



Members Present:

Dave Browning, Mayor
Marge Herzog, Vice-Mayor
Dave Autrey, Council Member
Dennis C. Lipp, Council Member

Members Absent:

Dr. J. William Louda, Council Member

Others Attending:

Michelle Kantor (NCS)
Dr. Irv Rosenbaum, Interim Town Manager (NCS)
Matthew Lippman, Interim Town Clerk (NCS)
David Tolces, Esq., Town Attorney
Members of the Public

1. – 4. Call to Order/Roll Call/Pledge of Allegiance/Invocation

Mayor Browning called the meeting to order at 7:00 p.m. He then requested the roll call by Town Clerk Lippman. Upon completion of the roll, the Mayor requested everyone stand for the Pledge of Allegiance and Invocation.

5. Approval of Agenda

Councilman Autrey MOTIONED to approve the Agenda, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.

Councilman Lipp commented that there are 2 important meetings coming up. He said the first one is this Friday, March 7, 2008 at 9AM about E Rd-140th. He said the second one will be Friday, March 13, 2008 at 9AM at SFWMD and will have the LGWCD variance on the Agenda.

CONSENT AGENDA:

- 6. Approval of Minutes from:**
 - a. February 7, 2008 Special Town Council Meeting
 - b. February 19, 2008 Town Council Meeting

- 7. Town Reports: PBC PLZ&B and PBC Fire & Rescue**

Vice-Mayor Herzog MOTIONED to approve the Consent Agenda with changes to the minutes previously sent in, SECONDED by Councilman Autrey and the MOTION passed unanimously 5-0.

REGULAR AGENDA:

- 8. Presentation: “Firewise Communities” by Randy Sheppard (PBC Fire & Rescue)**

The presentation was titled “Wildlife Hazard Risk Assessment-Division of Forestry and Palm Beach County Fire Rescue in Partnership with the residents of Loxahatchee Groves to create a safer Community.”

Mayor Browning thanked Mr. Sheppard for his help with LGWCD and Clete Saunier in requesting the Variance from SFWMD.

Randy Sheppard, Deputy Chief Palm Beach County Fire Rescue- introduced himself and said that he had begun thinking about what the Loxahatchee Groves Community has done to protect themselves against fire when he was preparing the information regarding the LGWCD variance request for Clete Saunier. He said that the presentation tonight would be geared to show the Community things they can do. He discussed the wild fires of 1998-2000 in the Northern and Central parts of Florida and said that the weather patterns are showing similar to what they were then, now. He said we need to give ourselves defense for when this happens again-not if.

Kathi Francis, Fire Safety Specialist Palm Beach County Fire Rescue- introduced herself and said she was in charge of the Firewise program. She began by saying that back in 2003 they had done a Firewise Risk Assessment of the Groves with Vice-Mayor Marge Herzog and LGWCD Administrator Clete Saunier. She said they spent a lot of time out here and recently did another assessment of the Groves and unfortunately the rating has not changed. She said the Groves is considered extremely high risk for wild fires. She said to determine this they look at access roadways, building construction, and vegetation. She said they understand that people move out here to live in privacy but they have to keep their homes safe. She said due to the drought and fuel buildup we are experiencing more wildfires. She said palmettos are extremely flammable since they are made with oils and will light up and explode. She went over the history of fires in the Groves for the past year.

**Brush fires of October 2006-2007
in the area of:**

- 2210 F Rd
- 2724 D Rd
- 1586 D Rd
- 23rd Ct
- F Rd/Okeechobee
- 3411 D Rd
- 14536 North Rd
- B Rd/Ferris PI

**Brush fires of October 2007-February 2008
in the area of:**

- C Rd/Okeechobee
- 3228 A Rd
- E Rd/North Rd
- C Rd/North Rd

She pointed out since October of 2007 to date the Groves had only had 4 fires. She noted the reasons of most fires as being: illegal burn out of control, grass unknown, unattended pile, rekindle, legal burn out of control, and rubbish.

