



Members Present:

Dave Browning, Mayor
Marge Herzog, Vice-Mayor
Dave Autrey, Council Member
Dennis C. Lipp, Council Member
Dr. J. William Louda, Council Member

Members Absent:

None

Others Attending:

Dr. Irv Rosenbaum, Interim Town Manager (NCS)
Matthew Lippman, Interim Town Clerk (NCS)
Michelle Kantor, Interim Assistant 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 Louda MOTIONED to approve the Agenda, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.

CONSENT AGENDA:

6. Town Reports: PBC PLZ&B

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

REGULAR AGENDA:

7. Presentation: Local Mitigation Strategy (Butch Truesdale, Senior Mitigation Planner, PBCDEM)

Town Clerk Lippman introduced Butch Truesdale. He said we had discussed this Item two meetings ago and it was requested we get a representative to come to our meeting and answer some questions.

Butch Truesdale, Senior Mitigation Planner, PBCDEM- thanked the Council for the invitation. He said he would like to welcome the 38th municipality to the program. He said that they are trying to reduce future losses to disasters. He explained that he heads up the Local Mitigation Strategy County-Wide along with the Community Rating System to help reduce flooding. He said he also does work on the Business Administration putting together public partnership to help rebuild businesses and our economy. He said he works on grants to help locate funding and helps process projects and then fights for them. He explained that if you want Federal Assistance after a disaster that you have to have a Community Program such as the LMAS. He explained the timing is perfect because they are just starting the 18 month process which will end in November 2009 of revising the plan and enhancing the program.

Mr. Truesdale said that they represent 55 projects and of those 45-50 will be funded. He said they are looking all the time at how to get money.

Mr. Truesdale explained that the obligation of a community who signs up is that you have to attend the meetings (2 per year mandatory). He said the next general meeting coming up is June 4, 2008 and he would like to invite the Town. He said both FEMA and the State will be there. He strongly recommended joining LMAS-he said it is risky not to. He explained that through LMAS you have the opportunity to submit projects and then they are scored and ranked in an order that when funding becomes available will be started.

Mr. Truesdale recommended adopting by Resolution now even though there will be a new adoption process and plan in 2009.

Council Questions:

Councilman Louda asked if there are any costs in being a member of the LMAS.

Mr. Truesdale responded that there is no costs as far as municipalities go; he said that it is just time and input for the new plan that is required.

Councilman Louda asked why Mr. Truesdale mentioned sink holes.

Mr. Truesdale responded that he just threw that in but we don't have many sink holes. He said we are primarily concerned with big events.

Councilman Autrey said given that we are fairly new and we were part of the County until recently have you identified any problems out here.

Mr. Truesdale said his biggest concern would be wild fires and that as of now there are no projects in the Groves.

Councilman Autrey asked if he could elaborate on

Mr. Truesdale said they want primarily public buildings or buildings the public entity will support.

Councilman Louda said drainage improvement projects are what immediately came to mind, such as, weirs.

Mr. Truesdale said they have been focusing on the C51 basin.

Councilman Lipp thanked Mr. Truesdale for coming.

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

There were none.

8. Resolution 2008-008: Local Mitigation Strategy

A RESOLUTION ADOPTED BY THE TOWN OF LOXAHATCHEE GROVES, FLORIDA. AUTHORIZING THE TOWN OF LOXAHATCHEE GROVES TO ADOPT THE REVISED UNIFIED PALM BEACH COUNTY LOCAL MITIGATION STRATEGY PLAN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Town Attorney Tolces conducted the Reading of Resolution 2008-008.

Vice-Mayor Herzog MOTIONED to approve Resolution 2008-008, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

Councilman Autrey thanked Frank Schiola for his input on this issue.

Mayor Browning commented that very few things come with no cost, so thank you Frank.

9. Appointing a representative for the LM Board

Town Clerk Lippman mentioned that Frank Schiola is interested in attending these meetings and then he would report back to the Council.

Councilman Lipp asked Mr. Schiola if his job for the Riveria Beach Fire Rescue would affect his attending these meetings.

Town Clerk Lippman said that the Council could appoint an alternate or an elected official instead.

Mayor Browning asked if this could be decided later in time.

Councilman Louda asked if other people could attend the meetings as observers.

Mr. Schiola responded that they are all open to the Public.

Councilman Louda MOTIONED to elect Frank Schiola as the primary representative for the Town, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.

Councilman Louda suggested having an alternate available on a phone call's notice.

Mr. Schiola suggested looking to the CERT team to see if someone is willing to do it.

Councilman Lipp MOTIONED to elect Ken Johnson as the secondary representative for the Town, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

Mr. Schiola thanked the Council and said he would represent the Groves very well up there and hopefully bring back some of the funding needs.

10. Resolution 2008-009: Opposing Callery Judge

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA OPPOSING THE PROPOSED PALM BEACH COUNTY FUTURE LAND USE ATLAS TEXT AND MAP AMENDMENTS FOR THE CALLERY-JUDGE GROVES DEVELOPMENT (“CALLERY-JUDGE”) LGA 2008-011 DUE TO THE FAILURE TO PROPERLY CONSIDER THE USES AND INTENSITIES OF USE THAT ARE LOCATED IN THE AREAS THAT SURROUND THE DEVELOPMENT, AS WELL AS THE ADVERSE IMPACTS SUCH DEVELOPMENT WOULD HAVE ON THE CITIZENS OF THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Town Attorney Tolces conducted the reading of Resolution 2008-009.

Town Attorney Tolces also provided an alternate version of the Resolution that included 2 Where As: Clauses that represent the pending legislation.

Councilman Louda asked if that made notice of a recent Senate Bill.

