Town of Loxahatchee Groves
Town Council Meeting
Tuesday, February 17, 2015 - 7:00 p.m. to 10:30 p.m.

(Times established by Resolution No. 2014-08… commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)

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

Mayor David Browning (Seat 4)
Vice-Mayor Ronald D. Jarriel (Seat 1)
Councilman Tom Goltzené (Seat 5)
Councilman Ryan Liang (Seat 3)
Councilman Jim Rockett (Seat 2)

Town Manager William F. Underwood, II
Town Clerk Janet K. Whipple
Town Planning Consultant Jim Fleishmann
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING

   a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen Ryan Liang and Jim Rockett. Also present were Town Manager Bill Underwood, Town Planning Consultant Jim Fleishmann, Town Attorney Mike Cirullo, and Town Clerk Janet K. Whipple. Councilman Goltzené was not present at this time.

   b. Pledge of Allegiance & Invocation – Mayor Browning

Mayor Browning requested that prior to approval of the Agenda, Councilman Liang wished to say a few words.

Councilman Liang addressed accusations concerning his behavior on Council, which he would like to clear up. There was recently a sworn complaint to the Commission on Ethics on November 14th, and closed on January 30th, of which the summary was that he had not committed any ethics violation in Palm Beach County or Loxahatchee Groves. There was also an informal complaint back in 2012 which was also dismissed. He noted the case numbers for each.

Motion: Councilman Rockett made a motion to *Receive and File* documents presented by Councilman Liang. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.

c. Approval of Agenda

Motion: Councilman Liang made a motion to approve the agenda, as presented. Vice-Mayor Jarriel seconded the motion and requested to make a change to Item 7.b. – Resolution No. 2015-09 (Big Dog Ranch). Even though the resolution will be postponed to a date certain of April 7, 2015, he would like to discuss it tonight.

Town Attorney Cirullo stated 7.b. could remain on the agenda and it could be discussed at that time.

Upon vote, the motion passed 4/0.

2. CONSENT AGENDA

a. Minutes:
- **December 2, 2014** - Regular Town Council Meeting
- **December 16, 2014** – Regular Town Council Meeting

Motion: Councilman Rockett made a motion to approve the Consent Agenda as presented. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.

3. PUBLIC COMMENTS

Jeff Brophy, representing the Big Dog Ranch, requested postponement for the Big Dog Ranch - Item No. 7.b. Resolution No. 2015-09.

Keith Harris, 2580 C Road, addressed comments that had previously been made by Mayor Browning concerning Minto West Development, and that they were "spot on". The Minto project is not conducive to the rural lifestyle. Mr. Harris also declared that he is running for Town Council, and he wants to protect the Town. Former Palm Beach County Commission Jess Santamaria has endorsed his candidacy.

Marge Herzog, 966 A Road, wanted to remind everyone that there will be a Candidate's Forum on February 26, 2015, 7:00 p.m. at the Palms West Presbyterian Church (on Okeechobee Boulevard). She also asked if the Unified Land Development Code Committee (ULDC) could be re-evaluated in order to keep Town situations in balance.

Simon Fernandez, 14375, 14301 Okeechobee Boulevard, owner of approximately forty-five (45) acres located across from the proposed Big Dog Ranch site, stated he, as well as other residents, who are opposed to the development.

John Ryan, 3508 A Road, submitted a *Receive and File* document concerning the Big Dog Ranch even though the topic will not be on the Agenda this evening. He also has a payment in lieu of taxes agreement he thinks might benefit the Town.

Motion: Councilman Rockett made a motion to accept the *Receive and File* documents presented by Mr. Ryan. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.

4. PRESENTATIONS – *NONE*

5. COMMITTEE REPORTS - *NONE*

(Clerk note: For this meeting, the reading of ordinances will come before resolutions in order to keep proper protocol.)

