



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, Mayor Browning requested everyone stand for the Pledge of Allegiance and Invocation.

5. Approval of Agenda

Councilman Lipp made a MOTION to approve the Agenda, SECONDED by Councilman Louda and discussion was then opened:

Town Clerk Lippman mentioned that there was a Public comment card submitted for Item 5-Approval of the Agenda.

Mayor Browning noted Howard Voren had turned in the card.

Town Attorney Tolces responded typically there is no comment in reference to the Agenda and you as the Town Council set the Agenda. He said it is up to you.

Mayor Browning said I have never had a comment card turned in for the changing the Agenda without any previous communication so I look at it as a Public Comment for later on.

Town Attorney Tolces said the Agenda from a parliamentary perspective is the Council's own method for approving the business they are going to consider this evening and it is posted before the meeting. He said certainly if are items the Public would like to see on an Agenda they can bring that up in Public Comments for a future Agenda.

Mayor Browning said or if you get with us before the meeting we can get it on the Agenda.

The MOTION passed unanimously 5-0.

CONSENT AGENDA:

6. **11/18/08 Town Council Meeting Minutes:** Approval
7. **Town Financials (November, 2008):** Approval
8. **Town Attorney Invoice (November, 2008):** Approval

Councilman Autrey made a MOTION to approve the Consent Agenda, SECONDED by Councilman Louda and discussion was then opened:

Councilman Lipp noted a correction to the 11/18/08 Town Council Meeting Minutes. He asked that on Page 6 of 30 the last sentence of the paragraph started with Councilman Lipp be changed to verbatim. He said the statement ended prematurely. He said I finished that by saying, ***did I say anything out of the ordinary there, and the Council responded nope.***

Town Clerk Lippman clarified Councilman Lipp was requesting the recording be reheard and the minutes changed to reflect the verbatim of that paragraph.

The MOTION passed unanimously 5-0.

Mayor Browning moved to Item #9.

REGULAR AGENDA:

9. **DCA ORC Report for Town Comprehensive Plan:** Discussion

Town Clerk Lippman said as we discussed at the last meeting the items from the ORC report, the first was getting in touch with Richard Post from the DCA and getting a better feel for where we are at. He said I know that with those discussions that Calvin-Giordano had in addition to some feedback from their own team, they prepared a Memo for you to consider this evening. He said I had the opportunity to speak with Clete before the meeting tonight and we agreed I would provide to him the comments from Calvin-Giordano on the LGWCD's objections by Monday, December 28, 2008 and that gives them 4 days to look it over and be prepared to talk about it on that Friday.

Shelley Eichner, Calvin-Giordano- said as Matthew said we spoke to Richard Post who is the planner who prepared the ORC Report, to get some further clarification of some of the objections that were in the report. She said particularly we discussed a lot of the items where the DCA was asking for more studies. She said we summarized every objection in the Memo one by one, as to what their interpretation was and what they suggested we could do. She said for the Housing Data they agreed to allow us to use census data with the understanding that when the next census comes out maybe that would be a more appropriate time to do a housing survey. She said they had a lot of concerns about the discrepancies in some of the data and that was basically resulting from the fact that when we started off preparing the Comprehensive Plan and preparing the Data Analysis it was with the assumption that the prior 1-5 LUPA was found compliant and consistent with State Law. She said as went through there were interveners and objections were filed, and we made the decision to pull that LUPA but still incorporate it into the Plan. She said the DCA is taking the position, well you really don't have the 1-5 and so we will be going through and looking at the objections and updating our data analysis so we can move forward. She said we will address the LGWCD comments and are targeting sometime in February to bring the Plan back to you for adoption. She said there is one item that I would like some direction from you all this evening, and that is #6. She said we had put in a policy allowing Mixed Uses. She said the objection that came back from the State said you would have to put in a category for that. She said our recommendation to you at this point, is to remove the policy regarding Mixed Land Uses for now that way we don't need to create a category. She said it wouldn't be good for the Town because we don't know what we are doing. She said so we would like your consensus to remove that policy of mixed use.

GENERAL CONSENSUS WAS GIVEN TO REMOVE THE CATEGORY MIXED LAND USE FROM THE COMPREHENSIVE PLAN.

Vice-Mayor Herzog asked on Objection #9, were you going to clarify that South of Citrus Drive East so that it doesn't sound like that is the only place it would be allowed which would be in our park. She referred to Master Page 41-the 2nd Paragraph,

Ms. Eichner responded certainly. She said we will put in those words.

Mayor Browning said one of my concerns on this same item is it sounds like we need these alternate methods of transportation. He said it is really a strange objection.

Mr. Eichner responded at the last Legislative Session there were new laws passed regarding transportation, and up until very recently the DCA wasn't really enforcing it and word has come down from the Secretary of State for the reviewers to absolutely enforce those requirements, however, DCA hasn't really come up with the guidelines yet.

Councilman Louda said I've offered to work with her to PHD it.

Ms. Eichner said we are trying to throw out some ideas now and will fine tune it to fit Loxahatchee Groves and that was our conversation with Richard Post who said he has been to the area and understands it.

Councilman Louda said certainly one of the biggest things we can do there is an educational program.

Ms. Eichner said maybe Councilman Louda can do tips on the website. She said of course we will come up with policies that are reasonable and affordable.

Mayor Browning said sounds good.

Vice-Mayor Herzog asked do they want you to be specific, like talking about using golf carts instead of cars and horses as an alternate use.

Ms. Eichner responded you don't want to get so specific that you really need to get permission from Tallahassee to change something.

Councilman Lip asked on Page 41, Objection #7-2nd Paragraph can you provide me an example of an existing Land Use that we need to eliminate.