Councilman Louda MOTIONED to approve the alternate version of Resolution 2008-009, SECONDED by Councilman Autry and discussion was then opened:

Councilman Louda said the reason he suggested we go with that is because the letter we got from Koehler suggests looking at 5 miles.

Councilman Lipp said the density Callery Judge settled on is 1.75 miles which is the .8 which puts them under the DRI process. He said there are 2 things in the Resolution he has problems with. He said one is the County doesn't have a choice in this and the only thing we have basis on is that there is legislation pending. He asked to table it until July when the State Legislature decides what needs to be done and to see if we can amend these 2 amendments to include vacant land. He said there is a whole big section of the Callery Judge Groves when you go out 5 miles that includes the Corbett and the Arthur Marshall and the Everglades Agricultural Area and these numbers are not considered at all. He said these need to be included so these

residential and rural lands are not impacted improperly. He said our task is through Resolution, writing letters, or getting out and talking to people is that these Bills need to be changed to add the segment of vacant land.

Councilman Louda said he sent 2 letters saying we should insist on the 3 miles and include everything or table it until July.

Town Attorney Tolces said he got direction from the Council as of the last meeting to draft a Resolution. He explained the primary purpose was to direct it to the BCC. He said if it is the Council's desire with the legislature being in session for another 2 weeks they might want to direct the Mayor to sign a letter to the House of Representatives requesting that vacant land be included in the property. He said this would also preserve the Town's legal rights in the future.

Vice-Mayor Herzog said she has some issues with the 4th Where As: She said it states that Callery is going to pay for the road improvements East and West but there is no North and South involved. She also mentioned that as for the water they have their own water system and the County's water system so she doesn't think that affects us. She asked before you added the other 2 Where As: how do you find the Enclave will affect our health, safety, and welfare.

Town Attorney Tolces responded the reference to health, safety, and welfare is standard and typically included when a Council is taking action on an issue that could affect this.

Councilman Autrey said he would say the number of homes and traffic would be enough to justify that.

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

Nina Corning, 2834 E Road- said she was opposed to the issue. (She realized she wanted to speak on Item #12 later on)

The MOTION passed 4-1, with Vice-Mayor Herzog opposed.

Councilman Louda asked Staff to send a letter.

Town Attorney Tolces reviewed who the letter should be sent to. (The Governor, Speaker of the House, Senate President, Members of the Local Legislative Delegation, and The Executive Director expressing your concern for the language in the 2 Bills referencing the Resolution requesting a specific diameter and including vacant land in the densities considered.

Councilman Louda MOTIONED to draft a letter signed by the Mayor to the Governor, Speaker of the House, Senate President, Members of the Local Legislative Delegation, The Executive Director, and The County Commissioners, SECONDED by Councilman Lipp and the MOTION passed unanimously 5-0.

Vice-Mayor Herzog said she can support this part of it because it affects the whole state and can set a precedent.

11. Traffic Study for SR80 Access Management Approval

Town Clerk Lippman said one of the issues coming up in the Visioning Process leading to the Comprehensive Planning is we are asking for a separate type of study and asking for an increase in the budgeted amount for the plan. He explained that the Traffic Corridor Study has been expanded. He said that includes on the West Boundary, A Road, the East Boundary, E Road, the North Boundary, Collecting Canal, and the South Boundary, Southern Boulevard.

Vice-Mayor Herzog asked how the property West of A Road that would develop roads is being approached.

Town Clerk Lippman said he would like to let Shelley Eichner and Lisa Dykstra from Calvin Giordano explain.

Shelley Eichner, Calvin Giordano- said as you know we are beginning to start the process for the Comprehensive Plan and it will set the framework of where you are going to go into the future. We have found that the roads, and the traffic and circulation seem to be an important factor to the Town. She said this could be handled in 2 ways, one would be with what is here today and the second would be to undertake the detailed traffic circulation and studies.

Lisa Dykstra-Calvin Giordano- said to add a little more detail to that we have learned that there will be issues with the widening of SR80 and issues regarding Commercial development. She said these are decisions being worked on in the Visioning Sessions but we can gather traffic data and do the research. She said they are going with information they have from the County. She said she realizes the Town is working with cost constraints but they want to hit the areas the Town would be most concerned with. She says the study area does concentrate on the Southern part of the Town because that is where they feel the most concern is.

Mayor Browning asked why the study didn't include F Road and stops at E.

Town Clerk Lippman said that we are focusing here on an area which is a possible area for development. He said he is not here to determine where we are going to do Commercial

development for the Town. He answered Mayor Browning saying that we stopped at that point because we don't see much development going beyond the park.

Councilman Lipp said determining that Southern Boulevard will be widened to 6 or 8 lanes and the right of way will be 220. He asked if with the removal of the median if that would need to be storm water retention. He asked how much storm water retention is needed and where is this land going to come from.

Patrick Figurella, Calvin Giordano- said the State will have to undertake a PD & E Study and will have to do some preliminary drainage calculations to determine how much outside drainage area will be required, if any, and then they will have to undertake a pond planning process and determine where ponds can be sited. He said 220 feet is the ultimate right of way as currently shown and that is sufficient to put in 8 lanes of road.

Councilman Lipp said what we need in this determination is the size of the ponds and where they might need to be so if someone is seeking some development rights that may not be possible because of the need for that.

Councilman Autrey asked wouldn't the State be on that.

Mr. Figurella said we couldn't predict what the State will do.

Town Attorney Tolces said the State will have to deal with that. He said hopefully with our input they will listen to us. He said he doesn't know if it is necessary to research where the ponds would go.

Town Clerk Lippman said the only concern he has is that we are going on record asking this firm to indicate where this retention pond would go and that is very difficult to know. He said we know it is going to happen and regardless of the size of it, someone's land will be taken.

