had not had to address very often; college campuses have their own security and do not have to deal with this segment of the population.

At this time, Mayor Browning, Vice Mayor Jim Rockett, and Councilman Jarriel read into the record, as requested, comment cards submitted by the public in support of and in opposition to the college. ***Clerk's note: 147 comment cards were received in support of the college; 26 comment cards were received in opposition to the college; 4 comment cards with received with statements or questions.***

Lung Chiu, 3270 "B" Road: Commented that he believed that this is the best thing that has happened to the Town. He is looking forward to using the facility one day. His family wholeheartedly supports the project.

Virginia Standish, 15410 North Road: Commented that she respected what the Town Council is going through and the caution with which the Town Council is reviewing commercial development in the community. This project is basically a gift to the rest of the western community. We are bearing the costs of this project for the rest of the western community. We have just started paving our roads and doing things for ourselves as a Town. The purpose of commercial development is to bring in revenue to a community. We do not have the exact numbers of what our future road maintenance will cost, or the maintenance of our canals. She urged that future cost allocations be obtained from the developers. There will be benefits to the project for some, but not the entire Town. She suggested asking the City of Wellington what their economic concerns were with the project, and looking at the numbers in our budget to see the costs related to this project.

Lawrence Corning, 2834 :E: Road: Commented that he appreciated the interest in being rural, however, putting the college here is the beginning of the creation of dense urbanism; he urged care in planning. When the Treasure Coast people say that have no comment, it must be understood what part of the document they are referring to. He has worked with almost all of the people in Treasure Coast over the past years, and individually they would say that this is a mistake for Loxahatchee Groves. He read a statement from a professional planner and designer, currently serving on the Executive Board of Treasure Coast.

Attorney Seymour interjected that he objected to any statement read by someone who is not here and who he did not have the opportunity to cross exam.

Thias Gonzales, 13090 Raymond Dr.: Commented regarding people from the Acreage who had spoken this evening; the benefits of the college for the people of the Town; the value of the land and the resources that were being given away so that the towns around would benefit; the economic benefit of student spending to surrounding communities; students renting property, and the property values around the college; the country life style turning into an urban community.

Mayor Browning responded that there had been other proposals for this property that did not fit Loxahatchee Groves at all. He said that he would not approve commercial just because of a tax base. He reminded all that the Town has the lowest millage in the County, and money in the bank. He said that he was not in a rush to urbanize Loxahatchee Groves.

Marge Herzog, 966 "A" Road: Commented that her property was just north of the college. She suggested things that would minimize the impact on the residents of Loxahatchee Groves -- send all traffic westward; no through traffic through that commercial area; don't let them flow through that area from the college campus.

Grace Joyce, 3886 147<sup>th</sup> Ave.N.: Commented that the Mayor touched on the printed notice that he received, and that she was not aware that misinformation and disingenuous topics would be talked about that did not include everyone in the community. She had spent many hours on this project and found it very upsetting that folks who were persuaded to sign in opposition had the opportunity to have that opinion heard without hearing the other side. She spoke about traffic, diverse community, higher education. She said that we must protect the future of this community, not just certain select individuals.

Mariane Miles, 3413 "B" Road: Commented that she wanted to set the record straight. Councilman Jarriel had read the letter sent by her daughter, mentioning that her daughter was 16 years old, and her daughter is 18 years old, and has more common sense than most of the people in this room. She has lived here for over 25 years – this college can benefit so many of the children that are growing up. This Town Council gets chastised and people debating and debating about this is wrong, that's wrong – hours go by wasting time. It is not going to get done talking about it for hours.

Darlene Snowball, 3116 161st Terr.N.: Commented in total support for the college.

Nina Corning, 2834 "E" Road: Commented that she does not appreciate the notion that we scared people into writing comments by giving them incorrect information. She says that we are past the point whether there will be a college or not. At this point, we are talking about the Master Plan. She referred to the buildable square footage, light pollution, parking and traffic. She urged the Town Council to be careful when comparing with the Palm Beach Gardens campus – the job right now was to see that this Master Site Plan gets as tight as it can be in order to protect people. She said that she was very pro education, and was against this college being in an agrarian community that we promised to preserve in our comp plan and in our vision plan.