She discussed the risks for wildfire hazard. The first being access roadways which she showed that most of the roadways in the Groves are dirt and not paved with widths fewer than 20 feet. She explained that 20 feet is mandatory for fire department access. She explained that the Town has culverts and bridges which are hard for trucks to cross. She said that the trucks are extremely heavy and these culverts might not hold. She also discussed dead end roadways where a truck might need to reverse out of. She said that street signs should be made of non combustible material which the Groves is good at having. She said that visible addressing is very important for fires and also for emergency situations so they can find the houses. She

mentioned that houses with obstructed access driveways and gates can present a delay in response.

The second being vegetation. She said vegetation produces multiple fuel levels.

-Low Medium=grass and trees

-Medium=vegetation and pine duff needs to be cleaned out

-High=tall palmettos and pine trees

-Extreme=Meleluca trees

-Ladder=Creeping vines that will go into the canopy of the trees

She mentioned to make sure that roofs are free of pine needles.

She also discussed defensible space and said that there are a lot of issues with ERM. She said ERM has no fee permits to remove trees. She defined defensible space as the space that Fire Rescue or the homeowner has to defend their home. She said it is a minimum of 30 feet. She said when it comes to ERM and the permit you can cut trees once you get permission from them. She said Fire Rescue has to come out and fill out a form and take pictures and submit the information to ERM. She said she has never had anyone denied yet. She said if you don't have permission to cut down trees then they will come out and fine you.

She discussed building construction saying that non combustibile roofs and building tile are what you want. She said tile roof and stucco on the outside is perfect.

Councilman Lipp asked how hearty plank holds up.

Mr. Francis responded that is doesn't do too badly.

She discussed water source and mentioned that the Groves does not have hydrant systems. She said Homeowner's Insurance Policies are a little high because of this. She said the Groves has a lot of good canals though. She suggested looking into putting dry hydrants in certain places for the canals. She said the canal banks need to be drivable maintained surface banks. She said maintaining the canal water levels is a big thing. She said the nearest fire station is located between D and E Roads on Okeechobee Boulevard. She said the Division of Forestry is across the street. She said the two units work very well together. She also mentioned there is a local helicopter drop which has been used in fires before.

She discussed protecting your home by keeping a little pump with a hose on the property. She said that there are other products and gels you can spray in your house. She said the biggest thing to do is to clear the vegetation around the house and to keep the roofs clear. She also said not to leave hazardous materials lying around.

She recommended keeping the park's vegetation maintained since it is within the Town limits.

She discussed the ways to reduce wildfire risk.

1. Minimum of 30 feet defensible space
2. Reduce high fuel load by...
3. Controlled burning
4. Mechanical removal
5. Remove garbage

6. Unobstructed Roads and driveways and gate access (15 ft wide by 15 ft high)

Council and Public Comments and Questions:

John Ryan, 3508 A Road-asked how a dry hydrant works.

Ms. Francis responded like a suction but it doesn't stay hydrated like a regular system does.

Councilman Lipp mentioned that there are hydrants located on North Road, Okeechobee, and Southern.

Vice-Mayor Herzog asked what the approximate cost of a dry hydrant is and if it could be subsidized.

Clete Saunier, LGWCD- said we had a dry hydrant installed on B Road and North Road and it ran about \$4000-\$5000 back in 1998 or 1999.

Mr. Peterich said they run about \$8500 today and you have to drill around it. He said there are ways to get funding through grants.

Councilman Autrey asked if the machine that turns everything to mulch could be used for landowners with no cost.

Mr. Peterich responded yes that he would come out and do the work.

Vice-Mayor Herzog mentioned that they had cleared for a senior citizen in the Groves who couldn't do their own.

Councilman Autrey asked how wide they do.

Mr. Peterich responded probably 8-10 feet.

Ilene Rindom, 14285 Collecting Canal- said when we worked on the Neighborhood Plan we asked the residents to go to the local fire house and register their address and the access to their homes. There also was a service that someone from the fire department would come out to assess their property. She asked what the response was from this.

Ms. Francis said she didn't remember a lot of people coming out to map their addresses and that she hadn't received any requests. She said the service is still available via the website, www.pbcfr.com and there will be a tab to fill out the form to email to her.

Town Clerk Lippman said one of the purposes of tonight's presentation is that I am going to be working with them so the Groves can become an official FireWise Community so we will be eligible for State Funding.

Councilman Autrey asked if we know what we are getting into moving forward with this.

