



**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

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

Mayor Browning called the meeting to order at 7:00 p.m. He mentioned this was the rescheduled meeting from Tuesday, August 19, 2008. He then requested the roll call by Town Clerk Lippman. Upon completion of the roll, Mayor Browning requested everyone stand for the Pledge of Allegiance and Invocation.

**5. Approval of Agenda**

**Vice-Mayor Herzog MOTIONED to approve the Agenda, SECONDED by Councilman Louda and discussion was then opened:**

Councilman Lipp said he had a point of order to make on Item #14 that he had discussed with Town Attorney Tolces earlier today. He asked the Council to read the appropriate Section 11-#6 where it discusses the LGWCD staying an independent special district and also on Article 7-Section 7 on the oath of office we took. "I do solemnly swear (or affirm) that I will support,

protect, and defend the Constitution and Government of the United States and of the state, and the charter of the Town of Loxahatchee Groves.....” He said I don’t see how in anyway, this is protecting, supporting, or defending the Charter of the Town. He said I think it is a foregone conclusion if you pay a consultant for an answer they are going to come back with the answer for the people paying them.

Councilman Lipp asked Vice-Mayor Herzog to amend her MOTION to remove Item #14 from the Agenda and to instruct Staff to add discussion on amending the Town Charter as an Agenda Item at the next meeting.

Vice-Mayor Herzog said she would amend her MOTION for discussion and Bill 2<sup>nd</sup> it.

Town Attorney Tolces said I do know this Item was placed on the Agenda at the request of the Council at your last meeting.

Councilman Louda asked Town Attorney Tolces if it would be legally better to amend the Charter first and then go for it.

Town Attorney Tolces responded that there is no issue with including an amendment to the Charter as well as an amendment to the district special act. He said you can include them both together in one referendum question.

Councilman Louda said I still don’t agree with Councilman Lipp. He said you can get a consultant to do an independent study; you just don’t tell them how you want an outcome.

Vice-Mayor Herzog withdrew her amendment to the MOTION.

The MOTION stands as is.

**The MOTION passed unanimously 5-0.**

**CONSENT AGENDA:**

**NONE**

**REGULAR AGENDA:**

**6. Presentation: SWA Alternative Landfill Sites (Amber M. Barritt, CDM)**

**Collene Walter, Kilday and Associates-** introduced herself and began a power point presentation on the SWA Alternative Landfill Sites. She said we were out here last December 2007 to present to you the Western Landfill site. She said they own landfill that is currently 1600 acres in Western PBC and is currently an agricultural site. She said they are looking at building a landfill that is about 900 acres with a 50 year lifespan. She said at the beginning of this year there was an RFP put out for any property owners who would be interested in submitting for alternate land sites for the landfill. She said they received 3. The first, the North Eastern most site which is known as the Ellen Smith Site, is triangular in shape, is 1600 acres in size, and is located at US98 and SR80. The second, which is known as the Hundley Farms site, is about 1557 acres in size, is located off County Road 880 and is rectangular in shape. The third is the Okeelenta Site which is 1600 acres in size, is located down South of South Bay, and is also rectangular in shape. Below is her power point presentation.

### **Procurement Process**

Issue Request for Proposals March 17, 2008 Complete  
RFP Due Date May 1, 2008 Complete  
Staff and Consultant Review (Tier I) May 2-8, 2008 Complete  
Committee Meeting – Short List May 14, 2008 Complete  
SWA Board Meeting to Review Short List June 11, 2008 Complete  
Staff and Consultant Review (Tier II)  
Completed Mid-August 2008 Complete  
Committee Meeting – Final Ranking September 2008 Pending  
SWA Board Meeting to Review Ranking October 2008 Pending  
Complete Fatal Flaw Analysis and  
Negotiation of Agreement for and  
Purchase December 2008 Pending

### **Tier I Evaluation**

- Evaluation Criteria (pass/fail):
- Not within exclusionary zones of RFP
- Of sufficient size and configuration
- Not within restrictions of Chapter 62-710.300 F.A.C.

### **Tier II Evaluation**

- Development and Operating Costs
- Acquisition Cost
- Terms, Conditions, and Contingencies
- Constructability, Capacity, and Operability
- Proximity to Environmentally Sensitive Areas and CERP Projects
- Proximity to Residents

Ms. Walter explained the Tier II evaluation as a much more detailed evaluation. She explained that with all three sites there are no residents between 1-5 miles. She said all three sites generally have about 5000 residences within 10 miles of them. She said all three sites are about 7 miles away from the Town.

Ms. Walter thanked the Council for the opportunity to be here and said we welcome your comments so we can take them back to the committee.

### **Council Questions and Comments**

Councilman Louda said I appreciate you coming and talking about the alternate sites but I just received the annual report from SWA and the only site mentioned is the Arthur Marshall site.

Ms. Walter said it was on the SWA's June Agenda.

Councilman Louda said if I was forced to pick one it would be the Ellen Smith (SR80-US98) because that is getting it out of the future flow of CERT.

Councilman Autrey asked if that is the site most North.

Councilman Louda responded yes.

Vice-Mayor Herzog said my concern is East of Okeechobee. She said there is too much with the sugar right now so I would go with the Ellen Smith.

Councilman Autrey asked Ms. Walter if she was looking for the Town to send a letter of support of the site or just to comment.

Town Clerk Lippman said they are here out of courtesy and to take word back to their people since we are so close as a municipality.

Ms. Walter said other municipalities have written letters.

Councilman Autrey said I would agree with Councilman Lipp and Vice-Mayor Herzog and go with the site which is the furthest North.

Councilman Lipp said one of the advantages we have is we have Professor Louda here to go through these issues. He also agreed with the rest of the Council members on the Ellen Smith site.

Vice-Mayor Herzog asked are they looking into any possible alternatives to not require another landfill site.

Ms. Walter said they continue to emphasize the recycling programs and they are also looking at some of the new technology that is out there. She said pretty much what we have heard there is always going to be some amount of trash or the ash left over from the trash. She said because of technology coming on board it allows the trash to be reduced and might extend the capacity of the landfill and that is the hope. She said there will be a need for a replacement landfill site by the year 2015.

Vice-Mayor Herzog asked with the new site isn't it supposed to be just for the ash.

Ms. Walter said the ash will be disposed of at the North County landfill because the waste energy center is right there.

Councilman Louda said one last thing, don't get me wrong, I think SWA is doing a great job but a bunch of us have our lives tied up in trying to do something for the future out here.

Town Attorney Tolces announced we have been advised we have reached the capacity of this building and I am assuming people are here for Item #14. He said I would ask if for some reason you are not interested in an Item and there is someone outside who is maybe individuals can swap in and out.

Mayor Browning moved to Item #7.

**7. Public Hearing:**

**a. (Community of Hope) (Control No: 2003-071)**

**Title:** Resolution approving a Final Site Plan of Community of Hope by Chris Barry, Agent.

**Request:** To finalize the site plan.

**General Location:** Northwest corner of Okeechobee Boulevard and "E" Road

Town Attorney Tolces announced this is a Public Hearing for the review of the final site plan for Community of Hope. He explained it is a quasi judicial hearing. He then swore in anyone from the Public wishing to speak on the Item.

**Chris Barry, Jon Schmidt and Associates-** introduced himself and said he was representing Community of Hope. Below is the schedule of the project and the details of the project he went over.

**Project Schedule**

- **01/17/07:** Class A Conditional Use Application filed with PBC
- **07/10/07:** Inter-local agreement between PBC and Town entered into
- **01/22/08:** Town approves moratorium exemption
- **05/20/08:** Town approves Class A Conditional Use
- **07/18/08:** Project certified by PBC DRO

**Project Details**

- 29,834 square foot facility
- 20' ROW buffer along Okeechobee Blvd. & E Road
- 50' buffer along all other property lines
- Added covered walkways on all buildings (except Building C)

Below are the conditions of approval he went over for the project.

### **Conditions of Approval**

- Pervious surface on all parking
- Six (6) special events or temporary amusements
- WCD easement/equestrian trail along E Road

Mr. Barry said in reference to the pervious surface on all parking he said there is a significant amount of grass parking on the site. He said we would want to keep the rest paved. He said we have heard there is a maintenance issue with the pervious surface. He said one of the other issues that came up previously was the Special Events or Special Sales. He said we wanted to clarify we could follow the PBC Codes for that. He said the church would like to have flexibility to have both. He said the way it reads right now it is tailored to Special Events and not Retail. He said the last condition of approval is in regards to the additional right of way if E Road is taken off of the thoroughfare map. He said if there is a possibility for us to dedicate a maintenance easement he said our proposal would be a 13 foot easement on the whole stretch of the Eastern property line and the two easements could overlap or one could supersede the other.

Councilman Louda said there should already be an easement on the West side of the property.

Town Clerk Lippman said they want the language to be amended so if the E Road/140<sup>th</sup> gets approved there would be a 13 foot easement.

