



Town of Loxahatchee Groves

Regular Meeting, April 19, 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 Tom Goltzené, Ron Jarriel, and Jim Rockett. Vice-Mayor Ryan Liang arrived at 7:10 p.m. 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. Representatives from Callery-Judge Groves and the Seminole Improvement District were Nathaniel Roberts, General Manager of Callery-Judge and District Manager of Seminole Improvement District, and Attorney Robert P. Diffenderfer of Lewis, Longman & Walker P.A.

- D. Approval of Agenda

Motion was made by Councilman Rockett, seconded by Councilman Jarriel, to approve the Agenda. The motion carried by voice vote, 4/0. (Vice-Mayor Liang had not arrived.)

- 2. Discussion with Callery-Judge Groves and the Seminole Improvement District relating to the Administrative challenge to the Town's Comprehensive Plan, in the following case:

Callery Judge Groves, LLP. and Seminole Improvement District v. Town of Loxahatchee Groves and the State of Florida Department of Community Affairs, Division of Administrative Hearings Case No. 09-2859GM

Attorney Cirullo outlined the events and activities which took place and led to this meeting. In April 2009 the Town received a decision from the Department of Community Affairs (DCA) that they found its Comprehensive Plan in compliance. In May 2009 Callery-Judge and Seminole Improvement District filed a request for an Administrative Hearing to challenge the DCA decision that the Plan was in compliance. The Town Council has met in Executive Sessions to discuss how to proceed and directed the Attorney to engage in negotiations. The result of that direction was a proposed settlement agreement, which was publically discussed. In February of this year the Council voted not to approve the settlement agreement. The Town received a letter from Mr. Roberts and appreciates his willingness to facilitate this discussion. As requested by the Town, the Administrative Law Judge has given an extended deadline of June 1st for the Town to report back to him. The Town Council authorized this meeting in a workshop fashion to provide an opportunity to initiate open dialog with Callery-Judge and the Seminole Improvement District so we can determine where to go from here.

Mayor Browning said the Public Comments section will be moved up on the agenda after item 2, and comments will be limited to three minutes.

Public Comments

Michelle Damone, President, Board of Supervisors, Indian Trail Improvement District, spoke about the affect this lawsuit will have on the District.

Mike Erickson spoke about the traffic flow on Okeechobee Blvd. He believes neighborhoods should be interconnected to reduce the traffic on Okeechobee.

Dr. Bill Louda said that a four-lane Okeechobee is a given, and we should make sure there is no commercial on it. He said Okeechobee should be a rural parkway.

Dennis Lipp spoke about current State legislation which has been approved nips away at concurrency and another proposed bill lets cities declare their own transportation concurrency exception areas. He recommended using 161st to go to Callery-Judge.

Grace Joyce read comments related to the settlement agreement and suggested going back to ten units per acre.

Amy Hackney of the Acreage said she objects to the Town dumping traffic in her neighborhood .

Virginia Standish said she objects to the proposed Sycamore connection

Patricia Danison said she wondered if this problem could have be avoided if we reversed RR-5 back to RR-10.

Roger Strehlow said we need to get good real estate representation in this lawsuit.

Nina Corning spoke against the proposed reliever roads going north.

Roy Parks asked Mr. Roberts if building 250 homes would solve the problems and also spoke about connector roads.

Ken Johnson spoke about the size of the shopping center at Southern and Seminole Pratt Whitley and whether or not Mr. Roberts objected to it. He suggested building a road on vacant land west of A road that crosses Okeechobee and run it between 161st and 162nd making it limited access except for Okeechobee and Southern.

Cassie Suchy said she is against the proposal to opening up our community with connector roads.

Charles Schoech, Attorney, Caldwell Pacetti Edwards Schoech & Viator LLP, said he is representing Indian Trail Improvement District. He said his firm also does work for the Seminole Improvement District and the Town of Loxahatchee Groves. He thanked the Council for inviting Indian Trail to the meeting, because some of the solutions do involve the District. He complimented the Council for addressing a difficult and potentially volatile issue. Okeechobee is a County road and is going to be widened sometime in the future. The Council needs to take charge and set the speed limit. He urged the Town to reach a settlement in the lawsuit. If not, an Administrative Judge will make that decision for you, and you probably will not like it.

3. Council Direction relating to the discussions with Callery-Judge Groves and the Seminole Improvement District

Councilman Jarriel said that Okeechobee Boulevard is a problem that must be dealt with, and he appreciates Indian Trail representatives and residents coming to the meeting. He would like to see some kind of resolution as soon as possible to avoid further legal fees.

Councilman Rockett said he would like to see some kind of resolution, but he does not think the residents want to settle it with an agreement that says the Town “has to do this.” He brought up the subject of “caps” on housing as a possible solution to problems. He asked Mr. Roberts to come back to the next meeting with some recommendations for settlement.

Mayor Browning said the concept of “caps” is the opposite of what we are trying to do and may backfire and force more building of homes.

Vice-Mayor Liang suggested we start lobbying the County about what we want for Okeechobee, and instead of caps, set a threshold trigger.

Councilman Goltzené said he believes at this point it would be helpful for Mr. Roberts, in view of what was said tonight, to draft an agreement so we could at your ideas for what it would take to remove the challenge.

Mayor Browning said he would not object to a “cap” if it was set one year at a time.

Council agreed to schedule another meeting for discussion of the agreement at the second regularly scheduled meeting in May.

There being no further business to come before the Council, the meeting was adjourned at 10 p.m.

DAVID BROWNING, Mayor

_____ June 7, 2011 _____
Date Council Approved

Attest: _____
Ann Harper, Town Clerk