Mr. Sheppard responded that it is to the level that the community will accept, can afford, and sees fitting in their environment. He said that as an organized municipality you have the ability on behalf of your Community to become a Fire Wise Community. He said the one thing he can promise is that wild fires are a natural act that will continue and not stop. He said the thing is to find a way to coexist. He said as a Fire Marshall for the County it is disturbing to him to see in the stats that the Groves has had wild fires due to illegal burning. He said that is not nature-that is your neighbor doing open type illegal burning. He said becoming a Fire Wise Community could prepare a benefit for short term and long term Home Owner's insurance rates. He said they have prepared over 150 letters verifying resources for insurance companies just in PBC.

Mr. Sheppard answered a question from the Public saying that it can take as long as 25 minutes to fill a tanker truck and a smaller apparatus could take between 10-15 minutes.

Bill Gurney, E Road- asked if Forestry participates in any controlled burns on private land.

Mr. Wasil responded that yes he would come out and assess the situation and see if it could be done.

Frank Schiola, Marcella Boulevard- mentioned that paint cans and batteries can be taken to SWA no questions asked by anyone who lives in PBC with no questions asked. He said they would rather you take them there then dump them in the street.

9. Ordinances:

2008-002: Cost Recovery (Public Hearing and 2nd reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, CREATING A NEW SECTION OF THE TOWN'S CODE OF ORDINANCES, TO BE ENTITLED "PUBLIC COST RECOVERY"; PROVIDING THAT AN APPROVAL SHALL BE RESPONSIBLE TO THE TOWN FOR THE COSTS AND EXPENSES ASSOCIATED WITH THE PROCESSING OF ALL RELATED APPLICATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Town Attorney Tolces conducted the 2nd reading of Ordinance 2008-002 Cost Recovery.

Vice-Mayor Herzog MOTIONED to approve the Consent Agenda with changes to the minutes previously sent in, SECONDED by Councilman Lipp and discussion was then opened:

Councilman Autrey asked if we had obtained a fee schedule.

Town Clerk Lippman said he had been working with Kevin McGinnley on this.

Mayor Browning asked if there were any comments from the Public.

The MOTION passed unanimously 5-0.

10. Buena Fe Day Labor Center:

Town Attorney Tolces said that the agreement is still not in place because Staff is waiting on verification of insurance from Calvin Lyerla.

a. Signage Installation

Mr. Tolces said that once the agreement is signed we will be able to proceed in posting the signs.

Town Clerk Lippman said that he would be working with Councilman Lipp and LGWCD Administrator Clete Saunier with installing the signs and the locations of them.

b. PBSO Coverage

Town Clerk Lippman mentioned that Staff has officers reserved for Monday, March 10, 2008 and that there is an increase to \$42 per hour from \$35.

11. Strategic Visioning:

Town Clerk Lippman began by saying that most of the Council had already had the opportunity to be a part of one on one interviews conducted by Dr. Herb Marlowe.

a. Scheduling and Locations

Town Clerk Lippman pointed out that the calendar of events is posted on the website. He mentioned that participation is the key. He said that developers have been contacting the office along with other interested parties.

Mayor Browning said that he would be out of town for the scheduled retreat.

Town Clerk Lippman said he was working with Dr. Marlowe to change the date of the retreat.

b. Approval of Banners

Councilman Lipp MOTIONED to approve the expenditure for the banners, SECONDED by Councilman Autrey and the MOTION passed unanimously 5-0.

c. Newsletter to be completed by Wednesday, March 5, 2008

Town Clerk Lippman said he would be sending everyone a proof of the newsletter by the end of tomorrow. He said Staff is hoping to get it out by next Tuesday and that the Visioning Process will be heavily focused on in it.

Councilman Autrey asked why on the calendar for the planning sessions Focus Group 1 was listed twice.

Town Clerk Lippman said he would correct that.

12. Approval of Waste Pro Contract

Town Attorney Tolces stated that the Contract in front of the Council was for a 5-year term. He said it states the residential fee would be \$354 per year. He explained that the charge would show up on the residents Property Tax Bill for 2008. He said Staff would work with the Council when they have to provide Resolutions and things for it later down the road.