6. **ORDINANCES**

a. **ORDINANCE NO. 2013-09: QUASI JUDICIAL PUBLIC HEARING SECOND AND FINAL READING:** *(Loxahatchee Groves Commons - Continued From 01/20/2015 Town Council Meeting.)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 21.73 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE, FROM LOXAHATCHEE GROVES ZONING DESIGNATION AGRICULTURAL RESIDENTIAL (AR) TO THE LOXAHATCHEE GROVES ZONING DESIGNATION COMMERCIAL LOW PLANNED UNIT DEVELOPMENT (CL/PUD); 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 explained the Quasi-Judicial Procedure, and then read the title of Ordinance No. 2013-09.

Town Attorney Cirullo swore in those speaking during the Quasi-Judicial Public Hearing.

Bob Bentz, representing Atlantic Land Companies, addressed rezoning, and provided project history from the beginning, to date. He spoke on the 21.73 acres, which will be the Loxahatchee Groves Commons, and the plans for the development. He noted three (3) waivers had been presented, Council has already approved two (2) of them, and the Loxahatchee Groves Commons has spent 100% of their investment.

Joe Lelonek, also representing Atlantic Land Companies, spoke on the design of the paved portion of B Road. There are four (4) parties involved: The Town of Loxahatchee Groves, Atlantic Land Design, Solar Sport and Palm Beach State College. The Total cost will be funded by three (3) of those parties - the Town will not have to pay.

Council discussed with Mr. Lelonek a bigger picture on the entrance for B Road, continued ingress and egress at B Road and Southern Boulevard, vehicles stopping on the side of the road, stacking, and access for the Palm Beach State College entrance.

Jim Fleischmann, Town Planning Consultant, explained the staff reports for 6.a. 6.b. 7.a. Staff recommends approval of Ordinance No. 2013-09. He noted Staff supports the two (2) display areas on the west side of the complex but not on the south side. Referring to pages 5, 6, and 7, Mr. Fleischmann made corrections, and noted Staff approval.

Mayor Browning opened the Public Hearing at 7:52 p.m.

Dennis Lipp, speaking as Chair of the Planning & Zoning/LPA Board, recommends approval of the 2nd design. He feels we need to tighten up our Unified Land Development Codes (ULDC).

Mayor Browning closed the Public Hearing at 8:53 p.m.

Council discussed with Staff and representatives from Atlantic Land outdoor storage; whether it was a permanent display, and fence enclosures or a buffer around the storage area.

Town Attorney Cirullo stated the first step would be to accept the conditions.

Motion: Councilman Rockett moved to approve waiver allowing front storage area by applicants. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 4/0.

Motion: Councilman Liang made a motion to approve Ordinance No. 2013-09, as amended. Councilman Rockett seconded the motion. Upon roll call vote, the motion passed 4/0.

b. **ORDINANCE NO. 2013-10: QUASI JUDICIAL PUBLIC HEARING SECOND AND FINAL READING:** *(Loxahatchee Groves Town Center - Continued From 01/20/2015 Town Council Meeting)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 90.33 ACRES, MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE, FROM LOXAHATCHEE GROVES ZONING DESIGNATION AGRICULTURAL RESIDENTIAL (AR) TO THE LOXAHATCHEE GROVES ZONING DESIGNATION MULTIPLE LAND USE PLANNED UNIT DEVELOPMENT (MLU/PUD); 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 the title of Ordinance No. 2013-10. He then swore in those who would speak during the Quasi-Judicial Hearing.

Susan Taylor, from Solar Sports, provided history on the Land Use Concept Plan. She is requesting to rezone, and continued to explain Parcel 1 – Commercial Use, Parcel 2 – Office Space. Parcel 3 - Assisted Care Facility, along with the buffer areas, equestrian bridge and Collecting Canal.

Jim Fleischmann, Town Planning Consultant, explained the Application Plan, Staff Report and history of the project. He noted Staff recommends approval of Ordinance No. 2013-10 with a few minor changes.

Mayor Browning opened the Public Hearing at 8:20 p.m.

Ken Johnson, 15409 Collecting Canal Road, suggested strengthening restrictions on size and description of signs, billboards, and flashing signs. The Town should look like the Rural Vista Guidelines.

Karen Piesley, 2201 D Road, asked about the equestrian area, location of parking, and road access.

Mayor Browning closed the Public Hearing at 8:24 p.m.