Councilman Lipp said just so we have something to point at, sometime in the future if SR80 is widened, then you should put in your plan it should state East and West property will be taken from the canal.

Town Attorney Tolces said he would not recommend you put anything in there since the Town is not responsible for building that road to begin with.

Mayor Browning said to stick with the Motion to approve the study.

Councilman Lipp asked about the 3 additional access points.

Ms. Dyksta said if you had a frontage road or service road that would be one alternative and where it ends would be the perimeter of that alternative. She said if you locate it in a different place it would be a separate alternative. She said she wanted to make sure there was enough leeway in the study to pass at least 3.

Councilman Autrey said that what hit home for him, was the project between E Road and Loxahatchee Avenue (Southern Crossings). He said this project was approximately 50,000 square feet and all the traffic that was generated had to exit on E Road and Loxahatchee

Avenue. He said it is clear to him that as this conversation of Commercial development we need to look at traffic impact. He said one small project with one car per minute could put a lot of strain on our roads.

Vice-Mayor Herzog asked if when doing the traffic monitoring what they would do on SR80 and C Road where there is no traffic at all.

Ms. Dykstra said we do actually have to document that. She said we would have to have someone out there during those peak hours.

Town Clerk Lippman said with the expanded scope of area. He said the fee is at \$77,000 to expand the area. He said we can discuss going farther past C to 162nd.

Councilman Autrey said we had talked about looking at different levels of Commercial intensity and trying to gauge as best we can what this would do to our traffic impact.

Ms. Dykstra said we would have to look at it as one alternative where it would be located.

Ms. Eichner said once we find the acceptable amount of traffic and commercial in the Town we will be able to incorporate your area ratios into your Land Use Amendment.

Councilman Lipp asked if there is a benchmark that DCA looks for as far as what a Town needs to provide as far as trip capture relating to Commercial.

Ms. Eichner said they look at density and intensity standards within your Land Use.

Vice-Mayor Herzog MOTIONED to approve the traffic study with the newly expanded area for SR80, SECONDED by Councilman Louda and discussion was then opened to the Public:

Ron Jarriel, 2800 161st Terrace North- said he had a few questions. He asked if the study has to be done right now. He said if we don't fight the State, and the State makes Southern Boulevard a major corridor will they refund the cost we put out. He asked the cost of the study. He said in the past we had a pond for drainage and people complain they have no drainage, he said he had no idea why we allowed that to be covered up because that is a necessity.

Councilman Louda responded \$77,000. He also clarified we are not fighting the State just trying to work around them.

Ken Johnson, 15409 Collecting Canal Road- said the pond Ron Jarriel was talking about was filled in when Southern went from 2-4 lanes. He said he is in favor of the traffic study. He asked how many trips a day it will impact us if Simon builds his 77 homes there. He said think of the impact on B Road. He said he is hoping there will be a Comprehensive Survey of the

landowners North on Okeechobee to get their thoughts of the impact of traffic and how much Commercial we actually need on Southern. He said we don't need 2 miles of Commercial to make it look like Military Trail.

The MOTION passed unanimously 5-0.

12. Comprehensive Plan: Road Paving & Stabilization Discussion

Town Clerk Lippman started by saying that it is nice to see this many people engaged in the Town and it is nice to see participation. He said that is very important. He explained that the Groves is unique because we have 2 very responsible Government entities running the Town. He said that along with our responsibility in writing the Comprehensive Plan we have to follow the Transportation Elements included in there along with the Comprehensive Plan Act.

Town Clerk Lippman clarified the misunderstanding of what is being discussed tonight. He said we are not in the position as the Town to tell LGWCD to pave the roads or not pave the roads. He said we are just asking that nothing move during the planning process and we are asking the Council to have LGWCD consider holding off on any OGEM on the roads until the Comprehensive Plan is passed. He reiterated that we are not voting to pave or not to pave the roads.

Vice-Mayor Herzog said that she wanted to add unless there is a safety reason like if a road collapses and they have to stabilize it.

Shelley Eichner, Calvin Giordano- suggested holding on until the plan is done since paving of the roads or not can have a very significant impact on the future of the Groves. She said she hoped the answers whether to pave or not to pave can come out of the Visioning Sessions. She compared it to the Moratorium with Building and Development. She said we could go back to the reasons why the Town incorporated, which were to maintain your lifestyle so you can adopt a plan that is truly affective of what everyone wants.

Mayor Browning said he wanted to point out there are 2 sovereign governing bodies in the Groves. He said this is just a request for a motion to LGWCD to go along with our planning group and place a hold on any paving of the roads. He said he has over 20 comment cards on the Item and most were about dust and whether we should pave or not.

Councilman Louda MOTIONED to request a delay from LGWCD on road stabilization and road paving (OGEM), SECONDED by Vice-Mayor Herzog and discussion was then opened:

Councilman Lipp requested that the Public speak first before the Council.

Mayor Browning agreed.

Richard Thompson, 1701 E Road- said he has been out here since 1957. He said his dad came here in 1928 and for the Ag-Rural lifestyle. He said he raises cattle out here and doesn't want paved roads. He also stated that he does not want E Road/140th.

Joey Quinn, 2141 C Road- said that before the Groves was a Town petitions were signed by the residents, including C Road, wanting paved roads and improvements, even if it is OGEM. He said he feels we have the right to improve the safety on our roads and we worked with LGWCD and want to move forward on this. He said we don't want a Moratorium on this. He said we basically just want you to respect the wishes of the landowners.

Councilman Louda asked if he meant majority acreage by acreage or person by person.