Councilman Lipp referred to Master Page 100, Exhibit 4, and asked why we require a performance bond.

Town Attorney Tolces responded that this way if the company does not perform and the Town would have to hire another service that this company would reimburse the Town for those costs.

Councilman Autrey asked when the deadline is to get the information to the Tax Roll Coordinator.

Town Clerk Lippman responded by the end of July 2008.

Councilman Autrey referred to Master Page 67, Page 12 of the Contract where it stated Special Services. He said that residents might want to take advantage of these services and that could change their rates. He said we should make people aware of these services.

Town Attorney Tolces said those would have to be paid outside of the rate.

Councilman Autrey asked if the backdoor service-residential curbside \$22 per unit was a monthly charge.

Brad Avery, Waste Pro- responded yes.

Councilman Autrey asked if containerized service was a dumpster.

Mr. Avery responded yes and it could also be for 96 gallon cans with wheels on them.

Mayor Browning asked how you would bill for this.

Mr. Avery responded that they would send a supervisor out to look at the situation and to collect the payment.

Vice-Mayor Herzog asked what would waive a fee for a senior citizen or for low income housing.

Mr. Avery responded that a Dr's note would be fine.

Councilman Autrey asked when we would know the pick-up days.

Mr. Avery said that he is meeting with the County next week and they want at least 3 months of routing schedules set in place.

Town Clerk Lippman mentioned that there would be an advantage to keeping the service days the same but since one of the days is currently Saturday the Town Office would be closed for customer service related issues. He said we can come to a decision for what is best for the Community.

Mr. Avery replied that it is their preference to work Monday-Friday and give the guys the weekends off.

Vice-Mayor Herzog asked if Monday and Thursday pick up days would be better.

Mr. Avery replied yes and that is usually how it goes.

Councilman Lipp asked if they would do the whole Groves on those 2 days.

Mr. Avery said they would probably break up the areas.

Vice-Mayor Herzog questioned how many trucks would be here each service day for pick up.

Mr. Avery said it would be incorporated with the rest of Section 8 for the County which would reduce the amount of trucks in operation. He said he believes it is 3 trucks.

Vice-Mayor Herzog commented that they currently do the whole Groves in one day.

Vice-Mayor Herzog MOTIONED to approve the Waste Pro Contract, SECONDED by Councilman Autrey and the MOTION passed unanimously 5-0.

13. Discussion of obtaining the services of a Debris-Removal Company for Emergency Services

a. Phillips and Jordan County contract review

Town Clerk Lippman said that he had reported at the last meeting that Staff had taken the opportunity to do a little research on the County's Emergency Services Debris-Removal Contract. He explained that they divided the County into 4 sections and our section is covered by Phillips and Jordan Company out of North Carolina. He said he has a meeting scheduled with a representative of theirs on Thursday, March 6, 2008. He explained that the County's contact includes a "piggy back" clause if the Council would like to use that or the Council could direct Staff to go out and get bids. He explained that FEMA is a requirement of any of the entities that could be hired. He pointed out that the Town is covered until October 1, 2008 with Onyx so this Hurricane Season is taken care of. He said we need to decide what to do from October 1, 2008 on.

Councilman Lipp said he just received this information tonight and would like more time to review it.

Councilman Autrey said he would also like more time.

Town Attorney Tolces explained the options as doing an RFP for it, soliciting just qualifications from other companies, or going with the "piggy back" clause.

Councilman Autrey noted that they didn't list the Groves as a municipality.

Vice-Mayor Herzog said she noticed that too.

Mayor Browning asked if there were any comments from the Public.

b. Frank Schiola Presentation

Frank Schiola, Marcella Boulevard introduced himself and said that he had been asked to sit in on the Local Mitigation Steering Committee which every 3 years the government requires each County in each State to have a Local Mitigation Strategy Plan. Mr. Schiola explained that PBC had done this plan in 2001. He said the steering committee takes all information from any local municipalities, the County, and any local districts, such as, LGWCD. He said it runs 1 ½ years and will start again for revision in May of this year and has to be to DCA by November of

2009. He said where it affects the Groves is that we haven't signed off on this as a Town. He said a tornado or flood could occur anytime. He said that 37 municipalities have signed this but the Groves has not. He said it is free but would require a Staff Representative or Town Representative to attend all the meetings. He then gave a handout to Town Clerk Lippman.