Ms. Eichner said you need to have a policy there and the Statute says you will get rid of incompatible uses. She said it is like if you know it and see it you will get rid of it.

Councilman Lipp said I am asking in your past experience of doing these in a Town that had to eliminate things.

Ms. Eichner said it would be things like industrial right next to residential and you would have to change one.

Town Attorney Tolces said you don't have to identify any of the specific uses, it just needs to be something you will strive to achieve.

Councilman Lipp asked in the last sentence on Page 42, Objection #9, what is transit ready.

Ms. Eichner responded it could be things like providing bus pull offs, shelters, etc.

Councilman Autrey asked is there a process for future Councils to determine what is incompatible. He asked is there a process that is spelled out. He said I can tell you right now that is why all these folks are in this room. He said and I agree with them.

Ms. Eichner responded I can tell you that most Comprehensive Plans don't have a definition of incompatibility in them.

Town Attorney Tolces said when you deal with incompatible uses you are typically dealing with how do you alleviate the adverse impacts of one use impacting another. He said through the Land Development Regulations you will develop zoning categories which contain certain specific uses which are allowed in certain categories. He said in those instances where you have industrial bounding up against residential you will have certain standards where you will have to provide buffers and provide for the alleviation of any adverse impacts.

Councilman Autrey asked does the Right to Farm Act protect people that are currently farming or have an AG interest from that.

Town Attorney Tolces said it protects them from the adoption of regulations. He said there may be certain types of regulations that you can adopt to alleviate the adverse impacts from something that would be protected from the Right to Farm Act. He said through your adoption of your Land Development Regulations and your zoning you are going to address these issues of how to deal with compatibility issues and here in Loxahatchee Groves you have a very unique situation where you have a lot more tools at your ready with respect to being able to protect properties with uses on adjacent properties. He said where you may be limited in a more densely area.

Councilman Autrey said with this Urban Sprawl thing in terms of their familiarity with what is around us.

Ms. Eichner responded we basically explained to the Senior Planner that we have Commercial Land Uses along the SR80 corridor. She said we also explained with the proximity of Royal Palm Beach it is not Urban Sprawl, it is literally across the street as far as people traveling to shop and to work.

Councilman Autrey asked what about the County overlaying ours because the County has plans for development on Seminole Pratt and Southern.

Ms. Eichner said we can incorporate that as well and that is a good suggestion. She said we talked about the rural lifestyle and everything.

Mayor Browning said it almost seems people work close to their home out here more than any other neighborhood. He said there are so many that have nurseries and such.

Councilman Autrey asked did we have a conflict with the rural and farm work and housing. He said I know we had a lot of conversations about cottages and accessory uses.

Ms. Eichner said that is already in the Housing Element.

Town Clerk Lippman said in the discussions we had with Lorraine also, in the Land Development Regulations these will be defined as well.

Councilman Autrey said my last comment is their comment about affordable housing and we have affordable housing by their definition (the County's) already.

Ms. Eichner said we are going to show there is a range of housing prices within the Town and the Town will strive to ensure that range remains.

Councilman Lipp said on Page 43, Objection #15, protection of future transportation right of ways, we got the report back from DOT after Town Attorney Tolces and Marge met with DOT concerning Southern Crossings and a right hand turning movement off of their project, and they said no. He said and the feelings I get from most readings I see from DOT is it is a big road that nobody should encumber God forbid. He asked so would you read that as we should really limit the number of trips we put on Southern Boulevard by driveways of future planned Commercial.

Vice-Mayor Herzog said that is exactly what DOT said at the meeting.

Councilman Lipp said in that I am wondering if we should put in some language about internal roads in Loxahatchee Groves, because our plan is as this Southern Boulevard Corridor develops we have in place plans for road improvements and construction because I know that Loxahatchee Equestrian Partners that is on their plan. He said so we are playing by their rules- it is their street.

Vice-Mayor Herzog said they did throw out the idea of a frontage road too and we pointed out there is already a dirt frontage road there.

Town Clerk Lippman said Councilman Lipp you hit it right on the nose, and I think that if you look at consistency with Groves Medical and Southern Crossings if you notice in the Staff Reports it is required for them to improve the roads around them. He said so it is putting the burden on the developers where they would be the ones who would have to take care of connecting the roads. He said we need to make that a condition of approval that if your project is going to affect the roads around you, that you are required to alleviate the impact by improving the roads around that. He said that puts it in your hands.

Councilman Lipp said I would like to add in there, we would rely upon drainage and road improvement from the LGWCD. He said we really need to coordinate that with the LGWCD. He asked would that type of language fit in there or is it too specific.

Ms. Eichner said I think that type of language really belongs in your Land Development Regulations like Matthew said

Councilman Lipp asked what about the internalization of traffic in order to comply.

Ms. Eichner said we can put some policies in to alleviate the access on Southern Boulevard.

Town Clerk Lippman said I want to emphasize here is if you look at all the projects coming before you and see the word compatibility and see how it is defined and judged by the County. He said, however, when you take hold of your own Land Development Regulations, you 5 will

have the opportunity to define what compatibility is. He said Councilman Lipp's point on internal roads is going to put it on the development to show consistency with compatibility.

Councilman Lipp asked with Objection #22, are we going to need to put in there that we will have an ILA with the LGWCD within the next certain number of weeks or months.

Ms. Eichner responded I'm not sure yet.

Town Attorney Tolces said from my perspective, I would say there would not be any specific time requirement and that is what I would hope. He said we would certainly have the goal to have the ILA.

Town Clerk Lippman said we hope to have that answer by the first Intergovernmental Meeting on January 2, 2009.