Mr. Quinn responded that the impact of the cost would be larger for the bigger land owners and increase the value of your property.

William Boyd, 1535 B Road- said it is confusing here when you put out a document saying road paving discussion and then you get up here and change it to just a part about the Comprehensive Plan. He said he has seen fire engines and school busses stop and we need to increase the safety. He said that maintenance costs are more than OGEM costs. He stated we don't need an incident where a school bus ends up in a canal somewhere.

Nina Corning, 2834 E Road- said it is confusing what is happening with our roads. He said it seems they give more votes to the people who own more land. He said his concern is that it should be controlled by one entity and not two. He said he is opposed to calling it improvement because that means you already decided what it does. She suggested that people concerned with safety should go down Bryant Road and see what it will look like in the future. She said she feels paving is an over reach of maintenance. She mentioned that in the Focus Groups there has been a lot of discussion about environmental concerns. She said she is in favor of holding off on the paving of the roads.

Steve Guttman, 13050 Marcella Boulevard- said that we are now a Town and we are trying to go through a collective vision of what this Community wants to be in the future. He said that paving has a great impact on a Community. He said you can design a road that looks like F Road or Marcella to maintain the Rural Character. He said we have a terrific process going on right now that will provide some design standards. He said whether we pave or not he is in favor of well maintained and safe roads. He suggested that we need to let the process come to a

proper head. He said just because neighbors get together and sign a petition for their road, which is not a Community kind of spirit.

Ron Jarriel, 2800 161st Terrace North, (LGWCD)-said we talked last night at the LGWCD Board Meeting about OGEM and the cheapest the tax payers out here could afford was OGEM. He said we agreed to do F Road as a test. He said there has not been a car in the canal on F Road North since the OGEM was put down. He said there was one on F Road South before the OGEM was put down. He said that on A Road there had been a fatality. He asked for a show of hands in the room that feels like what we have done with OGEM should be continued. He said they spoke with the lawyer about if the process was stopped and someone went off the road could we be sued. He said that we can be sued at any time but the chances of winning in the courts would be late. He said that the Council was elected because the people felt they would serve the people of the Groves. He mentioned he related as a Firefighter because Fire Rescue often can't see the truck in front of them because of dust. He said he is asking the Board tonight to listen to the people and let LGWCD continue to do what they do best with improving the roads and making them safer and healthier.

Councilman Louda asked what the cost of F Road was since it was done by the County and the County won't do any more roads. He asked what the cost to the land owner with 5 acres would be up front.

Mr. Jarriel said that there are petitions on A, C and he believes B Road and people are willing to put money out of their pockets to go ahead and get it done. He mentioned the Gas Tax dollars also.

Ken Johnson, 15409 Collecting Canal Road- said he agreed with Steve Guttman about finishing the process we have going now. He said he would support a Moratorium on road paving.

Mayor Browning explained that this is not a Moratorium but a request from the Town Council to the LGWCD.

Phil Liang, 14993 North Road- said she grows produce. She said that she has been trying to get the District to improve our roads because she grows tropical fruits with a short harvest period of only 2 weeks a year. She said she has issues with her truck drivers not being able to pick up my fruit because of other things on their trucks that could turn to juice from the pounding of the unpaved roads. She explained that she loads her fruit on Southern and Okeechobee and at local plazas just to load it to the trailers. She said she has 10,000 pounds each time that she has to move from her place to the truck and then to a trailer. She asked the Council to let LGWCD go ahead with it because of her condition.

Peter Liang, 4245 148th Terrace North, said that he lives on the North side of C Road. He said he has been here 12 years. He said he has spoken to LGWCD about the terrible conditions of our roads. He said that LGWCD has made an effort and spent some money on research so they could help the tax payers. He said they have been around a lot longer than the Council and they know the problems of the roads. He said it is not fair for the Town to tell them not to continue. He said it is for the safety and good of the Community.

Jenny Chiu, 3270 B Road- said she supports the paving of the roads.

Lung Chiu, 3270 B Road- said that most of the speakers here are concerned with health safety and welfare of themselves and their neighbors. He mentioned he saw an accident on B Road that involved a car that lost control. He said he knows LGWCD can help us. He said he slashed his tire on a broken bottle the other day because of water built up from rain on the wrong side of the road. He said that LGWCD already had a study done and paid \$60,000 for it. He said that people will come on A, B, C, D, E, and F Roads paved or unpaved, OGEM or not. He repeated that safety and health are our biggest concerns and please keep that in mind.

Veronica Close, 12963 Raymond Drive- said the approaches to the roads are many and vary and produce different results. She said she strongly supports the request from the Council to LGWCD to hold off until the Visioning and Comprehensive Planning is done because it will make a difference in the Community. She said that the Council was elected to represent the people and she (this people) supports the request.

John Ryan, 3508 A Road, (LGWCD) - referred to the letter dated 4/13/08 from Town Clerk Lippman to LGWCD. He said the letter had been handed out at their Board Meeting the night before. He said there are members here from the LGWCD Board to answer questions. He then handed a closing comment to the Council members and Town Staff. He explained the position of the LGWCD Board is that the existing road petition process is an open process that does not conflict with the Town's Comprehensive Plan and does not appropriate for extended delay. He said we have heard the residents over the years and have studied the issues and we feel the process we are undertaking of having a road segment by road segment petition, and following up on the petitions with cost information and how it will be spread based on a number of years and some financing is the process that will be ongoing. He said we respect the fact you are requesting a Moratorium or nothing happening during the extent of the Comprehensive Planning Process, but we feel that in the interest of the people we serve, are going to continue with the process.