Councilman Louda asked if that would be enough for the LGWCD.

Town Clerk Lippman said that Clete said they could operate with 10 feet.

Councilman Lipp asked if there were any equestrians in the Public.

Vice-Mayor Herzog asked how wide the equestrian trail is on F Road.

Councilman Louda said I would go to 15 feet.

Mr. Barry said there is only a 13 foot stretch on the property and to make it bigger it would require a reconfiguration of that part of the site plan.

Mayor Browning asked could we reduce the buffer a little bit.

Mr. Barry said I don't know how that works between the Town and the County. He said I don't know if that kicks it back to us having to request a variance from the County.

Town Clerk Lippman said it is a landscape buffer.

Vice-Mayor Herzog asked if there is a way to not put any object there that would obstruct the use by the trail people.

Councilman Louda said make sure there are 15 usable feet open.

Councilman Autrey said I think the Mayor had an interesting idea.

Town Attorney Tolces said if they were to decrease the buffer they would be required to apply for a variance with the Town. He said there is a whole process that would have to be involved with a Public Hearing. He said we could ask the County to work with us administratively.

Mr. Barry said administrative variances with the County are 5% and under.

Councilman Louda asked does that slow them up with ground breaking.

Town Attorney Tolces said I would suggest you approve at 13 feet, however, request an administrative variance for the additional 2 feet if the applicant is willing to do that.

Mayor Browning said we are not trying to hold you up, we are just trying to get where we want to be.

Town Attorney Tolces said I wouldn't want to see the Town holding up for someone for a horse trail when we haven't developed a specific plan for that yet.

Councilman Autrey asked are you going to fence off the Eastern buffer.

Mr. Barry said there are 3 tiers of planting to do on a roadway buffer.

Councilman Lipp said on Master Page 6 there is a picture of lighting that is not Rural Vista. He said Rural Vista wants all lights pointing down.

Mr. Barry said we can adjust that.

Councilman Lipp said in the Engineering Section on Master Page 17 dealing with Okeechobee and the left hand turn lane for east bound traffic and a right turn lane for west bound traffic. He said that is not on your map at all. He said I am wondering where all the real estate is going to come from to make Okeechobee a 3 lane road.

Mr. Barry said the County made a determination that the turn lanes we are required to build will fit within the right of way they already have.

Councilman Autrey asked so what you are actually calling a turn lane is that where someone pulls over to the right, decelerates and then pulls into the property.

Mr. Barry said correct.

Vice-Mayor Herzog said she has one question. She said on Master Page 12 it says project entrance on E Road I thought we weren't using E Road is my point.

Mr. Barry said it is for the properties to the North only.

Vice-Mayor Herzog said on Master Page 15 where it says changed conditions or circumstances can you explain that.

Town Attorney Tolces said that was one of the findings that was made with respect to the approval of the conditional use.

Vice-Mayor Herzog said it doesn't mean they aren't going to modify it again and increase now.

Town Attorney Tolces said they would always be able to apply.

Councilman Louda said on Master Page 8 you have FAR .4 and it should be .04.

Mr. Barry agreed.

Councilman Lipp said the impact on interior roads is a big concern in this Town. He asked do you know how many people come to the church using E Road and are they residents of Loxahatchee Groves or the Acreage.

Pastor Dale Locke from Community of Hope was sworn in.

Vice-Mayor Herzog said when the Presbyterian Church did an evaluation of where their people were coming from it was pretty much evenly divided and it would probably be pretty much the same for your congregation.

Councilman Louda said we didn't discuss parking. He said they wanted non pervious.

Councilman Lipp said the other kind of non pervious you can go with is concrete blocks where the water seeps down in between.

Mr. Barry said the way the condition is worded now is all parking has to be pervious and we would like flexibility here.

Councilman Autrey said all the stuff in the middle is all grass.

Mr. Barry said 72% would be grass.

Mayor Browning asked for comments from the Public.

Nina Corning and Bill Buxton were sworn in.

**Nina Corning, 2834 E Road-** said she has had the church on her corner for some time now and she said she is not bothered by it. She said the access on E Road is used primarily for golf cars. She said I find it difficult during events. She said I don't know where the entrance is and it blocks a little bit of the view especially when the cops sit there and try to help but actually hinder the view.

**Bill Buxton, 2770 E Road-** said when there are events the bridge there is being used a lot. He asked what kind of restrictions could be put on that bridge during Special Events.

Councilman Louda asked if the bridge lines up with that property.

Councilman Lipp said I drove by there on my way tonight and there was a sign there that said unsafe bridge-do not use.

Pastor Dale said we absolutely do not use that bridge for any event for the church.

Councilman Louda said we should add that as a condition.

Below are the Retail Sales, Mobile or Temporary vs. Special Events he went over for the project.

**Retail Sales, Mobile or  
Temporary vs. Special Events**

- Retail Sales, Mobile or Temporary
  - “Temporary sales shall be conducted without a fixed or permanent location. Typical uses include sparkler or special event sales, such as the sale of furniture and seasonal sales regulating (e.g. Christmas trees, pumpkins) that may require a tent or temporary structure.”
- Special Events
  - “A temporary activity which includes rides, amusements, food, games, crafts, performances, or services. Typical uses include carnivals, circuses, auctions and revivals.”

Mr. Barry asked what about the Special Events and Temporary Sales.

Town Attorney Tolces said that was approved as a condition of approval and we are here for the site plan and I don't want to necessarily modify the conditional use through the site plan process.

Mr. Barry said currently the County's code allows them to have 4 Temporary Sales Events.

Town Attorney Tolces said I believe when it was discussed it was a total of 6 including the temporary sales events as well.

Town Clerk Lippman said you as the Town Council have the opportunity to grant any Special Events in addition to the 6.

**Councilman Louda MOTIONED to approve the final site plan for Community of Hope with the additional conditions of approval that the bridge on the property be closed to vehicular traffic and the 13 foot easement comes forward along the eastern boundary of**

**the property, SECONDED by Councilman Autrey and the MOTION passed unanimously 5-0.**

Vice-Mayor Herzog commented on the trail I thought we were going to go with 15 feet when we could.

Town Attorney Tolces said if possible that is correct.

Town Attorney Tolces read Resolution 2008-024 for the record.

Mayor Browning moved on to Item #8.

**8. E-Road / 140<sup>th</sup> DCA ORC Report: Update**

Town Clerk Lippman said as you know a reminder tomorrow is the public hearing at PBC Commission. He said I presented you a summary email from Donna Brosemer that was sent to me today. He said she has been in contact with the County Commission as much as she could said according to Donna they will be discussing pulling the E Road part off and keeping the thoroughfare on.

Councilman Lipp said he would be at the meeting.

Vice-Mayor Herzog said she would be at the meeting.

Councilman Louda said he would be at the meeting.

Councilman Lipp asked if anyone has comments to the ORC Report. He said last I heard they weren't going to go that way.

Councilman Louda said when I read the Staff Report and Agenda I noticed that they were taking off Persimmon to SR80 leaving 140<sup>th</sup> to Northlake on.

Mayor Browning said I will try to make it depending on the weather up north.

Mayor Browning moved to Item #9.

**9. Land Use Plan Amendment #08-01: Update concerning petition and DOAH Proceeding**

Town Attorney Tolces said you have in your packets the response from the DCA. He said we are currently working on setting a hearing date on the Town's Comprehensive Land Use Plan Amendment to change the remainder from RR10 to RR5. He said there was supposed to be a meeting with Nat Roberts.

Town Clerk Lippman said the meeting with Nat Roberts from Callery Judge Groves had been postponed due to the storm.

Mayor Browning moved to Item #10.

### **10. Comprehensive Planning: Update**

Town Clerk Lippman said I will be getting the first draft of the changes hopefully by Friday or Monday. He said we will read it through and look for errors and then it will be available for the Public after that on the website. He said we are hoping to transmit on September 16, 2008.

Councilman Lipp said I talked today with Jim Fleischman regarding the low income housing and also about congregate living facilities and they are checking to see if we can actually specify where. He said we can say that the adequate sites can be South of Collecting Canal. He said that is something Calvin-Giordano is working through.

Vice-Mayor Herzog asked how can that be if the zoning is 1:5.  
Councilman Lipp said we have already said that if there are going to be congregate living facilities they would be South of Collecting Canal and they are 1:5.

Town Attorney Tolces noted because of the change of the date of the meeting Lorraine Tappin had a conflict. He said I know she is aware of it and is working on it as well. He said if someone wanted to come in and apply for a land use change South of Collecting Canal they would only have to ask for a Map Amendment Change.

Councilman Autrey asked what is the end objective here, not to have mobiles at all.

Councilman Lipp said I think having a trailer (mobile home) on a bona fide agricultural operation for migrant (farm) workers to live is fine, but to have a low income house put in the middle of a residential neighborhood is not.

Councilman Autrey said I think we should be careful here. He said today you can buy a manufactured home where the quality is better than a home built on site.