Councilman Louda said Objection #2, I don't believe that is true with the number of acres being changed.

Ms. Eichner said what they meant was when we did the 1-5, it was 5750 acres that went from RR10 to RR5. She said that is your existing land use and this is your future land use.

Town Clerk Lippman asked Ms. Eichner when you calculate the number of houses that can be produced by this if you take the 5750 acres you are not putting a house on every single one of those acres.

Ms. Eichner said this is where I said we will take the data and analysis which was previously done for the 1-5 and slip that into this Comprehensive Plan so they clearly understand it is really only 257 potential future units.

Councilman Lipp said to add onto Councilman Louda's, if it is 257 new homes it is 514 acres.

Ms. Eichner said what the County did was they looked at the actual parcels within the 5750 that would benefit by taking 1-10 to 1-5.

Town Attorney Tolces explained there are only certain parcels that will result in receiving a benefit from the increased density.

Ms. Eichner said we will take the data and analysis that was used in the 1-5 and insert it in this Comprehensive Plan.

Councilman Louda said with Objection #9, asked how do you incentivize someone to go that way and the only thing we can really do is education.

Ms. Eichner said what a lot of communities are doing now are they are actually requiring as far as new construction is they adhere to energy efficient requirements.

Councilman Louda said Objection 14, we spoke about the level of service and if we take that out we won't have to spend the additional money.

Mayor Browning asked do you want to take that one out.

Ms. Eichner said what Richard Post explained to us is for the established level of service on the local roads then they want to see all of the data, ownership, easements, and right of ways. She said that will be a very difficult and lengthy service. She said we just won't establish a level of service for the local roads.

Councilman Autrey said in order to improve the roads then rights of way need to be increased. He said in other words, property is going to have to be acquired. He said the people who are on the east side of the canal are going to have less than 5 or 10 or 20 acre lots. He said so I am not trying to open up Pandora's box here but it is something we have to think about because a lot of these folks are planning on subdividing and if they don't any longer have 10 acres. He said we need to think about this.

Ms. Eichner said when you calculate acreage for purposes of land use, you go to the center line of right of way, regardless of who owns it, so land use is based on gross density.

Councilman Louda said that is what happened on Ellie's property.

Councilman Autrey said that is the other part of this-the tax roll.

Ms. Eichner said we just have to be very careful when we craft our zoning because zoning is on net density and land use is on gross.

Councilman Lipp asked are you aware that the County has designated from Folsom Road to E on Okeechobee as a CRAWLS designation and that has no impact on us.

Mayor Browning asked for comments from the Public.

Mike O'Dell, O'Dell Land Planning & Consultants, (Representative for Loxahatchee Equestrian Partners, LLC)- said we have land at the corner of B Road and Southern and we have been reviewing your ORC Report and we looked to see how our property might marry up with that. He said I would like to suggest is that we have heard about densities and intensities tonight and Councilman Lipp had indicated at a meeting months ago that maybe the planning process of looking at the SR80 corridor and we would like very much to participate in that kind of activity where these kinds of things could be flushed out. He said we presented you with a plan on how we propose to use the 9 acres that are on that property and we would love to move that forward if we can. He said anything we can do to move our process forward and assist and work with you all we would love the opportunity. Thank you.

Bill Gurney, 1453 E Road- said it just seems to me that the DCA is using its usual rural to urban revolutionary process to examine Loxahatchee Groves and obviously that is not our intention at all and I am not sure if they see a clear picture of who we are and what we want to accomplish. He said if we go back to the 1-5 discussion, I am not sure if they are clear there as to what our purpose really was and it was not to increase our density so much as to protect our Community. He said 1-10 is too expensive for a residential property and the land was only available to large Commercial nurseries and with the Right to Farm Act, those nurseries have the capability of clear cutting 10-15-20 acres and place a huge toll on our roadways with the damage from their large vehicles and increase the amount of traffic. He said and because they

are an AG their taxes are reduced, so we don't get the benefit of a full tax base from those entities, and the amount of the environment that is damaged is astronomical when it is compared to a residential property of 1-5 acres, where only a part of that 5 acres they can build a house and have a small yard and the rest of the property is in a natural condition, you have an increased tax base and less damage to our roads and basically that is the whole thesis for 1-5 and somehow this isn't how it is being portrayed to DCA. He said and if you use this argument-it is a pretty good argument.

Town Clerk Lippman said this was a definite theme of our discussion and I felt it was my duty to speak with Lorraine and Shelley about that concern. He said I want to refer to Master Page 30, Objection #4 and what we made a point of putting in there, is and he quoted "It would be prudent to state in the Future Land Use Element that the RR-10 to RR-5 future land use change is intended to allow existing large tract owners to keep their agricultural uses by allowing conversion of some of their land to residential uses by reducing the total amount of acreage that they maintain. In addition, various large tract property owners have indicated that it is a financial burden to maintain all their land and that selling small tracts of land would allow them to sustain their agriculture uses." He said we are going to make sure they understand and that it is very relevant.

Mayor Browning said my only concern is when you say selling small tracts I don't think our intent is for small tract to ever be any less than 5 acres. He said and to a person in Town, 5 acres is seen as a very large tract.

Councilman Louda asked what happened with us trying to get someone from up there down here.

Town Attorney Tolces said they currently aren't trying due to the state budget.

Councilman Louda said we talked about that and we can't pay for it because it could be seen as a gift. He mentioned making a video.

Town Clerk Lippman said whatever we have to do we are going to present this in a unique way.

Councilman Lipp said I have access to private air craft and I can certainly shoot a video. He asked when do you need it.

Town Clerk Lippman said that would be great anytime in the next 30 days.