Bill Gurney, 1453 E Road- suggested sometime in the future that an entire Community referendum would be necessary. He said he appreciates the quality of life he enjoys right now and as a property owner that he pays a majority of the tax out here. He said through the years he has been subsidizing Agriculture and he doesn't appreciate it.

Andrea Stoll, 14536 40th Street North- said she would appreciate improvement on the roads. She said as an equestrian horse owner that she won't leave her property with her horse anymore. She said that she had been hit by a car while on her horse just outside of her property. She said she can't even pull out of her driveway without hoping she doesn't get hit. She said that when you look at safety there is no reason to wait to do this. She said it will be one more fatality, one more person, and asked how many more casualties are there going to be?

Councilman Louda asked Ms. Stoll if she would want an equestrian trail.

Ms. Stoll replied that it would be nice to have an equestrian trail. She said that it would be safer to walk on an OGEM road rather than the way they are now (dirt).

Arlene White, 2457 C Road- said she also is an equestrian owner who does not want to see LGWCD wait. She said she had received a letter from them saying the cost of OGEM is less

than the cost of the current maintenance. She said she would not ride on a dirt road but would have no problem riding on an OGEM road.

Ingrid Taskin, 1225 D Road- said she is also an equestrian owner. She said she hasn't decided whether she wants paved roads or not. She said she sat through 3 Visioning meetings so far and that we have to see the scope of trading A for B or B for A. She asked Clete if in the study that was done for LGWCD if there were any traffic studies done stating how many 18 wheelers or heavy trucks the roads paved with OGEM could hold.

Clete Saunier, LGWCD Administrator- said that was included in the 20 year life cycle of the paving study. He explained that OGEM was less expensive than keeping the roads unpaved. He said that includes the rehabilitation to resurface and recoat the roads every 7 years. He said that based on a typical section 110 feet wide

Ms. Taskin finished by saying that she is in favor of waiting until the Visioning Process is done so the study can be done.

Mayor Browning read the following Public Comment cards in to the record:

Denise DeVita, 2556 C Road- wrote that she supports paving of the roads.

U Khin, 14404 Tripp Road- wrote that she supports paving of the roads.

Kathy Simmons, 14346 Tripp Road-wrote supports road paving.

Linda Cowart, 4156 161st Terrace North- wrote she supports paving some roads with speed bumps. She wrote the dust created by cars speeding and unrestricted speed is both a health hazard and safety issue. Emergency vehicles need safe access. I have been a resident for 30 plus years and loved the dirt roads at that time dust was minimal because we did not have the population. Now the population has expanded. People are in a hurry, and do not slow down even when there are people on bicycles or walking. They get choked on the dust as I have just working in my yard. Pave the roads that are the major entrance to Loxahatchee.

Shelly Piercy & Daniel Piercy, 3697 D Road- wrote they support the paving with speed humps and to please pave D Road.

Mayor Browning said that we are requesting a delay but it seems that LGWCD has already decided.

Councilman Louda withdrew his motion, saying that he was still in favor of it, but it isn't going anywhere.

Councilman Autrey MOTIONED to request a delay from LGWCD on road stabilization and road paving (OGEM), SECONDED by Vice-Mayor Herzog and discussion was then opened:

Councilman Autrey said he really appreciates everyone coming out tonight. He repeated what Mayor Browning said that this is not about to pave or not to pave but we are simply honoring a request by the firm hired by us to do our Comprehensive Plan. He said we are in a planning stage; we put a Moratorium on building and Code Enforcement to help us develop our plan. He stated that this isn't about one entity playing in another entity's sandbox. He said he would hope we can work together to get a design. He said personally he thinks F Road looks like a prison. He said he is in favor of 6-9 months and maybe a little longer. He stated that the amount of paving that could get done in that amount of time is minimal anyway.

Councilman Louda said that John Ryan had already stated that the request is not going to be honored so why bother. He said that once a road is chosen, everyone has to sign a contract with LGWCD pay them and he thinks then it will stop.

Councilman Lipp said that as one of the members of the Public had said tonight, this train has already left the station. He commented that LGWCD has been working on this since before we became a Town. He said he is going to vote no on this. He said the reality is the roads are already paved with OGEM.

Vice-Mayor Herzog said she thinks sometimes in life you have to wait for things. She said we are saying waiting a realistic amount of time like 6-9 months. She said like Councilman Autrey said, they won't be paved in that amount of time.

Councilman Lipp said LGWCD and the Town have a bond issue and the Charter states to bring it to a vote. He said everyone will know what is going to cost and then they go to the polls and vote up and down on it.

Councilman Autrey said if you go to North F Road you can see the experiment is failing. He said in one year there is a neighbor's house whose road is showing from where he is pulling in and out and that is just one owner with his vehicles. He said he thinks we need to get the real respect on OGEM and its wear and tear. He said if you read LGWCD's report that OGEM did not get raving reviews. Councilman Autrey read aloud about a community up North that did a pervious type paving and it caused more wear and tear on the roads from the traffic impact.

John Ryan, LGWCD- said that Orange County has 7 years experience and is very satisfied with it. He said speed tables will slow people down.

Councilman Autrey said his report was from Orange County.

Mr. Ryan said that they didn't put in speed tables and didn't discourage cut through traffic like we are.

The MOTION failed 3-2, with Mayor Browning, Councilman Lipp, and Councilman Louda opposed.

Mayor Browning said that he has said from the beginning that we are 2 separate entities and LGWCD has the roads.

13. Land Use Plan Amendment Update

Town Clerk Lippman commented that it was good to see such a big crowd but he was sorry they didn't stay with all the other important information left to be discussed.

Shelley Eichner, Calvin Giordano- said that they had received the report back from the State and they have no objections or recommendations and only a few comments. She said one comment was in regards to the Simon Property which will be cut out and dealt with through the Charter and the other was on SR80 access management.