Mayor Browning asked Town Clerk Lippman to review this.

Town Clerk Lippman responded that he would look into it and report back at the next meeting.

Town Attorney Tolces said the Town had approved an agreement with SWA and have been provided with a draft agreement for Storm Debris Removal but we will take a look at this also and see how it fits in.

14. Discussion of Cast Netting

Town Attorney Tolces explained that this topic is a follow up from the last meeting. He said he provided the Council with portions of the County Code involving this. He said if the Council directs him with specifics he can draft an Ordinance to cover what they want.

Mayor Browning stated that the County Codes say less than 12 feet but those are what people are using to take our turtles.

Councilman Lipp said that he felt Sections 13-1, 13-2, 13-3, and 13-8 would apply to the Groves and as Mayor Browning had mentioned that it should say any netting whatsoever not just cast nets.

Town Attorney Tolces clarified that we are looking at all creatures.

Councilman Autrey said he was curious if the Town could pass an Ordinance that is more stringent than the State.

Town Attorney Tolces explained that in some circumstances a municipality can pass an Ordinance that is more restrictive than the State would provide but that the Town would have to enforce it.

Mayor Browning said that he would rather not get in trouble with the State and that it might be hard to regulate it anyway.

Town Attorney Tolces said he would work on drafting an Ordinance to bring back at the first meeting in April 2008.

Vice-Mayor Herzog said when we had a representative from the Fish and Wildlife come to an LGLA meeting they said the only way you could stop this would be to draft up an ordinance.

Councilman Autrey asked if PBSO would enforce it.

Town Attorney Tolces said that PBSO currently enforces the Town's Ordinances so it would just be a matter of educating them and making sure they do it.

Mayor Browning asked if there were any comments from the Public.

Bill Gurney, E Road- said he would like to see the Town consider eliminate cast netting all together and have a ban on netting completely. He said cast netting does not allow you to be specific about the species you are catching.

Howard Voren, E Road- said he had a couple questions and asked if this information was available on the website.

Town Clerk Lippman said that there is a link to this on the website.

Mr. Voren said the one comment he wanted to make is we do use nets to pull fish out of the water that we have caught on a hook which is completely legal. He said if you say any type of netting you need to be careful. He said Florida Game told him if he asked a resident what they are catching and they say tilapia, as long as there is no bass in the net or the bucket there is nothing we can do. He commented that it is important to have PBSO enforce it.

Mayor Browning said we are basically talking about the canals along our roads and not people's backyards.

Councilman Autrey said he was thinking it would be interesting to invite Florida Fish and Game to a meeting.

Mayor Browning noted that he has definitely seen less turtles than there used to be in the canals.

15. Administrative:

a. Code Enforcement (Special Magistrate Hearing)

Town Clerk Lippman noted that on Wednesday, March 26, 2008 there will be 7 cases heard by Special Magistrate and the Town Attorney starting at 10am. He mentioned that PBSO would be there also.

b. Discussion of Waste to Energy Program (Jose Sifontes) to be placed on March 18, 2008 Town Council meeting agenda

Town Clerk Lippman referred this Item to Councilman Autrey.

Councilman Autrey said that last year he had met with Mr. Sifontes and he owns a waste energy program/system that he has designed and has a demonstration plant for it up in Ocala. He said many entities of the State and Local governments have looked at his operation and Mr. Sifontes is looking for a place to put it. Mr. Sifontes said he feels the Groves would be the perfect place. He takes any type of waste and digests it and then turns it into gas which turns it into electricity. He can then sell it back to FP & L. It is completely odorless and silent. He said he figures the facility size to handle our waste would be approximately 3-4 acres.

Vice-Mayor Herzog asked about waste that is left over.

Councilman Autrey responded that it is turned into mulch and it is all useable. He explained that Mr. Sifontes could buy the land but he would need the rezoning.

Town Clerk Lippman said he would coordinate with Mr. Sifontes and Don Kiselweski-FP & L, to see if they would be available to come to the next meeting March 18, 2008.

Councilman Autrey said it won't affect Waste Pro.