Jim Frogner, Lake Worth, Florida- said I was asked to speak by Dennis Koehler. He said I particularly wanted to address Councilman Autrey's concern on the reduction of property. He said if that happens to a property owner, in the County right now and you are a Non-Conforming property, you are screwed, you are done. He said you will never meet the 5 acres. He said you can continue to operate as if you do have 5 acre property but you would have 4.5.

Town Attorney Tolces said what the County does is one thing and what the Town will do for its own Land Development Regulations is different. He said those are the issues we will address to ensure that whatever acreage requirements are there are justified and just because you acquire roadway doesn't necessarily adversely affect someone's ability to operate their business.

Mayor Browning said historically I know in Loxahatchee they call it a Lox5 because most of us don't have a full 5 acres but still pay taxes on 5.

Joe Lalonek, Land Design South- said I represent the Simon Property on B Road and Southern Boulevard. He said this may not be the most critical issue for the Comp Plan you are dealing with, however, I do want to at least ask for some direction from the Town Council given the fact that you are doing some advance planning with Southern Boulevard, I would like some direction and to have some charrettes on what type of uses and what kind of design you would like to see for the Simon Property. He said all of this fits together quite nicely. He said especially with the collector road that might follow and I would request some direction from you as well as your indulgence to work with us on the future on what type of uses may be appropriate, and how to get that process started.

Councilman Lipp asked what is the status of the SR80 study.

Town Clerk Lippman responded the MREG should be completed within the next 3-4 weeks and at that point they are going to review the analysis and are hoping both will be completed in February 2009.

Councilman Lipp asked is there an opportunity for Loxahatchee Equestrian Partners and Simon to get their 2 cents in with Staff not with the Town Council.

Town Clerk Lippman responded I have no problem with that and have done this for the whole 2 years I have been here and I listen to all their feedback. He said there is plenty of opportunity for them to interact and provide any information to me and I can forward that to Jeff Maxwell, whether he can comment or give direction, I can't answer for him.

Councilman Lipp said it just seems that providing comment and having interaction are 2 different things, and from what I heard from Land Design South, they would like to have a dialogue. He said so just to get this stuff out of the way before it comes to the Town Council.

Town Attorney Tolces said if the landowners want to meet with the Staff at Calvin-Giordano to okay concepts and ideas then the Council can give them direction to do that or do you want to have a Workshop with everybody to come first.

Councilman Autrey said I think we absolutely should not do that, simply because it is the wolves and the chickens. He said I'm sure they would like to have the ability to influence the Comprehensive Plan. He said I do disagree with the idea and I think the Town Council has the responsibility to the citizens and to protect this Community. He said and once we get the traffic impacts then we can discuss the potential development, but to do that up front I think is a really bad policy.

Town Clerk Lippman said I just want to clarify a few things and one is we don't have a planning staff and they are not on retainer. He said we have only hired them under contract to do 3 things at this point, the Comprehensive Plan, the MREG Study, and the SR80 Study. He said any interaction that any of them want to have with Calvin-Giordano to me is a conflict of interest because we don't have a hired Planning Staff for this Town. He said they are not at our beck and call and they are on a project specific basis. He said we have not gone out for bid. He said we made the decision to that the County is going to represent us until a future time where we feel we can take things on ourselves. He said certainly you have the opportunity to do so, but it

will cost money to the Town and our Cost Recovery Ordinance won't cover that since there are no active applications for the Town. He said although I have no problem taking my time in speaking with them but as for specific planning direction, we do not have a Planning Staff.

Mayor Browning moved to Item #10.

10. Intergovernmental Committee (Town and LGWCD): Discussion of 1st date and report from LGWCD 12-8-08 meeting

Town Clerk Lippman said I had the opportunity to go to the 12-2-08 meeting and we went ahead and prioritized the items we wanted to go over with the LGWCD and then I went to the 12-8-08 LGWCD meeting and they concurred on those 4 items. He said in addition I have legally advertised the meeting to be held Friday, January 2, 2008 at 2p.m. at the LGWCD. He said as of right now the LGWCD will be handling taking control of the minutes and we will probably take turns from there. He said the LGWCD appointed Supervisor John Ryan to meet with Administrator Clete Saunier, Vice-Mayor Herzog, and the Town Manager Dr. Irv Rosenbaum. He said we are going to make it a point to get the information out to the people involved in the meeting by Monday, December 28, 2008. He said at this point the wheels are in motion and the Agenda is set. He said we just need to work through the detail and get through the first meeting.

Councilman Louda said after I left the meeting last time, I started thinking over what had transpired regarding this. He said and I see the Vice-Mayor as having way too many duties and myself having way too little, so I would like to offer myself to replace the Vice-Mayor. He said I think we put out a study, we got screwed, and when you do a cost benefit analysis study there ought to be # in it and I didn't see one # in it. He said I am looking at least 5-6 years down the road before we do any merging/dissolving. He said I am extremely willing to work out something agreeable between the two bodies and after what I saw last time I don't think we are at that point and I think the Vice-Mayor is spread way too thin and I haven't really done enough, so I would like to offer myself as a replacement.

Town Attorney Tolces said there was a MOTION at the last meeting to remove Vice-Mayor Herzog at the last meeting.

Mayor Browning said it never was SECONDED.

Councilman Louda made a MOTION to offer himself as a replacement for Vice-Mayor Herzog for the Intergovernmental Committee, SECONDED by Councilman Lipp and discussion was then continued:

Councilman Autrey said I would like to hear from the Vice-Mayor if she is drastically overworked.

Vice-Mayor Herzog responded I would say having worked 28yrs in a classroom I would say no I am not overworked.