Motion: Councilman Liang made a motion to approve Staff recommendations to Ordinance No. 2013-10. Councilman Rockett seconded the motion. Upon roll call vote, the motion passed 4/0.

Motion: Councilman Liang made a motion to approve Ordinance No. 2013-10, as amended. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 4/0.

7. RESOLUTIONS

a. **RESOLUTION NO. 2015-05 QUASI JUDICIAL/PUBLIC HEARING:** *(Loxahatchee Groves Commons Site Plan – Continued from 01/20/2015 Town Council Meeting)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE LOXAHATCHEE GROVES COMMONS SITE PLAN, FOR LAND OWNED BY ERNEST G. SIMON, AS TRUSTEE OF TRUSTS "A" AND "B" U/W/O ALEXANDER ABRAHAM SIMON, CONSISTING OF 21.73 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read title of Resolution No. 2015-05, and noted this was a Quasi-Judicial Hearing on the Site Plan for the Loxahatchee Groves Commons. He swore in those who wish to speak during this Hearing.

Bob Bentz, Atlantic Land Companies, stated this was the same presentation as presented earlier.

Jim Fleischmann, Town Planning Consultant, noted this property could not be seen from Southern Boulevard, and he prefers a dense landscape. He provided background on all the technical qualities of the site plan, and noted the requirements they have been met.

There were no comments.

Mayor Browning closed the Public Hearing at 8:32 p.m.

Motion: Councilman Rockett made a motion to approve Resolution No. 2015-05. Councilman Liang seconded the motion. Upon roll call vote, the motion passed 4/0.

b. **RESOLUTION NO. 2015-09: QUASI JUDICIAL/PUBLIC HEARING:** *(Big Dog Ranch Special Exception & Site Plan Approval)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE BIG DOG RANCH SPECIAL EXCEPTION AND SITE PLAN, FOR LAND OWNED BY TLH 25 VILLA, LLC CONSISTING OF 33.16 ACRES MORE OR LESS, LOCATED AT THE SOUTHEAST CORNER OF OKEECHOBEE BOULEVARD AND "D" ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Councilman Liang made a motion to postpone Resolution No. 2015-09 to a date certain of April 7, 2015. Councilman Rockett seconded the motion.

Town Attorney Cirullo read the title of Resolution No. 2015-09 and stated he will swear anyone in who wishes to speak.

Jeff Brophy, representing Big Dog Ranch, requested a postponement for discussions on Resolution No. 2015-09 until a future meeting.

Council discussed Big Dog Ranch being a good project but felt there might be noise issues; the possibility of re-locating the project to Southern Boulevard; the 501c3 aspect of the project and how it would contribute to the Town.

Members of the audience also expressed their concerns on screening, location, noise levels, and the placement of the project within the Town's residential area, as well as their appreciation of the animal rescue factor.

Upon vote, the motion passed 4/0.

c. **RESOLUTION NO. 2015-08:** *(B Road Agreement)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE B ROAD IMPROVEMENT AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES, LOXAHATCHEE EQUESTRIAN PARTNERS AND SOLAR SPORTSYSTEMS, INC., ATLANTIC LAND INVESTMENTS, LLC, AND PALM BEACH STATE COLLEGE, RELATING TO IMPROVEMENTS TO B ROAD FROM SOUTHERN BOULEVARD TO OKEECHOBEE BOULEVARD; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo explained the funding for B Road resurfacing will be provided by others, not the Town. He reviewed the numbers and changes made to the agreement. Mr. Cirullo then read the title of Resolution No. 2015-08.

Motion: Vice-Mayor Jarriel made a motion to approve Resolution No. 2015-08. Councilman Liang seconded the motion.

Council had questions, and discussed getting the engineers/surveyors to get the drainage plans in on time (three engineers had been selected and will be sent Request for Proposals (RFP's)); along with other products besides the OGEM.

Members of the audience requested for strong development, legitimate contractors present their product to Council; speed humps/tables; and Palm Beach County Sheriff's (PBSO) enforcement.