Councilman Lipp said we are not talking about manufactured homes.

Town Attorney Tolces said the difference between mobile homes and manufactured homes would be defined in the ULDC.

Mayor Browning asked for comments from the Public.

**Bill Kline, 3191 E Road-** said what happened to the County telling us what we can and can't do and now you all are telling us what we can and can't do. He said you used to be able to have a trailer for a certain amount of years while you were building but there was also an acreage rule too where if you had a certain amount of acres you could leave it there indefinitely and asked are you trying to change that.

Councilman Lipp said if it is bona fide agriculture and somebody has farm workers living there it is a done deal.

Mr. Kline said it can be used as an office trailer nobody has to be living it.

Town Attorney Tolces said these are the types of conversations you will have when they transmit the Comprehensive Plan and develop the ULDC.

Mr. Kline asked if this is going to stay a Town is this a done deal. He said you all voted to be a Town.

The Town Council replied the people did.

Mayor Browning moved to Item #11.

### **11. Gas Tax Revenue Projects:**

#### **a. Town Council Recommendations**

#### **b. LGWCD Recommendations**

Town Clerk Lippman said the Town will collect \$392,000 in gas tax revenue. He said at the LGWCD Board Meeting they discussed some items and they prioritized paving Tangerine Road (Non District) with OGEM and to handle the Collecting Canal and D Road bridge culvert replacements (2 of them). He said we don't anticipate we need to do these today because the revenue has not started flowing in yet. He said we are looking not until September until getting into real discussions.

Councilman Louda commented on paving Tangerine and said I would say absolutely not until we get rolling with any Commercial that comes in. He asked why should we use gas tax money or Town money when we could probably have the people building the Commercial kick in at least on a cost share basis. He said gas tax money is for road improvements and asked if those two culverts fall under that.

Town Attorney Tolces said I would stretch and say if it is under the road and supporting the road it would be a transportation expenditure.

Mayor Browning said these are recommendations so we don't need to deal with them tonight.

Town Clerk Lippman said I just wanted to get this out here and get your minds thinking.

Councilman Louda said if we can help out with the culvert costs as long as it doesn't get so carried away like the one on E Road.

Councilman Lipp asked would a culvert be considered a capital improvement.

Mayor Browning asked or maintenance.

**Patrick Figurella, Calvin-Giordano-** said a culvert that is existing and being replaced could be considered either way.

Councilman Lipp asked if maintenance money needs to be spent on maintenance or could it be kicked in to finish a capital improvement project.

Town Attorney Tolces said it is something we would look at to make sure we are spending the money to be consistent with what the State Statute authorizes.

Councilman Louda said I thought we were supposed to be using on improvements not maintenance.

Mayor Browning said I know we talked in the campaign and everything else is this was one area we would use to upgrade and maintain the Non-District roads.

Town Clerk Lippman said this is the time to provide feedback to myself so I can sit with Clete and go over your suggestions, their suggestions, and come to a compromise.

Mayor Browning asked for comments from the Public.

**Ron Jarriel, 2800 161<sup>st</sup> Terrace North-** handed out photos taken after Tropical Storm Fay. He showed the 2 culverts needing to be replaced and Tangerine Drive. He said Marge; you have made numerous comments that you want these funds to go to Non District roads. He said I have 3 road petitions here. He said one is for E Citrus Drive which adjoins the park. He said one is for Tangerine Drive; one is for 147<sup>th</sup> Avenue North (where the kids meet for a school bus stop). He said Tangerine Drive probably has more kids on it than anybody. He said Tangerine Drive and E Citrus Drive is being abused by the travel that goes to that park. He said the residents are here tonight because they want to figure out how to slow traffic down. He said I do believe one of the Council's priorities is traffic, speed and safety. He said I don't agree with Bill (Councilman Louda) about waiting for other people to pay for it. He said yesterday Frank Schiola and I were up all day on Tangerine and they had no drainage. He said one house was flooded with water inside. He said they have no drainage and no road. He said there is a possibility if we make an effort to do something for these families and these kids, and kids should be a priority, that Commissioner Santamaria might actually match our funds if we try and do something for the Community. He said yesterday the park was underwater. He said we got drainage problems. He said to compliment the LGWCD they opened the gates a day ahead of time and we had all 3 gates open flowing water. He said the culverts are not a priority and I am on the LGWCD Board. He concluded by saying the kids are a priority.

Mayor Browning said I like what you are saying and it is important to make sure we know that coming from the LGWCD Board. He said just to look at something and say to OGEM a road we aren't looking at the whole picture.

Mr. Jarriel said that was another thing that bothered me at our Board meeting. He said this list was a spur of the moment thing that shouldn't have happened in a week or two. He said this should be discussed by not only the Town Council with input from the Community but also be discussed by the LGWCD Board. He said we shouldn't be rushing into something like that especially when we aren't going to get our first \$25,000 until after October 1, 2008.

Vice-Mayor Herzog said and that is exactly why we want to do a Master Road Plan for the whole District. She said we are not saying don't go ahead with projects we are saying let's do it in an orderly fashion and let's address the Non District roads as well as the District roads.

Mr. Jarriel said we have a road plan established already. He said you don't like it but we have people who signed petitions and for the first time in 10 years they are willing to take an assessment. He said we have a road plan established but the Council doesn't like it and F Road is an example of that.

Mayor Browning said I encourage the LGWCD to come to us with these projects and we can put our money together and benefit the residents of Loxahatchee Groves.

Mr. Jarriel said the people are waiting for you to do something and we can't come up with a better idea than OGEM and speed humps so if you can then come out and do it.

Town Clerk Lippman said Clete and I have been in discussions so I don't know where the miscommunication happened. He said Clete and I are on the same page that there is no rush on that. He said Clete and I agreed to talk about it publically and that is what we are doing. He said we want to start the dialogue so we have 30-60-90 days to get with both of our Boards.

**Ilene Rindom, 14285 Collecting Canal Road-** said I don't understand where Mr. Jarriel is bringing to your attention the condition of the roads.

Mayor Browning said that is a Non District Road.

Ms. Rindom said that bothered me. She said I have requested and have been reviewing the numbers of signatures for OGEM on lettered roads and they are not adding up.

**Howard Voren, 1538 E Road-** said the fact that the LGWCD has a plan and the Town Council doesn't like it is the way it should be. He said the LGWCD has had control of these roads in the 30 years I have been a resident and since I believe 1917 and we are in the position we are in now. He said we made the decision to incorporate and we elected a Town Council and now at the final hour when it is being investigated on how to make the LGWCD dependent on the Town Council so we don't have two governments; all of a sudden they have a wonderful plan to get us out of the fix they have allowed us to get into after all these years. He said I don't understand how Mr. Jarriel can stand up here and address the drainage problems which is fully under them and not your own.

**Grace Joynce, 3886 147<sup>th</sup> Avenue North-** said I have been here 19 years. She said I came to the meeting tonight because I got a message on my machine saying, You have to come to this meeting –we are going to talk about paving your road and you have to show your support. She said I didn't notice much being said about my road and I am here to tell you I think it is important to pave 147<sup>th</sup> Avenue North. She said we have kids and a problem with drainage. She said when the water lines were put on North road they tore everything up and now everything drains into the center of our street which is not good for us. She said I know it is important to everyone who lives on a dirt road. She said I came here with one intention and now have another. She said we do need a plan and asked how this came about. She asked who decides what is most important. She said to me it is my road and we should be done first. She said we elected you to decide how this would be done with OUR input not just one particular Board member. She said we need to do this as a Community. She said everything seems to be taking place South of

Okeechobee and I am not sure why that is. She said I think you are doing a great job and please keep up the great work.

Councilman Louda said I have a quandary of using the gas tax money for OGEM on any particular road at the moment until we get any type of plan done. He said the LGWCD has an operation-not a plan to get different roads done. He said it is not a plan. He said the gas tax money belongs to the entire Community and that is the quandary I am in-how to benefit everybody. He said if I had to pick a road I would say South D and I don't live on it and I've never heard it mentioned because they don't want it but if you think about it that is our main road.

(Rumblings heard of people not wanting that)

Vice-Mayor Herzog said we don't know how long that project on F Road South of Collecting Canal will take. She said for those of you who don't have an Agenda we will be discussing the MREG Plan as Item #13 so don't leave.

Councilman Louda asked how far down the road we could expect entrance to the park to be moved to Southern Boulevard.

Town Clerk Lippman said I spoke with Dennis Eshleman again and Mike O'Dell (Chamber of Commerce) and Jean Matthews. He said Dennis is a little bit on hold right now because without seeing the money on the budget he can't do anything right now. He said Commissioner Santamaria gave us his word.

Councilman Louda said if we get that North entrance closed off on that park it will solve a lot of these problems.

Town Clerk Lippman said that won't happen right away.