Mr. Avery said he was familiar with Mr. Sifontes and his operation. He said Chris County in Georgia has it. He said it would just be another place for us to bring the waste to for processing. He said he could give the Council some information on this.

c. LGWCD Variance Request Update

Town Clerk Lippman said it was his understanding that Mr. Saunier has submitted the request and that he has asked for the support of the Town in an email which he forwarded to the Council. He said Mr. Saunier is encouraging as many of us as possible to show up to the meeting at SFWMD on Thursday, March 13, 2008 for support.

Councilman Lipp asked why Exhibit B wasn't included.

Clete Saunier, LGWCD Administrator- said it wasn't included because it was too voluminous. He said SFWMD had asked for records from 2000 and those are on one month per page so it would have made the email very large.

Councilman Autrey said he had called one of the Commissioners who was very supportive.

Councilman Lipp mentioned he had a meeting scheduled with Cynthia Gefvert on Thursday and would try to get in to meet with Carol Ann Wehle also.

Mayor Browning mentioned he would have some time off soon and would try to pursue some of this also.

John Ryan, LGWCD- said he hoped the Council will take the time to go through with the meetings. He said that Mr. Saunier had put together a fine reply and there is a Florida Statute that says if it is in relation to Public and Safety that they can help. He said he thinks everyone

should arrange to be at the SFWMD meeting on March 13, 2008 and that we should try and find out where on the Agenda the Item will be discussed.

Councilman Lipp asked if he had the Statute Chapter Invoice on that law.

Mr. Ryan replied that it was on that letter.

Vice-Mayor Herzog asked if Staff could give us the idea of the time it will be on the Agenda. Mr. Ryan said that before the meeting Clete would contact Cynthia Gefvert to try and see where SFWMD is at with this. He also said that Clete could forward the Agenda Item time to the Council when he finds out.

Councilman Lipp said he spoke with Julie from SFWMD today and she said the Agenda would be posted tomorrow.

d. Onyx Assessment 2nd Notice of non-payment

Town Clerk Lippman said that the Town has collected approximately \$228,000 in assessment and there is \$178,000 outstanding. He said the letter in front of the Council will be mailed out to the residents with a 2nd notice statement. He said the letter explains again why the assessment was sent out separately. He said he is asking for approval for this letter.

Councilman Lipp MOTIONED to the ONYX Assessment 2nd Notice of Non-Payment letter, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.

ADDITON OF AGENDA ITEM-LEGAL BILL

Councilman Lipp MOTIONED to the ONYX Assessment 2nd Notice of Non-Payment letter, SECONDED by Vice-Mayor Herzog and discussion was then opened:

Councilman Lipp asked if there was anyway Staff could propose a fixed amount for the Budgeting Process for next year.

Town Attorney Tolces said his firm is in the process of looking at its billing for last year and maybe Sam Goren could be approached about a retainer fee as opposed to an hourly rate.

Councilman Lipp stated that he thought it would help knowing what the costs are moving forward.

The MOTION passed unanimously 5-0.

e. Simon Property Update

Town Attorney Tolces referred to the Memo he handed out in addition to the Agenda. He said he had a telephone conference between the County and DCA last week regarding the proposed agreement. He said as you recall in the Town's Charter the Simon Property is excluded from having to comply with the Charter unless the Town adopts a Comprehensive Plan. He said the he expressed to them the Town was concerned with the proposed language as it is regarding the equestrian facility. He asked the Council to better define it for the County and property owners.

Mayor Browning asked for an explanation of this.

Councilman Autrey said they could build 1 home for 2 1/2 or 1 home for 1 ¼ if they build substantial equestrian amenities.

Councilman Autrey said he feels 30 days is too quick for us to do this.

Town Attorney Tolces said that 30 days is what was granted at the time. He said he told them he would bring this to the Council, ask for language, and get back to them in the next 2 weeks.

Councilman Autrey said one of the things it says, is they have to set aside 50% of their property as open space. He asked if this equestrian facility went in to that or into the 50% they would have to develop. He said he was thinking we could use Kevin our Town Planner to figure out what we have to do. He mentioned this information was 3 years old.

Vice-Mayor Herzog asked what would happen if we have our Comprehensive Plan done by November and they are still moving forward with this. She asked if they would be stopped.