Upon roll call vote the motion passed 4/0.

d. **RESOLUTION NO. 2015-11:** *(Purchase of Chamber of Commerce Land from Palm Beach County for $20,000, plus closing costs.)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING AND AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM PALM BEACH COUNTY, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, IN THE AMOUNT OF TWENTY THOUSAND DOLLARS ($20,000.00), SUBJECT TO COMPLETION BY THE TOWN OF CERTAIN DUE DILIGENCE, AND TO DEED RESTRICTIONS ON THE USE OF THE PROPERTY, FUTURE SALE, AND RESERVATION OF CERTAIN MINERAL RIGHTS BY THE COUNTY; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO CLOSE THE TRANSACTION; PROVIDING FOR CONFLICT,

SEVERABILITY, AND AN EFFECTIVE DATE.

Town Manager Underwood provided background on the Chamber Land Sale.

Town Attorney Cirullo read the title of Resolution No. 2015-11.

Town Manager Underwood noted the environmental assessment is clean.

Motion: Councilman Liang made a motion to approve Resolution No. 2015-11. Vice-Mayor Jarriel seconded the motion. Upon roll call vote the motion passed 4/0.

e. **RESOLUTION NO. 2015-12** *(Purchase of Palms West Chamber of Commerce Building for $460,000, plus closing costs.)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE AGREEMENT FOR PURCHASE AND SALE OF OFFICE BUILDING BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND THE PALMS WEST CHAMBER OF COMMERCE; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT AND TO TAKE ALL ACTIONS NECESSARY TO CLOSE THE TRANSACTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Manager Underwood provided background for the Chamber Building purchase.

Town Attorney Cirullo read the title of Resolution No. 2015-12.

Motion: Councilman Rockett made a motion to approve Resolution No. 2015-12, along with the wire transfer. Councilman Liang seconded the motion. Upon roll call vote, the motion passed 4/0.

Comments from the Council and members of the audience ensued.

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

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

Town Manager Underwood reviewed his items on the Agenda Item Report.

Mayor Browning requested putting the flood map issue on another agenda.

It was the Consensus of Council to have Town Manager Underwood gather as much information as possible in order that the company he chooses will have the ability to commence work immediately.

Town Manager Underwood requested Council authorization to take necessary action to get the work on the Chamber Building expedited, and ratification to proceed with the incidentals.

Motion: Councilman Rockett made a motion for Council to authorize Town Manager Underwood to take necessary action to expedite matters concerning the Chamber Building. Councilman Liang seconded the motion. Upon vote, the motion passed 4/0.

b. Palm Beach County Sheriff's Office (PBSO), District 15, Monthly Report for January 2015, on file.

c. Palm Beach County Fire Rescue Report January 2015, on file.

Mayor Browning called for a break, 9:34 p.m. to 9:43 p.m.

d. New Business Item: Discussion of RV's/ Trailers – The Town is experiencing a significant influx of unauthorized living units throughout the Town.

Town Manager Underwood reported that some residents are not paying their fair share of waste removal. He suggested the Town should conduct a sweep

Council discussed the lack of a sweep in the Town's agreement (with Waste Pro), and whether they were in favor of a sweep, or not; illegal dumping from Wellington; health and fire issues; lack of proper permitting; doing a sweep for RV's only, and taking action immediately after identifying the problem areas; working with Palm Beach County to see how they handle problems such as this; bringing back the Unified Land Development Code (ULDC) Committee; concentrate on RV parks and trailer storage; improper septic systems; excessive amount of trailers; and coordinating with the Health Department or any other agency to help take care of this problem.

Members of the audience also expressed their concerns.

Town Attorney Cirullo provided a few allowable examples, and stated he would work with Town Manager Underwood for a solution.

Mayor Browning noted some of the Town residents are afraid to report their neighbors who are in violation. Maybe the Town should pursue.

Vice-Mayor Jarriel felt the Town did not need to conduct a sweep. He will come into the Town Hall office tomorrow to file a complaint.

Motion: Vice-Mayor Jarriel made a motion to have Town Manager Underwood take care of the problems at 1666 C Road. Councilman Liang seconded the motion. Upon vote, the motion passed 4/0.