Mayor Browning said I want to point out the residents are going to be able to get suggestions for the gas tax money to both Matthew and the LGWCD. He said we are going to be working together on these projects. He said my intent was to do something with the Non District roads because for years they were told we can't do anything about it. He said if you have project needs let Matthew and Clete know and we will get them to the Boards and we will get together on using the money to take care of your projects.

Councilman Louda said while we have this quandary over road jurisdiction there is no quandary on drainage-it is 100% Chapter 298 which is the LGWCD.

Town Attorney Tolces said there is no quandary with respect to road maintenance with respect to the Town and the Town is authorized to maintain any public road within the Town of Loxahatchee Groves. He said the desire to formulate a road plan would also include drainage associated with whatever roads you choose. He said the Town is authorized to provide municipal services, such as, drainage. He said it would be all encompassing to whatever plan the Town would seek fit to adopt.

Councilman Louda said what I heard tonight was because of drainage. He said I looked at the flooded properties and see no personal responsibility.

Town Attorney Tolces said if individuals do have concerns with respect to roads they should call Matt and call Clete. He said if the Town doesn't know there is an issue we can't look at it.

Town Clerk Lippman said I would request by the September 16, 2008 meeting at the latest we need more definitive direction with this so we can move forward.

Mayor Browning moved to Item #12.

## **12. Road Discussion: Dust Mitigation**

### **a. Calcium Chloride and other dust control options**

### **b. Additional Law Enforcement to cut down on speeding on the letter roads**

Town Clerk Lippman said in one of the discussions I had with the Council there was some concern expressed with the Master Plan. He said it could take until March to complete and right now dust is the major issue. He said some of the opportunities I have had are to look into options for dust control and looking into providing money for additional law enforcement to slow speeders down. He said I spent a lot of time on the phone with different companies. He said one of the solutions I provided you with would last 12-24 months. He said while we are formulating the plan we could consider these options and price them out and see what they would cost to the Town. He said there is some mixed reaction to Calcium Chloride. He said some of the options are a little pricier than others but last for longer periods of time.

Councilman Louda said I passed out my comments on road stabilization with the use of dust control products. He said I suggested using 2 different products on 2 different sections and let's see how they work.

Vice-Mayor Herzog said I think the LGWCD has done an effective job with the calcium chloride they must have researched this.

Town Clerk Lippman said at the LGWCD meeting by consensus of the Board, they said they didn't feel this was worth the expenditure of the gas tax money. He said we have the responsibility to address the issue during the planning process. He said this is not to say ok Council do it since they do not want to do it.

Councilman Louda said the reason I suggested calcium chloride again is they have a history with it and people are used to it. He said hopefully one of these other 2 products will prove to be much better.

Councilman Lipp said I had talked with one of the references they had here for one of the solutions in a little Town out in Nevada. He said they get 10 inches of rain a year; we get 70 inches of rain a year. He said when you don't have any rain it holds it together. He said it might be worth a test but with massive amounts of rain it would go away. He said from what Clete tells me we had 9.5 inches on the Groves which would equal about 2 billion gallons of water on the Groves. He said if you want to research this search on Google-soybean oil soap stick (is the road material).

Councilman Autrey said I think we need to look into it a little bit further and we have time.

Town Clerk Lippman said we do have some time but with the dry season starting soon (December) we have the responsibility to mitigate the dust so I am looking for direction.

Councilman Autrey said I like Councilman Louda's idea of a test. He said I don't know if I would want to go for 6 sections for a test though.

Mayor Browning said I am the one who brought this up and when we did F Road we had the choice from the County to use the money as a dust abatement option or for OGEM. He said it was a dry year and it would have been a good year to put some sort of product down. He said my fear is EPA or somebody will come down here and say the dust is too bad for your residents and make us all pay for it.

Councilman Autrey said if we use gas tax money for OGEM we have 47 miles to go. He said we could afford to do 1 mile per year. He asked who wins the road lottery. He said to me it is silly. He said I believe we should use it to benefit as many people as possible. He said we are going to be discussing a Master Road Plan and using gas tax money for OGEM is crazy.

Mayor Browning asked for comments from the Public.

**Ron Jarriel, 2800 161<sup>st</sup> Terrace North-** said this will be your first mistake as the Town Council. He said we did calcium chloride for the simple fact to see how long it lasted. He said Commissioner Santamaria does not feel the same about calcium chloride. He said we did a \$66,000 study on what we could do for Loxahatchee and we did 3-4 surveys and the people thought they could afford OGEM. He said last year when the weather man said we were going to have the worst drought we ever had the weather man was wrong. He said that is wasted money and I don't want to depend on Mother Nature.

**Bill Kline, 3191 E Road-** asked what is the calcium chloride an alternative to. He asked if on F Road they still have an equestrian trail so people can ride their horses. He said there is a problem with that road and you can't go down it very fast. He said if you put the calcium chloride down people can go faster and asked is that what you want. He said F Road is a safer road for everybody.

**Bill Buxton, 2770 E Road-** said I am amiss so I will start from scratch. He said it seems like there are a lot of problems we are talking about tonight. He said I am not in disagreement with the people out here. He said I have been out here 6 years but Loxahatchee Groves is not what it used to be. He said Loxahatchee Groves has grown very large very quickly. He said one of the simpler solutions I found when I was developing my property was putting Areca Palms all the way down the front of the property and they stop the dust. He said I think the gas tax money is paid by all of us and should be used by all of us. He said it should benefit not the people who are on some Boards and not on other Boards. He said I am in agreement that calcium chloride on a temporary basis is flushing money. He said I also know this Town is not in a situation that can afford to do everything for everyone at once. He said I called PBSO probably no less than 10 times to offer my driveway to put a guy out there with radar and they did it one time and caught 44 people. He said I think we need to be concerned about is speed and the reason for that is that when people go faster the more bumps we cause. He said I am to the opinion there is no one item to address. He said I am making this as a personal statement and asking the Board to look at it that way. He said I think we need to get rid of partisanship and start looking at this as a whole community.

Town Clerk Lippman said the first part of this I am asking for consensus of the items that are there and to take Councilman Louda's suggestion and talk to Clete. He said I think speeding is definitely an issue and we need to hit with a minimum of 14 straight days. He said I will come back with a proposal with what we can get under our contract and what additional enforcement would cost.

### **GENERAL CONSENSUS WAS GIVEN**

Councilman Louda said make sure they do a rotation of violations, like running stop signs.

Councilman Lipp asked if only deputies can give tickets or outsource.

Town Attorney Tolces said only deputies but you can get creative when looking at traffic enforcement and use things such as the cardboard officer or an empty PBSO car.

Councilman Louda asked what about the flashing red light sign that tells you your speed.

Town Clerk Lippman said I will meet with Captain Calloway to explore the options and come back to you.

**Ken Johnson, 15409 Collecting Canal Road-** said I believe we can kill two birds with one stone. He suggested dropping the speed to 25 and you won't have to spend the money on calcium chloride. He said if they are not speeding they are not kicking up the dust. He said as for the gas tax revenue I think the money should be put into escrow until the plan is done.

**Bill Parker, 15565 Collecting Canal Road-** said they petitioned to pave B Road which would cost me a considerable amount of money and I surveyed my neighbors and we are not in favor of it. He said I don't like dust but I came out here and accepted it. He said Odum's trucks down the street from me run 30-40 miles down the road. He said the expense would be on me because I have 10 acres.

**Nina Corning, 2834 E Road-** said I keep hearing people and their solution with OGEM. She said OGEM is a short sided solution to the dust. She said I have 10 acres. She said the OGEM that has been put down has been put down inappropriately and I have been told so by the people who were installing it. She said it doesn't have a proper road base and it was not put down with the appropriate amount of limestone and because it is so porous it will eventually cause those pot holes you are afraid of. She said it is taking away the rights of the people who moved there to be able to ride on those roads and for other activities. She said I moved to Loxahatchee Groves because of the dirt roads. She said I think people want to change it and have me pay for it. She said I have said many times at various meetings that some officers should be at various streets. She said if you get hit often enough with a ticket you are going to slow down. She said I don't know how a fire truck would get to you over those bumps. She said calcium chloride is good and some testing of other products could work. She said I think we made some decisions in the past without having enough knowledge, such as, F Road. She said whatever we get into we should get some more planning and do it for the greater Community and not just for some people.

Councilman Louda quoted Abraham Lincoln-“If we knew where we were going we would know better how to get there” and Davey Crockett-“Make sure you know what you are doing and then go ahead.”

Town Clerk Lippman said we will be coming back to you at the next meeting on the 16<sup>th</sup> with a plan for PBSO and some prices for the Town.

Mayor Browning said I agree with what people said. He said we need to nail some people out there for speeding and if we do Item #12b then Item #12a will go away.

Mayor Browning moved to Item #13.

### **13. Master Road, Equestrian, and Greenway Trail Plan (MREG): Approval of proposal**

Town Clerk Lippman introduced Jeff Maxwell from Calvin-Giordano and said he would be the Chief Engineer of the MREG Plan.