Town Attorney Tolces said if they were not done they would be subject to the Town's Comprehensive Plan.

Councilman Autrey questioned who would wind up with the ownership of this park and how it would be maintained.

Vice-Mayor Herzog said when she reviewed the wording she saw they said the County would have ownership of this facility instead of the Town and that doesn't seem logical.

Councilman Lipp said this equestrian element would be at the very Western end of the Town and to just throw it out there-put a \$ figure on this and say the property owner buys 10 acres of land around the center of Town with a budget to put this thing up so it is more in the Town area.

Mayor Browning said it would be a good idea to have Kevin on this to get some more questions answered.

Town Attorney Tolces said he would get Kevin in touch with the Land Planners working with the property owner on this project.

Mayor Browning said who is to say they won't say they are going to do something and when it comes down to it not do it.

Town Attorney Tolces asked if there had ever been a formal study done. He said other municipalities establish Park Impact fees and do a need analysis and come up with costs for new development.

Councilman Autrey said one of the frustrations of local horse owners is that if you want to take your horse somewhere to ride there is no place local.

Councilman Lipp said if we grant someone different zoning then RR10 then the values of that property suddenly sky rockets. He asked if there was any way to have a 10 or 15% surcharge on the sale of that property at its higher zoning.

Town Attorney Tolces said in order to provide for any impact fees you will have to do some studies. He said then in theory the Town would get that money in the collection of the Ad Valorem Taxes.

Councilman Autrey said he would go over the history of how this evolved if anyone had any questions.

Vice-Mayor Herzog asked about the time frame of getting the land use approved.

Town Attorney Tolces said they will have to go through the zoning approval process. He said Simon has been forthcoming and corporative and will take part in the Visioning Process as well. He said hopefully we can persuade them to listen to us.

16. Public Comments

Ilene Rindom, 14285 Collecting Canal-said that she believed when working on the Neighborhood Plan that a study was done on horse owners living in the Groves. She said it may be used as a baseline even though it is a few years old.

Ingrid Taskin, 1225 D Road-said she went trail riding for the first time in 3 years and saw no signs cautioning drivers to be aware of horses. She said there is no place to go when you reach

the end of the trail. She said she saw something in the Minutes from a previous meeting where there had been a request for more equestrian trails in the Groves. She asked if this was possible and also to put signs out on Okeechobee. She said this does tie in with the Simon Property subject.

Mayor Browning pointed out that Okeechobee is a County road but we could probably get some signs.

Town Clerk Lippman recommended Ms. Taskin attend the Visioning Sessions to voice her opinion. He asked her to call the office to remind him to look into the signage.

Vice-Mayor Herzog mentioned there is a trails section element in the Sector plan but it didn't go through. She said there is a concept of what the Groves would like to look like.

Mayor Browning said one of the issues the Town Council has is that we don't oversee the roads and canals because LGWCD still has those. He said it is a touchy subject because people who live on those canals have fought in the past so it is something LGWCD is trying to incorporate as they maintain the canals. He said it is a hard issue because we are not allowed to purchase the land or anything else. He said the County provided the \$ to do the one on F Road.

Ms. Rindom said when you find the box from the work done on the Neighborhood Plan, the original plan for Loxahatchee Groves Park is in there and there was a built out equestrian riding ring and trail on it. She said we should get the County to follow through on that original plan.

Ms. Rindom asked if we are still clocking trucks dumping in the Groves. She said she has followed trucks with manure in them from Wellington.

Town Clerk Lippman said there is no Ordinance of anything in place that says they can't do that- they just have to be licensed.

Doris Douglas, 2525 25th Place N-said that she has seen sewage disposal trucks on our roads. She asked if the Town permits sewage dumping in the Groves. She said she has seen trucks loaded with tires. She asked if there was a legal or even an illegal dump in the Town limits or North of us.

Councilman Autrey responded to Ms. Rindom that he and Town Clerk Lippman did meet with a man named Arthur from the Ag Extension Office about spreading manure rates and that we are just waiting for the State to finish their BMP's (Best Management Practices) and then we can adopt an Ordinance to reflect those. He said Arthur would determine on a property to property basis what the rate would be. He said Arthur also suggested we work with the Department of Environmental Protection to enforce the dumping.