John Ryan, 3508 A Road: Commented regarding traffic, noting that border roads would be used; did not think water discharge would be a burden for the canals; reiterated the trust factor and the

stability of the college; suggested that there were alternatives for the properties on Southern Blvd; the Loxahatchee Groves Water Control District gets assessments from churches and hospitals, and may get that from PBSC; some people do not want any development; the Town should be about making it a better place for all of us.

Todd McLendon, 3481 "D" Road: Commented regarding exotic vegetation, and if the college is being allowed to side step that. Suggests asking them to clear the whole thing out in the first phase. (relative to exotics). Asked if the entrance off of B road could wait until the third phase. Asked if it could just be employee parking off of B road. Expressed traffic concerns on B road, and private roads in the Town.

Town Attorney Cirullo requested comments from Town staff in response to the public comments.

Town Planning Consultant Jim Fleischmann explained that under the Comprehensive Plan only 650,000 sq. ft. could be built

**Motion: Vice Mayor Rockett made a motion to adopt Resolution No. 2012-10. The motion was seconded by Councilman Jarriel.**

Town Council comments:

Councilman Liang: Does not see it as a good argument in saying that the college does not fit agriculture or the community – many educational institutions started with farmers; the arguments are only opinions; sees PBSC providing programs for vet studies, medical programs, etc. Thinks help will be needed from the County and State with traffic, as roads cannot support increased traffic; traffic should be steered away from the Town.

Vice Mayor Rockett: Thinks the college and the group did a great job – listened to us. We talked about trust and I think they have represented trust. I am ready to welcome them to Loxahatchee Groves.

Councilman Jarriel: Thanks the college; they did an outstanding job. Explains that Wellington did not undertake the college because of economical reasons. Wishes that he would have known earlier about the petition circulated in the Town.

Councilman Goltzené: Less rosy outlook than others on this subject. Dr. Gallon knows that my issues were not addressed. He had concerns with buffer and preservation of environment. I can only trust the college to do what they say they are going to do. It does not give me a great deal of comfort when anything that I have asked has not been addressed in any way positively. They don't know what they are going to do or how much money they are going to have. They have no problem saying how great it is all going to be though. We can hope and trust, and we can expect that with so many universities and so many people going to virtual learning, the best thing I can trust in is that we get to that as quickly as possible and we don't need to build a big infrastructure. The 20<sup>th</sup> century model of everyone going to a location to learn might not be

indicative of the future. Hopefully, if you do build, please think about the environment, preservation, what people have said tonight. I think it is so sad that whenever we have these kind of discussions, people have to put incriminations on each other when there are people speaking. I am trusting that the college is going to do something that is good for this community.

Mayor Browning: I will warn you that one of the things you don't want to do is cross the community of Loxahatchee Groves. There is a lot of trust. Conveyed apologies to Nina Corning because he did not have time to review the document she handed him during the meeting.

**The motion made by Vice Mayor Rockett and seconded by Councilman Jarriel to adopt Resolution No. 2012-10, passed 5/0 on a roll call vote.**

Dr. Dennis Gallon, President PBSC, addressed the Town Council thanking them for the vote on behalf of the faculty and staff of PBSC. .

\*\*\*\*\* A break was taken at 10:45 p.m. The meeting resumed at 10:58 p.m.\*\*\*\*\*

**8. ADMINISTRATIVE UPDATE – Town Manager Kutney**

- a. Intergovernmental Coordination Committee (IGC) Meeting – report of meeting held on August 15, 2012.

Town Manager Kutney provided a report on the IGC meeting held on August 15, 2012. Two major issues were discussed: the Interlocal Agreements (ILA) for the Maintenance of Non-District Roads and Public Roads within the Town of Loxahatchee Groves, and planning as it related to the future workshop and discussion with the Town Council

The first ILA was approved as currently written and he would bring that back to the Town Council for ratification of that agreement. There was discussion regarding the second agreement related to the non-district roads, and ultimately, the District encouraged the Town to go out and seek proposals from other contractors, so before that ILA was constructed, we may need to go through the RFP process. There was also detailed discussion relative to a workshop between the board and the Town Council. He recommended the date of October 16, 2012, for a workshop meeting.