**Jeff Maxwell, Calvin-Giordano, Chief Engineer-** said there has been a lot of discussion about what the roadway plan will entail. He said as you know we already have a paving study done by the LGWCD which identifies the type of paving that has been put on the roads. He said we would like to do our study as the next step. He said you have identified in the Comprehensive Plan that you will be ensuring a certain level of service standards for the roads and now that the Plan is in progress you have to come up with some type of plan for the roads. He said the primary function is to get you compliant with the Comprehensive Plan and to tell you how well the roads operate now.

Councilman Autrey said we had talked about this 3-4 years ago and in the District’s paving analysis came back with if you want to use pavement you have to conform to a certain standard. He said you have indicated to me if the Town brings forward what we can we have a little more flexibility with the green book standard.

Mr. Maxwell said not necessarily. He said the OGEM allows you to treat it as a pervious surface so you don’t have to accommodate additional drainage features.

Town Clerk Lippman said we are looking at the options we would have right now.

Councilman Autrey said we have more flexibility with the width.

Councilman Louda asked if this survey goes through and we publish it and it becomes part of Public Record does that not kick in and they say you have to do it now. He asked would we be mandated to do something.

Town Attorney Tolces said I can’t give you a definite answer but the best answer I can give you is whatever is done has to be consistent with your Comprehensive Plan.

Mr. Maxwell said the State would get involved with roadways involving concurrency like Okeechobee. He said you would establish your local roads.

Councilman Lipp asked for a definition of Level D service.

Mr. Maxwell responded the threshold at a stopped controlled intersection is an average wait of 25 seconds which sounds like a long time. He said at a level service D you would probably have one car in front of you and one behind you and you would notice it but not be frustrated.

Councilman Lipp said I don't know of any 4-way stops. He asked what is the level of service at a 2-way stop.

Mr. Maxwell responded you wait a little bit longer at a 2-way stop but it would still be a 25 second delay.

Mayor Browning asked how could we get penalized because Okeechobee has too much traffic on it. He said my frustration is partly we go to the County and try to get 4-way stops and traffic lights and we can't do that and now we are going to pay \$66,000 for a survey which is going to come back and bite us when they say now you have to do something and we are limited in what we can do.

Mr. Maxwell said you have to show them you have some indication that you will take some action to correct that problem.

Town Clerk Lippman asked if the Town would still be obligated without a master road plan if a

Vice-Mayor Herzog asked Town Clerk Lippman if the cost of the study is already in the budget.

Town Clerk Lippman responded yes and it came in at \$7000 lower than the budget.

Councilman Louda said if we do it and it becomes part of the Comprehensive Plan I think DCA will be more favorable.

Councilman Autrey said so we do this plan and we have a product with the idea we bring forward a plan to the Community. He said my understanding as a municipality is we have some funding options if in terms of long term funding and the payment would be less than the District could bring.

Town Manager Dr. Rosenbaum said you have a number of options here. He said in some cases it is difficult to do but you can bond your gas tax money and get it all up front. He said you can go the Ad-Valorem route. He said all your municipal revenues other than the Ad-Valorem and issue a revenue bond and get all the money up front and do all the projects at once. He said the Ad-Valorem the tax payers would have to vote on. He said the answer is you have a lot of good alternatives here that warrant further discussion.

Councilman Autrey said my point here is if we can put together a plan which incorporates what most people want and we could bring to the Community 4 flexible funding options and have a referendum on it so it gets voted up or down. He said we would all get to vote on it and personally I think we should come up with a good plan. He said I know there are differences of opinion on OGEM and Indian Trails tried it by doing 3 miles and pulled it out.

Town Manager Dr. Rosenbaum said I think once we have a plan in place we can lay out different financing options and see what we can do to relieve the burden a little.

Councilman Autrey said it is my understanding the speed humps which are very effective the LGWCD doesn't have to put in.

Town Attorney Tolces said if they are considered traffic control devices they need to get with the Town because we have exclusive jurisdiction to maintain the traffic control devices on the Public roads.

Vice-Mayor Herzog asked if we have anything in writing that protects us on the use of speed humps.

Town Attorney Tolces said you can look at that when doing your Land Development Codes.

Councilman Autrey asked if there is a design standard for speed humps.

Vice-Mayor Herzog said I would like to ask through the League of Cities if you could explore the liability to the Town regarding speed humps. She said we have them already and what protection do we have for our Community.

Councilman Lipp said I think it is a good looking plan. He said Items 1-5 are all spot on. He said the 2<sup>nd</sup> bullet on Item 6 is what the Erdman- Anthony study (study for LGWCD) did and asked if we are going to do it all over again.

Mr. Maxwell responded a little of both.

Councilman Autrey said I think Patrick told me there is language that talks about historical precedence in the green book.

**Patrick Figurella, Calvin-Giordano-** said there is a reference to historical precedent.

Councilman Lipp said in the Visioning Process we talked about roundabouts on Okeechobee and I don't see that anywhere in the proposal.

Mr. Maxwell said we can throw that in very easily.

Councilman Louda asked as this Plan comes forward will it have the funding options that Town Manager Dr. Rosenbaum went through.

Councilman Lipp stated there will be 2 workshops on this. He then asked if there would be a mechanism that identifies cut through traffic.

Mr. Maxwell said I don't think it will give you an exact number but I think it will come pretty close.

Town Clerk Lippman said in discussions I have had with Jeff and his team in doing the plan is they will present many options to us. He said when you get down to Item #6 they will make recommendations and if you choose to go outside the box is it still safe to the Community. He said the 2<sup>nd</sup> thing I want to bring up is on the conversation brought up on speed humps. He said on the petition that just went out there was mention of speed humps and the Town was not addressed first. He said I ask that there be some acknowledgement of that and we just need to be part of the process in the petitions that go out to the residents.

Mayor Browning asked now do we need to address the speed issue.

Councilman Autrey said that is an excellent point because we have discussed going to 25 and right now it is 30.

Town Attorney Tolces said under State Statute there has to be some type of study done to lower the speed limit.

Mr. Maxwell said the problem with that is you have to show 85% of the cars are traveling at that lower speed limit. He said it is always easier to go up than down.

Councilman Louda said right now F Road is posted at 30. He said you can't go 60 over the humps at 30. He asked what is the speed table speed designed for and we need to get it posted.

Councilman Autrey said this Plan will have everything getting done but that might not fly and what if the Town decides to go with a Plan B which might be some roads but not all.

Mr. Maxwell said we need to model whatever change you want to do.

**Vice-Mayor Herzog MOTIONED to approve the expenditure to authorize the commencement of the MREG Plan by Calvin-Giordano, SECONDED by Councilman Louda and discussion was then continued:**

Town Attorney Tolces said I will draft our standard agreement and pass it on for the Mayor's signature.

Mayor Browning asked for comments from the Public.

**Ron Jarriel, 2800 161<sup>st</sup> Terrace North-** asked if when we get bonds the State would require us to go with the State or County standard.

Town Manager Dr. Rosenbaum said we have the option to issue our own bond as a municipality. He said we are tax exempt so it is usually considerable less and the cost is spread over 20-30years.

Mr. Jarriel said we are talking about \$66,500 for the study and asked if there is an hourly rate that could be charged on top of this. He asked how much was budgeted for this.

Town Clerk Lippman responded \$75,000.

Mr. Jarriel said we have already started working on horse trails on F and North roads and the County took care of it and it didn't cost the tax payers anything. He said we mentioned speed humps on F Road and they are supposed to be 25-30 miles per hour. He said you are worried about liability but we put the speed humps in because people in Loxahatchee couldn't afford guard rails. He said the State Law in a rural area is 30 miles per hour.

Mayor Browning said I think the question was where the speed humps are we want to make sure the speed limit is posted.

Mr. Jarriel said we have a warning sign that says speed hump ahead. He said if you feel we need additional signs how long will it take you to do this.

Mayor Browning said we may not need it if we can go to 25 miles per hour.

Town Attorney Tolces said we are aware of the issue

Councilman Autrey said if we just got the engineering on it I am sure we could just go from just that.

Vice-Mayor Herzog said the reason I brought it us is because at the League of Cities conference in Tampa other municipalities talked about the issues with the liabilities of speed humps.

Mr. Jarriel said all I know is the speed humps slow people down and people are happy. He said we haven't had a car in the F Road Canal in over a year and all the other roads have them go in all the time. He asked if the MREG Plan has to be done before the Comprehensive Plan is completed.

Town Attorney Tolces said it is my understanding it is being done in conjunction with the Comprehensive Plan. He said there is no specific requirement it be submitted with the Comprehensive Plan.

Town Clerk Lippman said the original intent was it would be completed 1 year after the Comprehensive Plan was passed. He said the reason it was sped up is that the Community is to recognize the Community does have some concerns with the roads; they are very concerned with dust and some other issues. He said our goal is to have this done 4 months after the Comprehensive Plan is done.

Mr. Jarriel asked when is the soonest the Comprehensive Plan will be completed.