Frank Schiola, Marcella Boulevard- said if you decide to sign the Local Mitigation Strategy that would open up the opportunity to be eligible for grants for the Town and LGWCD. He said we probably would be eligible for \$ because we have never applied before.

17. Town Clerk Comments

Town Clerk Lippman asked the Council to each provide him with their choice of 3 stakeholders who they want to participate in the Visioning Process. He said once he received those he would pass out the complete list to the Council and then have each member provide him with another list of 20 additional people to be part of the random selection process. He said of this additional 100 people, 15 would be selected to take part in the Visioning Process.

Councilman Autrey clarified the focus groups for everyone.

Town Clerk Lippman mentioned that this Thursday, March 6, 2008 that PBSO would begin moving into the office.

Town Clerk Lippman discussed that Staff had received several letters from each of the entities we provided the Land Use Amendment to and so far everyone had been positive until today. He explained that he had received transmittal from DOT that they were opposed and that he had forwarded that information to Shelley Eichner, Calvin Giordano and Town Attorney Tolces. He said he would email the Council the information tomorrow.

Town Clerk Lippman concluded saying that at the Tuesday, March 18, 2008 meeting that a Mayor and Vice-Mayor would have to be elected according to the Charter.

18. Town Attorney Comments

Town Attorney Tolces mentioned that the State Legislative Session started this week and the firm will be monitoring this to see what proposed legislation is out there that could affect municipalities. He said that it will regulate how meetings can operate and how individuals can be part of the Agenda, as well as tax information. He said we are coming up on a year and he wants to make an offer to the Council that if there are certain legal issues they need more information on that he would be willing to discuss them at a future meeting.

Town Manager Dr. Rosenbaum said we have been working on the grant writing and we have grant writers on Staff so we need to discuss where we want to go. He said he knows with we want to go after some grants for the LGWCD. He suggested having discussion at an upcoming meeting. He mentioned one of the benefits of being a municipality is having these resources.

Mayor Browning said he would like to see more horse trails installed and we could work with LGWCD on that.

Town Clerk Lippman said he has a book that lists the grants available at the Town Office and anyone can look through that at anytime.

19. Council Member Comments

Councilman Lipp said that this Friday the E/140th issue will be coming up this Friday and then brought before the Board of County Commissioners on April 28. He said it is his understanding the developers in the Western Communities are going to push to keep the E/140th thoroughfare on the maps as long as it is there it allows for concurrency for densities. He said as we move forward with the Central Western Communities Overlay Plan it doesn't really affect us but what is around us affects us greatly.

Councilman Autrey said that he feels good about the relationship with Brad Avery and Waste Pro.

Vice-Mayor Herzog said that she is excited to see the Visioning Process moving forward with Dr. Marlowe. She mentioned she had received a call from the Herrmans and they said one of their cattle was slaughtered last night and they were concerned that this might continue in the Groves. She asked if discussion on the Hope Property would take place with Acts 2.

Town Attorney Tolces responded that it is his understanding that we sent them a letter telling them we were not interested at this time.

Mayor Browning said he can't believe it has been a year and he enjoyed his time interviewing with Dr. Marlowe.

Town Clerk Lippman said that he told PBSO that when we do our budget next year we need to know where we are at. He said they had sent out a blanket email to all the local municipalities that there would be a 6% blanket increase. He said he contacted PBSO and had discussions asking if it applied to us since we had a unique price for the current year. He asked if we would have the 6% increase on the price or on an increased price and they said on the current price.

20. Adjournment

Councilman Autrey MOTIONED to adjourn meeting, SECONDED by Councilman Lipp and the Motion passed unanimously 5-0.

There being no further discussion and no additional public comment the meeting was adjourned at 9:22 p.m.

Dave Browning
MAYOR DAVE BROWNING

ATTEST:

Matthew Lippman
Matthew Lippman, Town Clerk

3/22/08
Date Approved

STATE OF FLORIDA
COUNTY OF Volusia

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:
Council Meeting Minutes
as recorded in the Office of the Town Clerk.

WITNESS my hand and official seal this 22nd day of March, A.D. 2008

TOWN OF Loxahatchee Groves
By: Matthew Lippman