Mayor Browning said we discussed a rotating basis to where all of the Council Members were going to serve on this but at the same time I have concerns because there is a conception of major conflict. He said we need to get people on this team who are willing to work out the differences. He said as much as I respect Marge, I am afraid the first time this has to come about maybe this MOTION is a better choice.

The MOTION passed 3-2, with Councilman Autrey and Vice-Mayor Herzog opposed.

Mayor Browning asked for comments from the Public.

Bill Gurney, 1453 E Road- said I just think that this tends to make the problem more decisive than it was before by removing Marge when we are going to be doing a cycle thing anyway. He said I just felt this caused a bigger problem than it would have been for Marge to stay in that position.

Mayor Browning moved to Item #11.

11. Ordinance 2008-011: Exemptions to Town's Moratorium Ordinance (1st reading and Public Hearing)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR SPECIFIC EXEMPTIONS TO THE TOWN'S MORATORIUM ORDINANCE, TO PERMIT PROPERTY OWNERS TO SUBMIT APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS FOR LAND USE PLAN AMENDMENTS, AND TO PERMIT PROPERTY OWNERS TO SUBMIT LAND DEVELOPMENT APPLICATIONS THAT MAY BE NECESSARY TO PROVIDE FOR THE ELIMINATE NON-CONFORMING USES ON PROPERTY LOCATED WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVING FOR AN EFFECTIVE DATE.

Town Attorney Tolces conducted the 1st reading of Ordinance 2009-011-Exemption to Town's Moratorium Ordinance.

Town Attorney Tolces explained by way of background this Ordinance amends the existing Moratorium Ordinance that was recently extended by the Town Council. He said specifically there were requests made at prior meetings to allow for the ability of property owners to submit applications for amendments to the Town's future Land Use Plan Amendment. He said it is simply to allow them to submit an application so that the process can begin. He said we put in specific language in the Ordinance that the Town is under no obligation to approve or transmit the LUPA until such time that the Town has adopted its Comprehensive Plan. He said so what this would do is in theory allow someone who wants to seek a LUPA to apply for one and that would allow County and Town Staff to commence the review, so at the time the Comprehensive Plan is adopted, they could then immediately begin the process of the transmittal of that LUPA. He said the 2nd part of this is for those individuals who have Non-Conforming Uses on their property to be able to apply for development permits in order to bring their properties into compliance with the Land Development Codes. He said with respect to some of the property owners who were cited due to Non-Conforming Uses and were brought to the Special

Magistrate. He said this is one avenue they would be able to pursue to bring their property into conformance. He said currently we cite them for being not in compliance or in violation but they don't have any way to get a Land Development Permit because we have a Moratorium in existence.

Councilman Louda made a MOTION to approve Ordinance 2008-011-Exemptions to Town's Moratorium Ordinance on the 1st reading, SECONDED by Councilman Autrey and discussion was then continued:

Town Clerk Lippman said I just want to try to put the puzzle together. He said if you remember over the last 3-4 months, the council was discussing a variance process and you had directed Councilman Lipp and I to meet with the County and this is the result of that. He said the thrust of this is to solve the dilemma all of you had about the variance process.

Councilman Lipp said I would like to open up a discussion on uses that were here a long time prior to incorporation and they just simply never got around to getting the paperwork done with the County and they have been here really not bothering anybody, doing their business, and now they find themselves with the Special Magistrate and maybe incurring fines and I wanted to see if there was something we could do to address that situation, so when we start developing our own Land Development Regulations that we might find a way to make these illegally Non-Conforming Uses fit in our rural, eclectic neighborhood.

Mayor Browning said I think that is really the purpose of this.

Councilman Lipp responded no not really, if they are illegally Non-Conforming, they are illegally Non-Conforming.

Town Attorney Tolces said with the 2 points Councilman Lipp raised, #1, with respect to the Code Enforcement matters that have gone to the Special Magistrate, if they were found guilty they were given a long period of time, 120 days, with the ability to come into compliance. He said one of the reasons they were given such a long time to come into compliance was for the Town to look into this. He said I am prepared to go back to the Special Magistrate so we may request a continuance for a certain amount of time and say we are still looking into this. He said but there is really nothing you can do as far as a motion, but from a practical standpoint we can go back to the Special Magistrate to see if any of these properties can go through the process with the County and become conforming or obtain some type of approval or to allow their use that has been there for many years to be recognized as a legal Non-Conforming or as some type of use. He said I think if this Ordinance is adopted on 2nd reading, then we can work with the property owners to do that and see what happens.

Town Clerk Lippman said if this does pass and someone does go through the process with the County and it comes up that they can't ever become Conforming then they are kind of stuck. He asked Councilman Lipp is that really what you are getting at.

Councilman Lipp said I don't want to see someone being fined an enormous fine that is really burdensome in this economic environment.

Town Attorney Tolces said and I agree and one of the things we told the Special Magistrate is we are going to be working on this. He said and we can say we may need more time. He said

now what will happen in the future is if you go through and develop your Land Development Regulations you can address these in there. He said it may be feasible for them without spending too much money or time to get to that place where they are legal.

Councilman Lipp asked would it be possible to say if it is one of these off the wall uses we really don't want, once they sell their property it will turn back to RR5.

Town Attorney Tolces said it will still be R5 so the issue is what do you do when that person sells the property. He said the problem is how do you enforce it and what are you going to make them do. He said there are things we can look at so that they don't continue onto the future so they just stay with the current property owner.

Councilman Lipp said I think if we can do something where they are sort of frozen in time where they won't go adding any structures or anything.

Town Attorney Tolces said it can be done, it is just a matter of putting pen to paper and making sure everyone is being treated the same way.