Town Clerk Lippman said it will be transmitted September 16, 2008 and hopefully adopted by January 2009.

Mr. Jarriel said we are spending \$75,000 right now and I am going to tell you this MREG Plan is going to cause some problems. He said we have petitions out and there are some people who want their roads paved with OGEM. He asked if it is possible to go over the budget here. He said maybe we should wait the year and maybe our communication problems between the LGWCD and the Town Council might just improve a bit.

Town Clerk Lippman responded no.

**Howard Voren, 1538 E Road-** said when you have people like George Webb come here and talk to you and you ask them questions about 4-way stop signs and stop lights they say you can't do that hoping to scare you away because they don't want you to do it. He said like the cast net issue. He said there is a way to do it even though I talked to Florida Fish and Game and they said you can't do it. He said it has already been done in the City of Boynton Beach as a safety issue because they are worried about people walking along the pier and tripping on the

cast nets. He said I don't know why there is any discussion as to whether they are speed control devices-they named them speed humps. He said if the Town as a municipality took over the roads we could get the same thing the LGWCD is offering us at a lower financial rate or perhaps even better roads.

Town Manager Dr. Rosenbaum said I went over the financial options.

Town Clerk Lippman said the specific items that Dr. Rosenbaum pointed out were specifically for the capital improvement project of upgrading the roads.

Mr. Voren said we are still discussing the chunks of OGEM on F Road and if they are speed humps or not. He said there must be 30 signs saying speed humps ahead. He said we just got testimony from a Board Member from the LGWCD who basically said all he knows is they slow traffic down. He said there was a study asked for by the municipality done by Rutgers University that specifically said speed humps that are installed by popularity voting are the ones which put the maximum liability on the Town. He said the Town has maximum liability whether it is to the Town or the LGWCD the tax payers are going to pay. He said the speed humps on F Road are not legal because there are not signs saying the speed to go over the hump. He said obviously the speed humps on F Road are not legal because they force you to travel at a slower speed than the posted limit. He said we have an entire road now that has been illegally improved.

**Ilene Rindom, 14285 Collecting Canal Road-** said I am not quite sure I would like to use the word improve. She said I measured the speed humps on F Road and not one matched in length or height. She said I would caution the Town Council before giving LGWCD permission to put them down. She said we are paying Clete as an engineer and I would think they would be uniform.

Councilman Louda said we have to balance that- I am not against speed humps as a traffic control device but I think maybe it has to be less than 40 to the mile.

**The MOTION passed unanimously 5-0.**

Town Clerk Lippman said I be working with Calvin-Giordano and will schedule the 2 public workshops and hopefully the 1<sup>st</sup> one will be in the next 30 days.

Mayor Browning moved to Item #14.

**14. Cost Benefit Analysis for Consolidating Town & LGWCD Governance: Authorization to issue a Request for Proposal**

Town Clerk Lippman said based upon direction from the last Town Council Meeting we are going to put this RFQ out and get bids from independent teams. He said to put this out and to

influence or try to control the results would not only hinder the study but is not what we believe in. He said it does not serve any purpose to do that.

**Councilman Louda MOTIONED to put the RFQ out for a cost benefit analysis for consolidating Town & LGWCD Governance, SECONDED by Vice-Mayor Herzog and discussion was then opened:**

Councilman Louda said I would like to add an Alternative 5-Other.

Town Manager Dr. Rosenbaum said we can say including but not limited to.

Councilman Louda said I see this as something that no one should be afraid of because the outcome will hopefully give the best most effective way of going forward. He said this is to find out what will cost the citizen the least amount of money in the years ahead. He added as much as I love Calvin-Giordano I hope they do not put in a bid.

Town Manager Dr. Rosenbaum said if you recall at the last meeting we talked about the academic centers and I have contacted universities about putting in bids and they are interested.

Councilman Louda asked if Dr. Rosenbaum had contacted anyone out of state.

Town Manager Dr. Rosenbaum said no.

Town Clerk Lippman stated that Calvin-Giordano had already indicated they would not be putting in a bid.

Town Manager Dr. Rosenbaum said an institution that does not have a profit motive in this would probably be better.

Town Clerk Lippman said just to let you know you can still turn down the study when the bids come back if you feel the money on the bids is not worth the tax payer's money in your opinion.

Town Manager Dr. Rosenbaum said you can pull the plug on this at any point.

Councilman Lipp said I was wondering if maybe we could ask the County to do this as an oversight review. He said it is in the Statutes when you have a District that is not really within the total boundaries of the Town the Town really doesn't have total authority over it-I think. He said the District also controls where the hospital is and I guess the whole 100 acres.

Town Attorney Tolces said notwithstanding the fact that a portion of the District may be outside the Town boundaries the Town Council could serve as the governing body of the LGWCD.

Town Manager Dr. Rosenbaum said typically counties don't like Special Districts and there could be objectivity there. He said we want to do this fairly.

Councilman Louda commented that legislatures at any level don't like them.

Vice-Mayor Herzog commented our feasibility study was done academically and it worked out well. She said it was accurate and informative.

Mayor Browning said I am totally against this. He said every one of us stood up in the campaign and said we would not do anything with the LGWCD Board. He said we have some communication issues right now that we need to work through. He said I was not here at the last meeting and my thoughts have not changed. He said we have some people that need to vote acreage and some people that need to vote registered voters. He said my thought is we need both. He said I think it is important to represent both. He said I think the two can coexist. He said we have growing pains we know that but at the same time I will never vote for it.

Councilman Louda said to vote by acreage is to pay by acreage for the service of drainage and that won't change. He said that was all 298 was meant to do.

Town Clerk Lippman said my understanding from the Board members was discussions had come up about making the District dependent, they were never discussing the abolishment of the LGWCD and the intent was never to interrupt service to the Community but to possibly change the governance.

Mayor Browning said my concern is it was never presented to the tax payers or residents of Loxahatchee Groves in either the incorporation or campaigning meetings that way and that is my heart burn.

Councilman Louda said my website says that I see the District going forward for the foreseeable future as an Independent District, but as a scientist it is my job to gather fact, analyze data and reach conclusions and I have reached a conclusion.

Mayor Browning asked for comments from the Public.

**Clete Saunier, LGWCD Administrator-** submitted the following letter to the Town Council and Staff for the record.

August 20, 2008

Honorable David Browning, Mayor

**VIA HAND-DELIVERY** Town of Loxahatchee Groves 14579 Southern Boulevard, Suite 2 Loxahatchee Groves, Florida 33470

**RE: PROPOSED RFP FOR COST BENEFIT ANALYSIS OF CONSOLIDATING TOWN AND DISTRICT, TOWN COUNCIL AGENDA OF AUGUST 19-20, 2008, ITEM 14**

Dear Mayor Browning:

The above-referenced matter proposes that the Town of Loxahatchee Groves solicit proposals from consultants to conduct an "independent study" of the process of consolidating the Town and the District.

This proposal is clearly inconsistent with both the letter and the spirit of the Town Charter, Section 11 (6), in which the Legislature, reflecting the consensus of the community, recognized the independent status of the District and authorized its continued existence. The Charter has been in place less than two years, and there have been no material changes in circumstances that would justify a radical revision of the District's status.

Furthermore, the process of review proposed by the Town fails to satisfy the terms of Chapter 189, F.S., which establishes the minimum requirements for local review of the continued existence of an independent special district.

Finally, as a practical matter, the expansive terms and absurdly short schedule proposed in the RFP hardly supports the claim that the product of this review will be truly "independent".

The Town's unilateral approach to defining its relationship with the District is unnecessarily disrupting the District's provision of vital services to the residents and tax payers of Loxahatchee Groves. Nevertheless, the District remains committed to a cooperative effort to find an efficient and effective division of labor that benefits our community.

For these reasons, the District strongly urges the Town to reconsider this matter.

Sincere regards,

LOXAHATCHEE GROVES WATER CONTROL DISTRICT

CJS/lrb

cc: Dr. Irving Rosenbaum, Town Manager Matthew Lippman, Town Clerk Board of Supervisors, LGWCD

Town Attorney Tolces said the Town Charter talks to the continued existence of the LGWCD and this study is not looking to abolish it but to change the style of governance.

Councilman Louda asked how we have disrupted services and how have we stopped anything.

Mr. Saunier said this approach you are taking has been well addressed in the newspapers and a week doesn't go by that I don't have to reassure these employees they will have their jobs even if this goes through. He said there is a certain level of stress that I have to assure the employees that the Town Council will not take their jobs even though they outsource all of their employees. He said I would hope this would not be the case.

Mr. Saunier asked Dr. Rosenbaum if he was involved in the academic community.

Town Manager Dr. Rosenbaum responded yes.

Mr. Saunier said there might be some bias there and I want to state that for the record.