Town Manager Underwood, after discussion with Council, will put on the next Town Council Agenda whether or not a Code Enforcement Officer can conduct an assessment throughout the Town.

Motion: As the time was getting late, Councilman Rockett made a motion to extend the meeting past 10:30 p.m. Councilman Liang seconded the motion. Upon vote, the motion passed 4/0.

e. Old Business Item: Discussion on the Okeechobee Boulevard Corridor – The Town needs to approve a modified Comprehensive Plan, Land Use and Zoning for the Okeechobee Boulevard Corridor.

Town Manager Underwood requested a $14,850 Work Authorization for the Okeechobee Boulevard Corridor.

Motion: Councilman Rockett made a motion to authorize a $14,850 Work Authorization for the Okeechobee Boulevard Corridor. Councilman Liang seconded the motion. Discussion by Council.

Upon vote, the motion passed 4/0.

9. COUNCIL REPORTS

a. Mayor Browning

Mayor Browning had no further comments.

b. Vice-Mayor Jarriel

- Discussion of Loxahatchee Groves Water Control District (LGWCD) Interlocal Agreement (ILA).

Vice-Mayor Jarriel stated he was disappointed the survey maps had not been completed. He complimented Staff for their work on the Chamber Building/Land project; and hopes The Town will come to a conclusion on the Interlocal Agreement with the Loxahatchee Groves Water

Control District. He wished everyone a safe trip home; we had a good turnout tonight, and he thanked them for staying.

c. Councilman Goltzené

Not present this evening.

d. Councilman Liang

Nothing to report at this time.

e. Councilman Rockett

On the next agenda Councilman Rockett requested to put on the next agenda, consideration to send $5,000 to the Western Community Council for a lobbyist concerning the State Road 7 Extension. There were four (4) goats, killed in one night due to coyotes; he would like Council take some action.

Council discussed coyote trapping versus a bounty.

Councilman Rockett mentioned the safety of the four-way stop at Collecting Canal Road and C Road. Apparently the signs were installed by the previous town Manager per a request from a Town Council Member. This had not come before Council. He would like that intersection to revert to regular stop signs. Also Gruber and C Road.

It was the consensus of Council Consensus to remove the four (4) way stop signs at C Road and Gruber.

10. CLOSING COMMENTS

Public

Phyllis Maniglia, 359 West D Road, commented on the turning range at B Road and Collecting Canal Road. She hopes that once the big plaza is built the road can be widened in order to accommodate large vehicles. She hopes no Publix is going into the shopping center, and noted that election time is here and everyone has their signs out. Remember this is an equestrian community and some of the flag type signs are scaring the horses. Please be careful where the signs are placed.

Marge Herzog, 966 A Road, suggested someone from Town Hall come to the Candidate's Forum and explain the referenda that will be on the municipal election ballot.

Town Manager Underwood will put together a brief explanation of what each referendum states in layman's terms.

Mrs. Herzog also referenced topics of interest to go before the Unified Land Development Code

(ULDC) Board, if it is reconvened.

Virginia Standish, 15410 North Road, glad health and safety was a concern. She emphasized the importance of HAZMAT management if a vehicle goes into the canal, and that the Palm Beach County Sheriff' (PBSO) and Fire Rescue should call HAZMAT as a precautionary measure.

Town Attorney

Town Attorney Cirullo state that he had no report as it was late.

Town Council Members

Councilman Rockett commented that comments should not be directed to individual Council Members. He spoke of the three roads we paved, and thanked all that took the time to be here tonight.

Councilman Liang thanked everyone for sticking it out. He liked the 8:00 p.m. meetings instead of 11:00 p.m., wished everyone a Happy Valentine's Day, and noted it would soon be his birthday.

Vice-Mayor Jarriel stated is was Standard Operating Procedure for HAZMAT to come out. He thanked everyone for coming.

Mayor Browning also thanked everyone for coming, and felt a lot had been accomplished. He knew it was a long meeting but again thanked everyone for sticking it out.

ADJOURNMENT

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 10:50 p.m.

Janet K. Whipple, Town Clerk

David Browning, Mayor

These minutes were approved during the April 21, 2015 Town Council Meeting