Councilman Louda said the one that comes to mind is obviously the Choquette's, and asked are there any of these that are absolutely period not allowed if you go over to the farthest right hand column and look up the exception. He said the Choquette's did have where they could put in for a special exemption under AG Res.

Town Clerk Lippman said the ones who have been processed and are in the system right now, most of them there is a process where they can go through the County and apply for a zoning conditional use approval. He said let's say there is a property and they are selling retail and it is not permitted, well it could be permitted if that property was zoned Commercial.

Councilman Louda said I am not talking about changing zoning; I am talking about existing zoning.

Town Attorney Tolces said we need to look at that with the property owner and with County Staff to see what is available. He said the problem the property owners have right now is they don't have a mechanism with the County to go apply, so let's open up that door and if they choose to go in, we will go in with them and see what is available and hopefully for most of the property owners who have been operating businesses who aren't compatible with what is next door there will be an avenue available for them. He said we need to let them investigate that because up until this point they haven't been able to.

Councilman Louda asked are there any fees in this process that come to this Town.

Town Clerk Lippman responded what basically happens, is if this opportunity is given, the first step would be to go to the On Call Planner and get a Zoning Confirmation which will tell them everything they can and can't do on that property. He said then they will present what they are trying to do on the property or are currently doing and they will provide them a checklist back of what is needed. He said then if they then decide to go ahead and pursue that avenue then the fees would kick in to the County-it's all part of the ILA.

Mayor Browning asked for comments from the Public.

Mike O'Dell, O'Dell Land Planning & Consultants, (Representative for Loxahatchee Equestrian Partners, LLC)- said we urge you to move this process forward. He said I understand from this discussion that we may not be fitting in a category this was intended to but even the previous discussion where it might open up an avenue for us to pursue.

David Kear, Planner from Seminole Bay County- said you can work with the County and have them assign Code Enforcement liens to the Town and you control the fine and you decide whether to forgive it or abate it or whatever. He said so that is another path you can explore.

Town Clerk Lippman responded we as the Town do our own Code Enforcement within the town and the County doesn't have anything to do with our Code Enforcement.

Mr. Kear replied that is even better then.

The MOTION passed unanimously 5-0.

Mayor Browning moved to Item #12.

12. Article 14: Environmental Regulations: Discussion

Town Clerk Lippman said we are looking for one. He said Town Attorney Tolces has taken the Council's comments and made a rough document incorporating the ideas and I believe the next step would be to get a professional involved. He said an environmental professional who is very familiar with environmental code and does this. He said we have to understand even though the County has washed their hands of where we are today we have to consider that going forward in writing this code we will have the responsibility of enforcing it. He said I believe we should take a little more aggressive direction on moving toward starting the process of the Land Development Regulations. He said I mean a timeline process of going out for bid and interviewing people. He said I just want you to take all that information into consideration when we discuss this.

Town Attorney Tolces said I drafted these provisions with the comments from the Council Members, thank you for your assistance. He noted there are a few improper references to numbered sections and the appendixes are not attached.

Vice-Mayor Herzog noted there are a couple of other places where your section numbers are off also.

Town Attorney Tolces said this is a draft and we are going to fix that. He said I do have a question for you, with respect to the distance a homeowner would have to remove Non-Native vegetation away from their structure, and the distance that is proposed there is 500ft and I don't know if that is appropriate, too much, or too little and I think that is where the professional environmental reviewer could assist.

Vice-Mayor Herzog said I think our attempt was to go from clear the whole land you own to a specific number.

Town Attorney Tolces referred to Page 71, the appeals section and asked would you want anyone who appeals this to come to you as the Town Council or an Appeals Officer.

Councilman Lipp asked what is normally done.

Town Attorney Tolces responded some Commissions like to be the decision makers and have people come to them.

Town Manager Dr. Rosenbaum said I would say you want to exercise your right as the Town Body.

Councilman Louda commented it is more government light and we don't have to hire anybody.

Town Manager Dr. Rosenbaum commented that is more consistent with who we are.

Town Clerk Lippman said I think Town Staff can provide the information but the ultimate decision needs to be with the Town Council.

Councilman Autrey said my thought was to ask Town Manager Dr. Rosenbaum to look at this from the idea of how to manage this beast. He said how and who and the cost to manage it and really go through here and look at it like a business unit. He said there is a lot of overhead in this and we kind of took the County's template and they have a larger budget than us. He said we also have this whole Fire Wise Initiative and if we want to encourage people to make their properties safe from fire we wouldn't want to hinder it by making it so strict with regulations about cutting down trees.

Town Clerk Lippman said this is just a draft for discussion. He said if this evening you are were happy with the discussion then we would come back with an Ordinance.

Town Manager Dr. Rosenbaum commented we just need a Plan here.

Councilman Louda said January 6, 2009 for the 1st reading is way too soon.

Councilman Lipp said our Northern border is the Royal Palm Beach Pines Natural Area and the County has in their statutes a timeline of removal of exotics within 500ft of the line and asked we are not exempt from that, are we.

Town Attorney Tolces responded no, and I believe we had that discussion previously.

Councilman Lipp asked so that timeline is still in effect.

Town Attorney Tolces responded however it has been modified.

Councilman Autrey asked are municipalities required to enforce it.

Town Attorney Tolces said either the municipality or the County.

Councilman Lipp said if you can come back to us with that. He said that was my only comment on this.

Town Attorney Tolces responded I will get you that information again regarding that.

Councilman Louda said this has to be digested a lot more, there is a lot of stuff in here that could potentially burden the property owner.