**Ron Jarriel, 2800 161<sup>st</sup> Terrace North-** said I want to know who you are trying to fool you are not fooling the Public. He said there are three of you who would do anything in your power to get rid of the LGWCD and you are wrong to mess with the LGWCD. He said there is 1 person on your Board and possibly 2 who are against this. He said at the same time this goes Public to be voted on you better count on we will be voting on whether we want to unincorporate.

**Ann Parker, 15565 Collecting Canal Road-** said the money factor is staggering when you think how much the study is going to cost but I am one who looks at the big picture and I believe we need outside input to know whether this road we are going to follow is a good idea. She said I think the study would be a good idea.

**Ilene Rindom, 14285 Collecting Canal Road-** said as a defunct campaigner and want to be I can say when you campaign 2 years later things change, options change. She said things changed. She said I don't think anyone anticipated the animosity between the 2 Boards. She

said we are not doing away with the District, just the Board. She said I think people need to make that separation and I applaud you all for making this decision.

**Ken Johnson, 15409 Collecting Canal Road-** said we need a plan and the vision of making that plan is justifiable with the action you have taken. He said I don't think you want to abolish the Water Control District. He said you still need a Water District but it is just making it more economically feasible to govern the Town. He said you folks were dually elected and you are trying to do the job of putting this Town together and creating a workable plan that all the citizens have input on and can feel comfortable about. He said as I see it there are a lot of threats to you to get the job done and I don't understand why. He said you are trying to do the job but yet you are getting these threats on what is going on in this Community and it shouldn't be this way. He said I think Clete has done an excellent job and his men have done an excellent job. He said we are not going to fire all his guys, it won't happen. He said to make this government more effective for the tax payers it has to be combined. He said like I said at the last meeting, you can't have a 2 headed dog.

**Howard Voren, 1538 E Road-** said I think it is obvious to everyone here when you don't have anything really intelligent to say you just make a lot of threats and that is why the Town Council is being threatened from so many different areas. He said you are expected to make everything that is wrong with this Community go away in the less than 2 years you have been sitting in those seats and when it doesn't all go away immediately then you guys are at fault. He said the LGWCD has been here forever and they haven't been able to make it go away. He said now that it seems that their authority might be threatened all of a sudden they are telling everyone that the reason why Loxahatchee Groves is not the paradise they want it to be is you 5 are at fault. He said when that doesn't work there will be threats. He said don't succumb to threats, do what you know is right.

**Paul Coleman, 14620 6<sup>th</sup> Court North-** said I have been here for 35 years. He said before the election I said I thought it was a great thing. He said I went to the County with some neighbors and we fought a cell phone tower because there wasn't a governing body to help me with that. He said when I voted yes for incorporation it was to have a governing body to be able to help us to stand tall in the County. He said I don't want paved roads but you know what one day D Road is going to be paved. He said it should have been the first one paved it is a highly traveled roads. He said I have my opinions of Clete and everybody but you know what they do a heck of a job. He said the way democracy works in my mind is the populous decides things. He said you all are doing it right and don't get pressured into doing something. He said I have to commend you that every single one of you is paying attention to what I am saying. He said I stood up here and addressed the LGWCD Board and the Budget meeting and I don't think one member of the Board cared what I was saying and they just saw me as another person who wanted to cut taxes. He said thank you all very much for what you are doing.

**Bill Gurney, 1453 E Road-** said several years ago it became obvious that we couldn't depend on the County to protect our community. He said it became impossible for our community to defend itself and our only form of government was the LGWCD and its powers are severely limited. He said as an incorporated Town we now have the power to He said the LGWCD does not have these powers and will never have these powers so

Councilman Louda asked Mr. Gurney if he ever served on the LGWCD Board.

Mr. Gurney replied yes for 2 terms.

**Nina Corning, 2834 E Road-** said I don't know how you do this job. She said you are constantly being poked. She said it is not normal the way this Town is designed to function. She said I've sat at many meetings and it is always bickering bickering bickering about one thing and that is control. She said I hope you move forward.

**The MOTION passed 3-2 with Mayor Browning and Councilman Lipp opposed.**

Mayor Browning moved to Item #15.

**15. Planning, Zoning, Building, and Engineering Services for the Town: Authorization to issue a Request for Qualifications**

Town Clerk Lippman said we had talked about the possibility of entertaining Planning, Zoning, & Building Services and ERM as an outsourced item for the Town. He said I know it seems we are moving very fast but these are some of the things we need to get accomplished in the next year. He said these are things we need to jump on pretty soon. He said in addition to the 6 items I presented to you at the last meeting I would add Business Tax Licenses to this. He said I did have the pleasure of talking to the Town Managers of Weston and Southwest Ranches and one of the advantages of them having these items outsourced is having someone who is only focused on that item. He said tonight with Community of Hope all you wanted to do was reduce it by just five feet and you couldn't. He said we can look at the bids that come in and decide what we want.

**Councilman Louda MOTIONED to approve issuing and advertising RFP 2008-003 for Planning, Building, and Zoning, and ERM and Engineering Services, SECONDED by Vice-Mayor Herzog and discussion was then opened:**

Councilman Autrey said I feel it might be more of a challenge in the short term to not do this right away but until we adopt our own ULDC, I would prefer we be a little more conservative with expenditures in the budget.

Town Clerk Lippman said ERM is the only area that has expressed they can't service us anymore and this is by no means a reflection of what the County wants or doesn't want.

Vice-Mayor Herzog asked if this was built into the budget already.

Town Clerk Lippman responded yes and I overshot the budget.

Councilman Louda asked how do we handle ERM in the interim. He asked what would we do if someone has a development and comes forward and cuts down all the trees.

Town Attorney Tolces responded we are in the process of developing our own codes and we will look to contract with an entity to assist with the regulation and enforcement or seek volunteers to enforce those codes you will adopt.

Councilman Lipp said I am troubled by this on several levels. He said when we campaigned we all talked about government light and I didn't see anyone who went out campaigning for personalized and efficient services for the Town. He said I think in tight budgetary times as we will eventually get into we are inching our way into government middle weight. He said I would like to see us amend the MOTION to just an RFQ for ERM.

**Councilman Louda AMENDED his MOTION to approve issuing and advertising an RFP for ERM services only and Vice-Mayor Herzog agreed to AMEND her SECOND and discussion continued:**

Councilman Autrey said I thought we handled the ERM thing already.

Town Clerk Lippman said I said I would include that in the services but we would not recommend on going out with an RFQ just for ERM. He said if you don't try to do it now it is fine but you will need to do this within the next year. He said if we make any changes to the ULDC the County will not service us anymore. He said they don't have enough Staff to enforce 2 different ULDC's.

Councilman Lipp asked what we had budgeted for this last year.

Town Clerk Lippman responded zero\$.

Town Attorney Tolces said because the County handled it for us.

Town Clerk Lippman said Article 4 (the land uses) is always the hot topic and has been for about 6 months and if it is the desire of the Council to start attacking some of the concerns of the residents after the completion of the Comprehensive Plan you need to be in a position to handle this.

Councilman Lipp asked how effectively we could do those changes by Ordinance and not changing the ULDC.

Town Attorney Tolces said you have to make sure the ULDC is consistent with the Comprehensive Plan and I am not sure the County's ULDS is necessarily consistent with the Comprehensive Plan. He said as we have been told by the County they don't want to be the gatekeeper of 2 ULDC's. He said they want to be able to handle their own and right now they are able to handle the Town's because it is their own.

Town Clerk Lippman stated I feel it is my duty to be proactive and plan ahead so we are prepared.

Mayor Browning asked for comments from the Public.

**Ron Jarriel, 2800 161<sup>st</sup> Terrace North-** asked if since we incorporated the County has been doing our Planning and Zoning at no charge to the Town.

Town Clerk Lippman said they charged the residents a surcharge of 14% on every application.

Mr. Jarriel said I have seen a lot of businesses that have been here for 30 years or so that are now affected by these Land Development Codes. He asked if we change the ULDC would that affect these businesses.

Town Attorney Tolces explained they would have to be approved by the Council and to the extent you were legally established you would be authorized to continue.

Mayor Browning said if they already had a Business Tax License then they are grandfathered in.

Mr. Jarriel said in regards to the comment made that the County doesn't like us (LGWCD), in the past 6 years we have probably gotten a little over 5 million dollars tax from the County through the gas tax dollars. He said we have gotten fire hydrants on North Road and the drainage being done. He said personally I think the County has been outstanding. He said our problem in the past is we didn't go to the County and ask them for anything because we wanted them to stay out of our business but then we changed that.

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

Mayor Browning moved to Item #16.

**16. Emergency Debris Removal Services: Authorization to issue Request for Qualifications 2008-002**

**Councilman Louda MOTIONED to approve the issuance and advertisement of RFQ 2008-002 for Emergency Debris Removal Services, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.**

Mayor Browning moved to Item #17.

**17. Emergency Management Workshop: August 29, 2008 (8am-noon)**

Mayor Browning asked for comments from the Public.