Mayor Browning explained to the Public that this is a Land Use Amendment to go with 1 per 5 acres throughout the rest of Loxahatchee Groves.

Councilman Autrey asked about the comment the Town should resolve the inconsistency with the Simon Property.

Town Attorney Tolces explained that DCA hadn't been notified of the Simon Property and the Charter and they now understand it is in the Charter.

Councilman Louda commented on DOT's comment and said that he is sure DOT would put in an objection if the Simon Property would put in their plan a direct access to Southern Blvd. He said he didn't think they would allow a residential cut to SR80.

Town Clerk Lippman said when the time comes when it is adopted he will know the specifics of what needs to be done.

14. E Road/140th Thoroughfare Discussion

Town Clerk Lippman thanked everyone for their feedback and showed the advertisement that ran as a full page ad in the Town Crier. He brought up the point Vice-Mayor Herzog had made about spreading the word to anyone who has a say in this voting matter to let them know this is coming up.

Councilman Lipp stated that this Item would be coming up before the Board of County Commissioners on April 28, 2008. He said we might need to get another ad in. He said he would put his phone number on the new ad offering a bus ride down to the meeting.

Town Attorney Tolces said this would be submitted to DCA for their review.

Councilman Autrey said direct mail is a rifle bullet and we should do mailers if we really want to get peoples' attention.

Mayor Browning asked if this ad would be in the paper on April 18, 2008.

Town Attorney Tolces responded yes and also the Resolution that was approved at the last meeting would be going out.

Town Clerk Lippman said the Town has the ability to send a mailer out first class and it would be \$650.

Vice-Mayor Herzog MOTIONED to approve the expense of a direct mailing about the E Road/140th issue to the residents of the Groves, SECONDED by Councilman Louda and discussion was then opened:

Town Attorney Tolces said that this is fine as long as the spending of funds is appropriate and sends a public purpose.

Mayor Browning said yes, this would kill our community.

Town Clerk Lippman said the mailer would go out tomorrow.

Councilman Louda said he would encourage everyone here to send a letter to BCC about this and to attend the meeting if they could. He said that Emails are treated fast and easy on the other end, but letters are there. He said you could also request to visit with any of these people.

Councilman Lipp mentioned that he would recommend to anyone who does go down on Monday, April 28, 2008 to say we are in support of the continuation of SR7-Northlake Blvd and

the completion of Roebuck Road out to the Western Communities because those are roads that really help. He said they are tired of us saying no, no, no.

Councilman Lipp said that in his letter he had said that doing those two roads would solve the problem for the traffic out here.

Vice-Mayor Herzog said she showed the map to some of the Council members of Royal Palm Beach and they had no clue about the direction of this road or that it would cut right through people's properties. She said they had no idea how many homes would be impacted because of eminent domain. She said she would also be sharing this information with the League of Cities Areas 2 and 3 tomorrow.

Councilman Louda said that The Village of Wellington is in favor of removing this because of where it ends.

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

Nina Corning, 2834 E Road- said that she has personal interest in this issue because she lives on E Road. She said 5 lanes dividing our Town and what it would do to us would make me move in a hurry. She said our Town is small enough as it is.

The MOTION passed unanimously 5-0.

15. Strategic Visioning Update

Town Clerk Lippman said that it has been a pleasure and the feedback has been great. He said it is good to see the Visioning is stimulating people to be active in the Town and it is good to see them here tonight. He said that there has been a request to do a Community Survey but if we do a survey then we need to do it right.

Vice-Mayor Herzog asked, what is the availability of the polling machines?

Town Clerk Lippman said right now that Dr. Marlowe has 75 for the Public Session but we can get more if we need them.

Councilman Louda said the whole point of this was brought up by resident Darlene Crawford for people who can't make it to the meetings or are too shy to participate in public.

Vice-Mayor Herzog commented that if people saw the questions that were going to be asked they might want to come out and participate.

Councilman Louda said he would like to do something including a pre-stamped return envelope.

Councilman Autrey noted that the Town only had 843 people vote during the referendum. He said Dr. Marlowe stated he needs 800-880 completions of the survey for accurate polling.

Councilman Louda asked how many mailing addresses there are.

Assistant Town Clerk Kantor responded she believed 1215.

Town Clerk Lippman said we paid Dr. Marlowe to do the process and his recommendation is what you see in front of you.

Darlene Crawford, 3057 E Road- said she thinks it is important that everyone has an opportunity to participate in the Visioning Process. She said the only way to do it is with a survey. She said if people don't take the opportunity than that is really sad. She said she did a survey back in 1998 and did it for free. She stated that she is shocked at the cost of a survey today but feels it would be worthwhile. She said that she feels the Visioning Processes are good but doesn't think there is a lot of diversity there. She said when she saw all the new faces tonight it made her think of how many people are out there. She said that she would like to see the opportunity to participate for the whole Public because not everyone can go to meetings.

Town Clerk Lippman said he would take the questions from the last Visioning Session and mail them out.

Councilman Lipp said that he had done some quick math and if we get 800 back that would be at a cost of \$200 each.

Pat Johnson, Collecting Canal Road- stated that the hot button in the past was paving and we didn't get that much response and according to this if we get that type of response it wouldn't be specific. She mentioned that there are so many addresses out here where the mail just comes back and said she didn't recommend this kind of spending.

Mayor Browning said his fear is it would delay the process.

Councilman Lipp MOTIONED to not move forward with a mailer and a survey, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.

Councilman Louda said he would like us to do something to get the people out.

Town Clerk Lippman said we did send a newsletter out.