Councilman Autrey said I think we need to give some direction here as to what we want them to do, they put a lot of time and energy in this, which I recognize and we don't have the expertise in house or we are going to have to do it and I don't see that happening either. He said so I think we need to bring somebody on board to make this happen.

Councilman Louda said I would like to see in here protection of canopy when feasible and protection of water and trying to decrease the financial impacts on residents as much as possible, and asked how do you balance those 3 things.

Town Manager Dr. Rosenbaum said I think if we really look at this thing, there may be a way to streamline this-this is meant for a big government, not us.

Councilman Autrey asked would we do an RFP or RFQ on this.

Town Clerk Lippman said what I recommend at this point, we will have Town Manager Dr. Rosenbaum work with who the Town has on this. He said I can bring you a proposal at the next meeting or you can just go out for bid at this point. He said I believe the cost would be at most \$5000 and we can get a proposal from the folks who did the environmental part of our Comprehensive Plan and you can choose to accept that or go out for bid at the next meeting.

Councilman Louda said in there I would want us to meet with this person during the process a few times individually.

Town Clerk Lippman said if we get the environmental expert at that point they will individually meet with you and also work with Town Manager Dr. Rosenbaum from a business perspective.

Councilman Autrey said you've got the goals and the purpose so that could frame the RFQ/RFP.

Town Clerk Lippman responded I don't think this is going to be a high ticket item. He said it is your decision on how you want to do this. He suggested get a proposal from the team that did the Environmental for our Comprehensive Plan, they are in tune with us and this and let them give you an idea of what that would cost. He said if you feel comfortable with that is fine, if not then go out for bid. He said I just want some direction with this.

Councilman Autrey said I am comfortable with the goals. He said I added a 6 and that was encourage proper management of Native vegetation to protect homes and property.

Councilman Louda said and the water supply.

Councilman Autrey asked is there another chapter that deals with water because this is primarily vegetation.

Town Attorney Tolces responded water is under the command of SFWMD and PBC.

Councilman Louda said if this is our only environmental regulations in our ULDC, we have got to address water quality, I mean it comes off the land.

Town Attorney Tolces responded that would be storm water regulations you would be dealing with. He said this isn't necessarily the only environmental section.

Councilman Louda said I like to get these protections in as many places as possible.

Town Clerk Lippman said what we have in front of us is Article 14 and this is what we have to address right now, so let's stay focused on what we have to do right now and scale it down for our residents and us. He told Councilman Louda your protection of water is not going to go unnoticed but the place for it is not here.

Mayor Browning said the only other thing I would want to see under the goals is I want to protect the homeowners of Loxahatchee Groves and not make it mandatory to get rid of everything on a timeline. He said that would have been a major issue for a lot of residents.

Town Clerk Lippman said that was a common thing we heard in the charrettes and we are sensitive to that.

GENERAL CONSENSUS WAS GIVEN FOR TOWN STAFF TO COME BACK AT THE NEXT MEETING ON JANUARY 6, 2009 WITH A SCOPE OF SERVICES AND ESTIMATED COST FROM CALVIN-GIORDANO AND AT THAT POINT FOR THE COUNCIL TO ACCEPT THAT OR GO OUT FOR BID

Councilman Autrey asked will that include how this will be managed day to day.

Town Clerk Lippman said we will have an implementation plan as well.

Mayor Browning asked for comments from the Public.

Bill Gurney, 1453 E Road- said I just wanted to mention the fact that we just passed an amendment to the State Constitution based on environmental considerations for private property owners and those ask for specific things to be done before a property owner qualifies for a tax break. He said we need to consider that amendment and where it is going in terms of what we are going to do here. He said secondly, no one has brought up the Community has a lot of wetlands that need to be protected. He said right now there are no regulators in here protecting the wetlands we have. He said they can just disappear it happened on Collecting Canal Road here just last year and several property owners called the County and they washed their hands of this. He said and I am going to be very, very conscious of what is going on here and am going to be a pain in the ass. Thank you.

Councilman Louda noted Mr. Gurney brought up a good point if we can bring that amendment into this.

Town Clerk Lippman noted that what Mr. Gurney was referring to would be addressed in other chapters of this.

Nancy Fried-Tobin, Good Earth Farm- said as you start talking about this I am having angina and what some people don't remember is we were hit with \$50,000 of mitigation with ERM. She said my suggestion would be that you form another committee and put me right on it, of people

who are part of the Loxahatchee Groves area and maybe some environmental people but not ERM people. She said so we can think and customize each case for each individual person separately. She said for instance, a horse person is going to need a certain kind of vegetation as opposed to a nursery owner and a resident with dogs. She said you can't have the same thing for everybody. She said so start a committee and put me right on it.

Ryan Liang, 4245 148th Terrace North- said I am pretty confident regarding this matter because I am also a certified arborist and I am trying to think of ways we could do this feasibly and maybe send out or have a list of exotics on the website the regular home owner can remove on their own and then later on do an RFP for someone to remove the larger materials. He said that was just a suggestion. Thank you.

Councilman Louda noted Ms. Fried-Tobin brought up a good point. He said it brings back memory to what happened to a resident who cleared all their Malalucca out of their area and got a fine for clearing a wetland without a permit.

Elise Ryan, 3508 A Road- said I just wanted to say I did actually read through this package and it is a vast improvement over what the regulations are that the County has. She said the only thing I saw that kind of scared me a little bit is where it said you can't remove any Native vegetation. She said I understand we don't want the Native vegetation removed, but I have a garden and sometimes I like to move them around and according to what this says I have go to get a permit and do a study and that is the way this read to me who happens to be a gardener. She said maybe we can exempt people who have landscape in their gardens and want to move it around a little. She said I'll be on the committee with Nancy.