Vice Mayor Rockett suggested that legal staff provide an outline on the issues to be discussed before the workshop meeting took place. Town Attorney Cirullo replied that he would work with District's counsel on that.

Town Manager Kutney continued with the following items:

- Announced that the Palm Beach County Commission on Ethics required training of all elected officials, board and committee members, and employees. The training was

available on the Commission's website, and the Town Clerk would be contacting everyone responsible for taking the training.

- The Executive Director of Palm Beach County Chamber of Commerce had a proposal for a marketing partnership as it relates to equestrian businesses. She requested a meeting with each Town Council member. Mr. Kutney requested that the Town Council connect with him to schedule, and said that he would wait for the cue from them.
- Received University of Florida population censuses which was 3,180, which indicated that we lost a pop of 7. He will respond, and just wanted to let the Town Council know.
- Reminded all members of the Town Council to be sure to sign the documents related to the meeting tonight.

**9. OLD BUSINESS - None**

**10. NEW BUSINESS**

- a. Work Authorization – major work activities necessary to accomplish the objectives of the Comprehensive Plan moratorium. (Discussed at August 7, 2012, Town Council Meeting).

Town Manager Kutney provided the staff report, and work authorization in the amount of \$17,975.00. The work authorization did not include legal expenses and advertising. Staff recommended approval

**Motion: Vice Mayor Rockett made a motion to approve the work authorization in the amount of \$17,975.00. The motion was seconded by Councilman Jarriel. The motion passed 5/0.**

**11. CLOSING COMMENTS**

- a. Public

Todd McLendon, 3481 "D" Road: Commented regarding a code violation and assessed fine. He referred to a State law that may be involved, and stated that he is now asking for help from Town Council to waive those fees.

**TOWN OF LOXAHATCHEE GROVES**  
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Town Manager Kutney remarked that the Special Magistrate had already assessed the fees.

Town Attorney Cirullo stated that it had been his experience that once a fine is certified, the statute provides that it can be considered by the Town Council. He suggested that some understanding or criteria could be resolved with Mr. McLendon, or the matter could be considered formally at a Town Council meeting. It was an appropriate request, but there was a process for it.

Town Manager Kutney noted that the Order had not yet been filed, and staff would hold action if the Town Council desired.

Councilman Liang advised that he would like to get more information and discuss it at another time.

Councilman Goltzené suggested that before it is certified, he would like to have it as an agenda item so that it could be discussed.

Town Attorney Cirullo replied that the magistrate process was set. The magistrate makes a determination and once he makes a determination it is in his area, but ultimately the final decision on what that fine is rested with the Town Council.

Town Manager Kutney clarified that after a long process the Special Magistrate determined the fine, which was related to administrative costs that the Town had accumulated in the process. He requested that Mr. McLendon put his request in writing. Mr. Kutney advised that Mr. McLendon was facing another complaint by the same parties that had filed the first complaint.

Thias Gonzalez, 13090 Raymond Dr.: Commented regarding the subject that Mr. McLendon just brought up: I have been harassed by Code Enforcement for a whole year now. They spent time and money for a whole year now and they couldn't get one violation on me, because they do not know the law. Get people that are competent on their jobs. On top of that, I do believe that code enforcement is taking revenge, because now they went to another source. There is a lot of time and money being spent for this.

Mr. Kutney explained that the reason it has taken years is that the Town Council asked us to put this on hold for a while. On July 12, 2012, Palm Beach County Commissioner Santamaria scheduled a meeting. Ms. Gonzalez was conveniently forgetting that one of the things talked about at that meeting was that Palm Beach County Environmental Resource Management (ERM) would be contacted regarding wetlands and cypress trees that were damaged. ERM was contacted, and staff was told to check with South Florida Water Management. It was his understanding that they saw a pond, and had some concerns, and he resented that she was implying that there is some sort of vendetta.

Councilman Jarriel: Commented on the situation on the property of Ms. Gonzalez; the environmental problem with cypress ponds in the Town; the use of the right to farm act by property owners; the suffering of the neighbor to Ms. Gonzalez. He questioned why Mrs. Gonzalez's pole barn was put so

close to her neighbor, and suggested that the proper environmental agencies needed to look at the cypress ponds.