**Frank Schiola, 13434 Marcella Boulevard-** said yesterday we had the tropical storm and the LGWCD was here along with the Board and Administrator. He said the fireman are always here, we are never off duty. He said you want to take over the Board and make them Dependent but the Town was not here. He said there was no one here to make decisions. He said we had an issue on a Non-District road with water going into a house and they stopped the flooding. He said on my road, Marcella Boulevard, we had a culvert clogged up and we needed an emergency manager from the Town to give the LGWCD authority to take care of it because it is a Non-District Road. He said we waited a little too late and now we are in the middle of a hurricane season and trying to put together a plan. He said we have another storm brewing out there aiming right for us and you need to have someone from the Town here. He said all the people saw out there was the LGWCD. He said if a Town Leader had shown up on Tangerine maybe people could see. He said I agree with Mayor Browning and Councilman Lipp that now is not the time. He said you don't need to have the added expense and added hassle.

Town Clerk Lippman said I appreciate Mr. Schiola's comments. He said he is 100% wrong about the Town's involvement. He said I was on the phone with Pat Johnson from CERT and with Clete Saunier at least 3 times a day. He said I forwarded the Town Office phone to my cell phone and did not get one call asking for help. He said if there was any need for the Town to be there we would have. He said I was in communication with the League of Cities and EOC and National Weather Service. He said I was in control.

Mayor Browning said Clete calls me all the time, I got no calls.

Councilman Louda stated all of our phone numbers are listed. He said the LGWCD is responsible for the drainage and how you get water to the canal.

**Ken Johnson, 15409 Collecting Canal Road-** said I was also out of Town but was in communication with my wife (Pat Johnson-CERT) because we are part of the CERT team. He said I can verify what Matthew said about being in constant communication.

Vice-Mayor Herzog said I was in Tampa with Jaimie Titcomb the Leader of the League of Cities and I was in communication with Matthew about what he was telling me.

Mayor Browning moved to Item #18.

**18. ILA School Concurrency: Approval**

**Vice-Mayor Herzog MOTIONED to approve the Inter-local agreement for school concurrency with Palm Beach County, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.**

Mayor Browning moved to Item #19.

**19. Budget Discussion: Fiscal Year 2008-2009 Draft Budget Presentation**

This item was tabled by Town Clerk Lippman due to time.

Mayor Browning moved to Item #20.

**20. Administration Update:**

**a. Solid Waste Assessment Hearing Date:** 9-2-08 at 6:45 p.m.

**b. Budget Hearing Dates:** (1<sup>st</sup>): 9-3-08 at 7:00 p.m.\* and (Final): 9-16-08 at 6:45 p.m.

*\*The Regular Town Council Meeting is still on 9-2; this is an additional meeting.*

Town Clerk Lippman just announced the Agenda Item and there was no discussion.

Mayor Browning moved to Item #21.

**21. Public Comments**

**Dorothy Mock, 13099 Marcella Boulevard-** said the only reason that I am even talking about this is when I received my notice of Solid Waste Assessment I saw that it said per unit per year \$745.46 so I called the Town Office and left a message and Michelle was kind enough to call me back and she said it was just a mistake and it should read Total not per unit per year.

Councilman Louda asked if it had been cleared up.

Town Clerk Lippman replied yes.

**Ron Jarriel, 2800 161<sup>st</sup> Terrace North-** said my only comment is the people on Tangerine need something done and postponing is not going to help. He said we checked into a red light at D Road and Okeechobee and the County will not accept the liability. He said if you as the Town Council wanted to accept the liability the County will let us put a light in and might give us that money. He said that is one of the worst intersections as far as fatalities and accidents in Loxahatchee.

Town Attorney Tolces said you need an agreement with the County or you will assume the maintenance of Okeechobee.

Mayor Browning said that is exactly what they did with Forest Hill and Wellington.

Mr. Jarriel said I would like to hear an opinion from the County if they would require us to take over the maintenance of the whole road.

Councilman Autrey said they were here last year and that was one of the 1<sup>st</sup> things we tried to do.

**Larry Willhite, 233 Tangerine Drive-** said one of the pictures you got was my house. He said this was the 2<sup>nd</sup> time I have actually had water come into my house. He said I've had experts come and say there is nothing they can do because of the way the culvert is. He said any help I could get because I get the run around on who is responsible. He said if it is my personal responsibility I will put the culvert in myself but then the drainage is still an issue. I will fix it I just don't want to get water in my house anymore.

Councilman Louda asked where Tangerine is supposed to drain to.

Mr. Willhite said they tell me it drains under Southern into the canal there.

Town Attorney Tolces said with respect to these types of issues in a typical municipality someone would call the Town Office and they would contact the Public Works Department. He said we could look at it and then it could be brought to the Council but the first step is the call to the Town Office explaining there is an issue out there.

Mayor Browning said typically the LGWCD only covers the District Canals therefore it is up to the property owners to get their drainage to the Canal and it takes some cooperation between neighbors and sometimes there is none and that is a problem.

Councilman Autrey said I believe we have the obligation and responsibility to help them and maybe we could work out some financing options. He said drainage is an issue and I think we should try to help.

Councilman Louda said they are paying the same assessment per acre for drainage with no drainage. He said we need to do something.

Town Clerk Lippman said we will look into it and this will be a future Agenda Item.

**Ann Parker, 15565 Collecting Canal Road-** said to start with I have all the faith in you guys and I said a long time ago I wish I could help like you guys. She said you have done a great job from conception and it is so interesting to see how much is involved. She said it is great that everybody has their own opinion and that is what makes the world go round. She mentioned she was worried about the turning lanes going in and out of the church (Community of Hope). She said I feel we should use the gas taxes we get for the whole community and not just for one small section or a few small sections. She said I know I would like to have something done on my road but there are other people that need it as much as I do. She said I think we need to wait until we get the plan and studies done, we need the big picture. She said I think doing test strips of dust control is a great idea because how do we know what will work and what won't. She said the reason we don't have additional law enforcement is the cost so I think we need to look at that more also. She then asked if OGEM is an improvement and if it is a cost to the tax payer.

Mayor Browning said yes and no. He said that by itself does not increase the property tax but then they turn around and say the property tax is based on the sale home of the revenue and if your home is on a paved road it would sell higher.

Ms. Parker then commented on lights and roundabouts and said 4-way stops are cheaper.

Mayor Browning responded we tried but they wouldn't let us.

Councilman Autrey responded we can if we take ownership of the road.

Councilman Lipp commented that the County did give Wellington the money for Forest Hill.

Ms. Parker commented that Clete and his whole Staff have done a good job and said my husband spoke with you (Town Clerk Lippman) so I know you were in communication (during the storm).

**D.A. Pologruto, 12918 Marcella Boulevard-** said when the gentleman who lives on Tangerine spoke to you, you told him the LGWCD is responsible for the drainage and Councilman Louda keeps saying the property owners are the ones who are responsible for getting the water to the ditches and then to the canal. He asked what do you do if the property owner has a problem and refuses to correct it and you are the one who suffers.

Mayor Browning said in the past the LGWCD Board had to deal with this several times and there was nothing they could do, you would have to sue them and take them to court.

Councilman Lipp said this came up at a LGWCD meeting this week because on B Road a back 5 was trying to get his land drained and the person on the front five closed off his culvert. He said there is wording in Chapter 298 that says if someone prevents you from draining your property you have the right to go through that property to drain yours. He said if that doesn't work a legal letter from a lawyer might help.

Mayor Browning said there are certain laws in place where you have the right to drain your property.

Town Attorney Tolces said you are going to wind up having to sue your neighbor.

Councilman Louda said I would like to see the LGWCD come forward with a list of Non-District roads that need help.

Town Clerk Lippman said we recognize this as an issue.

Mayor Browning said it will probably take a personal law suit.

Mayor Browning moved to Item #22.

## **22. Town Clerk Comments**

Town Clerk Lippman said I will be there tomorrow by 10:30am. He said for the Council members to get with Donna Brosemer when they arrive to let her know they are there.

Mayor Browning moved to Item #23.

**23. Town Attorney Comments**

There were no comments.

Mayor Browning moved to Item #24.

**24. Council Member Comments**

Councilman Lipp said tomorrow is a big day.

Councilman Autrey said it's been a long night.

Vice-Mayor Herzog said I am glad we finally addressed what needed to be addressed and everything is out in the open.

Councilman Louda said he had no further comments.

Mayor Browning moved to Item #25.

**25. Adjournment**

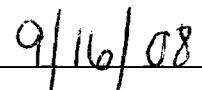
**Councilman Autrey MOTIONED to adjourn the meeting, SECONDED by Councilman Lipp and the Motion passed unanimously 5-0.**

There being no further discussion and no additional public comment the meeting was adjourned at 11:24 p.m.

  
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**MAYOR DAVE BROWNING**

**ATTEST:**

  
\_\_\_\_\_  
**Matthew Lippman, Town Clerk**

  
\_\_\_\_\_  
**Date Approved**