16. Financial:

a. Investment Proposal

Town Clerk Lippman said that after having conversations with the State he changed the Communications Service Tax line item and gave the Council a new color handout with the correct information on it. He explained that currently we are earning 1.75% on the money in the Town's checking account. He said if we put the money in a 6 month CD that we would be locked into that. He said that if we use State Funds we can make minimal withdrawals. He said with the upcoming Hurricane season no one knows what could happen so he doesn't recommend tying up too much money. He explained that if disaster hits that the Town would need liquid assets to put up the money for FEMA before they reimbursed us. He recommended Investment Proposal #2 with a \$100,000 CDAR and \$100,000 in a Public Funds Money Market Account- for Total Invested to equal \$200,000.

Vice-Mayor Herzog MOTIONED to go with Investment Proposal #2 from the Agenda Packets, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

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

There were no Public Comments on the Item.

b. Grant Proposal

Town Manager Dr. Rosenbaum recommended how to proceed with this Item. He said he thinks the proposal is good but that a lot of the grants don't apply to us. He gave an example of horse trails and asked what we want to do with open space money. He suggested a managed grant program using an hourly rate which we can manage and getting some applications in the process.

Councilman Louda asked if the rate was \$125 per hour.

Town Manager Dr. Rosenbaum said that we can supply the person writing the grant with all the pertinent information we have.

Councilman Louda commented that we need to come up with a cap.

Councilman Autrey said he wondered why we don't develop a needs list first since we are going through the Visioning and Comprehensive Plan Process.

Town Clerk Lippman recommended putting it on a per project basis and identifying that there will be an hourly rate per project with a cap on it. He said Town Staff will work with the Council and use the book in the office to identify what is available to us. He explained that whoever we hire for this is not the researchers and that is our role. He said they are the executers.

Town Manager Dr. Rosenbaum said the grants are 6 month processes. He explained that sometimes the reporting or even the maintenance cost of a small grant can be so expensive that unless a really good pressing opportunity comes up we would take a shot at it.

Councilman Autrey asked if there are grants for refunding the Comprehensive Plan.

Town Clerk Lippman responded that we have a contract and are at the State Budget.

Pat Johnson, 15409 Collecting Canal Road, CERT Team- explained that the Town could apply for the grant next year because the Town Council has to apply for it since it is a Federal Grant coming through FEMA for municipalities. She said we can get money for the training and equipment and that it goes from \$4000-\$20,000. She said we can't apply this year because you have to establish a Town Citizens Core Council beforehand. She said that CERT and also 4H would fall under that Council and the money would go to CERT from them. She said the 2nd obstacle in writing this grant is that there is a lot to do to make the Town compliant. She explained that to get FEMA funds for anything you have to be NIMS compliant. She said that the timing on the grant is terrible and they only give you 6 weeks to apply.

Town Clerk Lippman asked John Ryan if the LGWCD is NIMS Compliant.

John Ryan, LGWCD- responded that he believes Clete has received funds from FEMA before.

Town Clerk Lippman said that Staff will be working with our Contract Management Firm in the next few months. He said he would rather the Council look through the book and see what is available and what we can go after in the State of Florida.

c. Financial Report

Town Clerk Lippman said he kept the format the same to be in tune with the budget. He said there is a change in the income flow based on the CST calculation. He said year to date that we are still looking good and ahead \$171,000. He said that he would need to take out an additional \$37,000 for the Traffic Study by Calvin Giordano that was approved tonight. He said that this won't affect the contingency reserve which we are predicting you will have \$250,000.

Councilman Autrey asked where we are at with the SWA collections.

Town Clerk Lippman responded with the amount collected through today. He said that 157 out of 460 bills had been paid.

Assistant Town Clerk Kantor explained that some of the 460 bills could be for multiple parcels or units.

Town Clerk Lippman said that in the Budget he had reflected that no more money for Onyx would be received (as a worst case scenario). He explained that a 3rd Notice of Non-Payment would be going out May 15, 2008 as instructed by the Council at the last meeting.

17. Loxahatchee Groves Park Entrance Discussion (Bill Louda)

Councilman Louda said he had been approached about this Item from resident Chris Gillman. He explained there is a curb cut that was supposed to be off of Southern Boulevard to be the entrance to Loxahatchee Groves Park but the entrance is off of Citrus Drive. He said he is requesting the Council go to the County and ask if the Public entrance can be put on a public road. He said he thinks the entrance on Citrus Drive should be closed off. He said he also suggests closing off E Road completely so you can't go through it. He said you would come in and leave the park going West on Southern. He said that we have to do something because Citrus Drive has way too much public traffic on it. He commented that you don't put up a Public park and then put the entrance through people's front yards.

Councilman Lipp asked if this had been discussed with Commissioner Santamaria.

Councilman Louda said he believed years ago he had mentioned it but he had never gone into this much detail. He said we need to do something with Loxahatchee Groves Park because who has it been servicing?

Town Attorney Tolces recommended that the Council have Town Staff talk with the County and see if the Town has certain responsibilities or rights since the park is located within the Town's borders.

Councilman Louda asked if a non district road could close off their property.

THERE WAS A GENERAL CONSENSUS TO HAVE TOWN STAFF REPORT BACK TO THE COUNCIL ON THE PARK ENTRANCE AFTER DISCUSSION WITH THE COUNTY

18. Public Comments

Larry Lefkowitz, 3485 D Road- talked about the ongoing Code Enforcement. He said there is music coming from our next door neighbor and you had recommended that we call the Sheriff. He said he got the impression that the Town wouldn't take care of this. He said he got information regarding the Special Magistrate Process and fines from the Town's website. He said he called the Sheriff 7 times regarding this and it is pretty obvious that won't solve the

problem either. He said he had prepared a recording of the noise to give the Council a sample of what he is talking about. He asked to play the recording.