Councilman Goltzené commented that he did not believe that it was within the purview of South Florida Water Management to come out on people's properties and make determinations. The issue was the juxtaposition of the farm act and the wetlands. If it was a water management issue, there was an exemption. He noted that he had also been around with the County on building permit requirements, freedom to farm, etc. His finding at the time was that unless you were building a residential structure there was no requirement for a building permit. If the buildings are really for farming, they do not require a building permit.

Town Manager Kutney stated that he agreed with a lot of what Goltzené just said, however he noted that he must treat complainants and respondents fairly.

Mayor Browning commented that we had issues that we went through with our plan to try to protect neighbors.

b. Town Attorney

Town Attorney Cirullo acknowledged that the Town did receive a formal complaint filed in Circuit Court by the owners of the Day property. Their proposed Comprehensive Plan amendment was not approved, and they had filed a lawsuit. The Town was insured with the Florida League of Cities and they had accepted the case. He advised that he did not have a reason to ask for an attorney/client session at this point.

c. Town Council Members

**Vice Mayor Rockett:** We had a great turnout tonight and lot of great input.

**Councilman Liang:** We are almost at a record. Thank you.

**Councilman Jarriel:** One comment – this postcard that was sent out by a certain group of people. They should have sent this out months ago. This caused a disturbance and I had many people calling me that were going to vote against the college, but when I went line by line over the card the people were in favor of the college. Thank you for hanging in there tonight.

**Councilman Goltzené:** Once again, I don't always look at everything the way everyone else does. I was glad to see the comments from both sides. When we can get 35 people to say something, or 33 people from the western communities to know where Loxahatchee Groves is, that is pretty good. People do want to get involved and want to know what's going on. It is important that we get more involvement. Unfortunately some of the involvement we get is with some of the people who had a bad experience with the Town. It happened to me when I received a letter from Frank Spence stating the violations I was guilty of making. When I speak about government doing what government is not

even allowed to do, it is something that happened to me. I am on the Council now because of that. I think Mark is doing a fabulous job. I think it is important to try to keep civil.

Despite the fact that we, as a Town Council, voted that there be a horse trail in between C and D road, and despite LGWCD agreeing to that, there is now an email that Clete Saunier does not have any knowledge of any easement for that property. Clete told me that he did have an easement when I put in a fence on that property. Either I was being misled or the Town Council is being misled. I don't know what is going on with Clete, and I am on record as having questions about his abilities. If somebody has an objection why don't we all talk about it. Now, all of a sudden there is a problem. Most likely tomorrow I am putting up a gate along this area, since it is no longer an easement.

Councilman Jarriel requested a copy of the email received from Clete Saunier. Town Manager Kutney replied that he would provide it. Councilman Jarriel requested that discussion in this matter be added to the agenda for the next meeting.

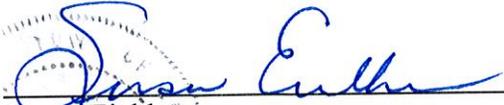
Mr. Kutney replied that he was directed to proceed with those easements, and we started to do that work, and you asked me to prioritize the issues. One of the concerns I had when Town Attorney Cirullo and I met with Mr. Saunier was to try to work out the Collecting Canal road. Mr. Saunier had some doubts as to where easements were. He had asked Mr. Saunier for an update, and he had provided that letter. He added that he would put a copy in every Town Council members' box.

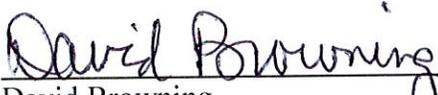
Councilman Goltzené stated that he had met with Clete 3 years ago and he showed me a document that showed he had an easement. I know I have seen it and I know he is the one that told me.

**Mayor Browning:** Thank you all for coming.

## 12. ADJOURNMENT

There being no further business, the Town Council Meeting of August 21, 2012, was adjourned at 11:55 p.m.

  
Susan Eichhorn  
Town Clerk  
**(SEAL)**

  
David Browning  
Mayor

**These minutes were approved by the  
Town Council on Tuesday, September 18, 2012**