Mayor Browning responded that this is for Public Comments only and we can't do that tonight.

Town Attorney Tolces said that this is a Code Enforcement matter and to the extent that it is causing a hardship to Mr. Lefkowitz and his wife they need to follow up with their attorney. He commented that he has already spoken with the Lefkowitz's attorney.

Councilman Lipp asked Town Clerk Lippman to ask John MacGillis when a party stops being a party and starts being an event.

Town Clerk Lippman referred to the Lefkowitz's neighbors, the Aguirres, and said that they had been cited and shut down previously from having an event without a permit. He explained that the Aguirres have been shown the correct paperwork to fill out and file to apply for a Special Event Permit.

Town Attorney Tolces said he wouldn't recommend the Town file any litigation. He said with respect to any potential revenue that would be a lien placed against the property. He said that doesn't even mean the Town would even get paid and that it could only occur if there was a code violation found on the property to begin with.

Town Clerk Lippman mentioned that an illegal event that was advertised as a rodeo was shut down and that they had been cited on the violation.

Mr. Lefkowitz said we want to work with the Town and want to minimize the cost to the Town.

Town Attorney Tolces said the Town should not spend Public Funds on a private matter. He said he has spoken with the Lefkowitz's attorney and he is aware what his clients' rights are. He said he cannot give the Lefkowitz's any legal advice.

Howard Voren, 1538 E Road- said he is extremely disappointed with one of the votes of the Town Council tonight. He said that the Council had been voted by the Town residents to represent the Town. He said that they had been asked by the company hired to do the Comprehensive Plan to have the other Government put on hold any road maintenance or paving until after the Comprehensive Plan was done you folded under pressure. He said that is what it looked like sitting in the Public tonight. He said the decision was based on the fact that you thought the other government would say NO. He said worse came to worse they would have gone on Public Record saying NO but that didn't have a chance to happen. He said they filled the room with a bunch of people who didn't get here by accident.

Darlene Crawford, 3057 E Road- said she wanted everyone to know that our little Town artist Catrina Crawford (designer of the Town logo) got into Bach Art Middle School and she used her gift certificate to Boonie's tonight to celebrate. She also mentioned that there is a team for Relay for Life that has raised \$825 so far and has a \$1000 goal. She said we are getting there and invited anyone to come out and join that night or if anyone has \$ to donate to do so.

Bill Gurney, E Road- said he agreed with Howard Voren on his point made to the Council. He suggested Town Council and Staff contact the Sheriff's department for Larry Lefkowitz's noise complaint.

Town Attorney Tolces responded that Staff has been in contact with the Sheriff's office.

Frank Schiola, Marcella Boulevard- thanked the Council for voting him on to LMIS. He suggested getting with the County regarding the speed bumps. He also said that the Johnson's mention of the NIMS compliance was correct and there is a lot of information that it deals with.

Todd McClendon, 3481 D Road- said that he wanted to go on record saying that there are no noise issues whatsoever with the ranch and that he lives very close to it.

Ken Johnson, 15409 Collecting Canal Road- asked permission for the CERT team to use the Town's logo.

Town Attorney Tolces asked the Council if they knew of anyone presently using the Town's logo without a legal agreement and to please let Town Clerk Lippman know if they did.

Vice-Mayor Herzog MOTIONED to grant the CERT team permission to use the Town's logo (subject to the execution of a License Agreement); SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

19. Town Clerk Comments

Town Clerk Lippman asked the Council if they wanted to keep reviewing the Town Attorney Bills publically or only on request. He explained that they are always available for viewing at the Town Office.

Town Attorney Tolces explained that the only reason the bill had historically been on the Agenda was because when the Town first incorporated the law firm had acted as Town Manager, Town Clerk, and Town Attorney so the Council had to see the bills.

Town Clerk Lippman said that not showing the invoice publically at the meetings would expedite his paying of invoices.

20. Town Attorney Comments

Town Attorney Tolces handed out a memo about a Cast Netting Ordinance. He explained that because of its jurisdiction with Florida Fish and Wildlife that he is not going to suggest the Town adopt one at this time.

21. Council Member Comments

Councilman Lipp said that it had been an interesting meeting and he is glad we are moving along.

Councilman Autrey said that he hopes in the future that when we have someone we are paying a lot of money to that we will listen closely to their advice. He said the Comprehensive Planning Process could be complicated now because of the time.

Vice-Mayor Herzog said she was concerned that the room was loaded tonight even though we were kind of aware it would happen as we left the LGWCD meeting last night. She said one of the LGWCD Board Members took the initiative to do that. She mentioned there is a League of Cities Board Installation that she is required to be at and all of the Council is invited to be there if they choose. She said it was \$50 per person for lunch. She also reminded the Council of the Elected Officials Workshop on Wednesday, April 23, 2008.

Town Clerk Lippman confirmed that all the Council members would be attending the Workshop.

Councilman Louda said he agreed with Vice-Mayor Herzog and Resident Howard Voren, and am disappointed in myself. He said the only reason he did that was because the decision was already made and laid out. He reminded everyone to write letters and visit the County Commissioners regarding the E Rd/140th issue.

Mayor Browning thanked everyone for coming.

22. Adjournment

Councilman Louda 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 10:45 p.m.

Dave Browning
MAYOR DAVE BROWNING

ATTEST:

Matthew Lippman
Matthew Lippman, Town Clerk

5-6-08
Date Approved

STATE OF FLORIDA
COUNTY OF Palm Beach

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

WITNESS my hand and official seal this 6th day of May A.D. 2008

TOWN OF Loxahatchee Groves
BY: Matthew Lippman