Town Attorney Tolces explained to Ms. Ryan that she wouldn't need a permit to do what she was discussing.

Mayor Browning said good-we don't want to make it too complicated.

Mayor Browning moved to Item #13.

13. Public Records Requests: Discussion

Town Clerk Lippman said this probably should have been on the Administration Update Item but I want to point out here that we agreed at the beginning of August 2007 that there would be a policy in place for Public Records requests. He said the Town Management made a decision that being a new Town people wanted information and we made a decision at that time that we didn't feel it was necessary at that point to charge for every piece of paper for the residents. He said we are passed that right now, and we are not trying to nickel and dime but we are trying to make sure we are conscious here and I think that since we have had quite a few Public Records requests, we are just going to implement the policy we set forth which is consistent with other municipalities. He said obviously when the LGWCD or the Town Council Members need something of course we are not going to charge. He said for the General Public we will make the information available and turn it around in good time, but we need to charge a minimal fee.

Vice-Mayor Herzog asked will the information still be available on line without a fee.

Town Clerk Lippman responded as you see I put as much information as I can on the website but I think sometimes people want me to print something because they don't have a printer. He said I did follow up with Lynette at the LGWCD and I can tell you she is tight and said since the day she has been there that is what she does. He said we have made it convenient but that is what I need to do now also.

Mayor Browning asked for comments from the Public.

There were no comments from the Public.

Mayor Browning moved to Item #14.

14. Administration Update:

- a. Road Signs and Map for the Town
- b. Loxahatchee Groves Neighborhood Park
- c. PBCWUD Agreement with the Town

(A) Town Clerk Lippman said Councilman Louda had requested I get with Clete in reference to the road signs and map for the Town. He said Clete is getting with his group who are out in the field and making a list of the signs. He said I know we identified 24th Court North, and we encourage if there are any normal signs that are missing for people to call the office or the LGWCD and let us know.

Councilman Louda said I was thinking to myself if I was a fireman and got a call to 24th Court North and started down the wrong 24th Court North and found out this road doesn't go through like the map says and then couldn't turn around. He said so we have got to get that map changed.

Town Clerk Lippman said especially with the efforts of Ken Johnson, we are moving forward and I have used his map with Calvin-Giordano as the base. He said we may have to take it to the next level and get professional GIS to really nail it down. He said the good thing with the fire department and police department is this is a Community they know very well. He said the mailman also would know the area very well.

Councilman Louda said I know it will cost a little bit more, but in situations like 24th Court North it might be advisable to make a taller sign with the number range on it.

Councilman Autrey said we should also give input on blind corners where vegetation has grown up to the point where you can't see and if you have someone on a bicycle or horseback it is a very dangerous situation. He said either we deal with that through signage or we tell the property owner you have to cut it.

Town Attorney Tolces said we will look at that and see what we can do. He said you don't necessarily want to look at that from a Code Enforcement issue as to allowing vegetation to grow outside where it should.

Councilman Autrey said it is not necessarily outside where it should, it is just the nature of the beast.

Town Clerk Lippman responded we will keep that in mind, Thank you.

(B) Town Clerk Lippman said just to update you, I did follow up with Dennis Escherman and this project has been fully funded by the County and it has been turned over to the Traffic Engineering Department. He said and I spoke with Councilman Louda who expressed an interest in this, because we are still keeping in mind that once that that entrance is started to be constructed then we can work with F Road, because we still need to get that entrance or exit off of F Road.

Councilman Louda said if the F Road is only an exit and not an entrance it would solve the crossing problem and still keep all the traffic off of Citrus. He said if you want to go east and use the light, you can leave the park that way. He said but if you want to come in the park come off the entrance off Southern. He said I think that would make it a lot easier to solve for the County and the Chamber.

Councilman Lipp said I agree with Councilman Louda, I think that is a point well taken.

Vice-Mayor Herzog said it is confusing to the people though. She said an update on the Chamber Building is they are attempting to break ground on January 10, 2009 and it was announced at the last meeting when I was there.

(C) Town Clerk Lippman said I know Town Attorney Tolces has been working with the PBCWUD Attorneys and they have completed a draft agreement that Town Manager Dr. Rosenbaum is looking through and it will be presented to you at the January 6, 2008 meeting.

Mayor Browning asked for comments from the Public.

Pia Starr, 14895 24th Circle North- said nobody can find us. She said I participated in the CERT and it took them an hour and a half to find us. She said so I would suggest the roads be renamed and assigned appropriately. She said you can't have 2 roads right next to each other with the same name, it doesn't work. She said I suggest they be renamed.

Mayor Browning moved to Item #14.

14. Public Comments

Ron Jarriel, 2800 161st Terrace North- asked the traffic study that was just done, how long did it last and did we do a vehicle count and a speed count. He said I noticed there were 2 hoses going across the road.

Town Clerk Lippman responded the project is not completed yet and is still going on.

Beck Hyslop, 12948 Okeechobee Boulevard- said the reason I am here is to talk about Zoning. He said as you know Red Barn is the only commercially zoned property on Okeechobee Boulevard. He said because of this we are privileged enough to pay over \$65,000 in property taxes as well as all of the other privileges of owning and operating a Commercial property which include higher trash, insurance, phone, etc. He said all these rates exceed over residential or agricultural properties. He said the problem I have is how long it takes for the zoning problems to be resolved and the amount of the fine imposed. He said I feel 90 days at the shortest is ridiculously long in that period when the main season in the area is approximately 120 days. He said I have been told that the fine imposed by this Town by Matt is \$100 a day, if you have the right business, this would not really be a huge burden on a business, and it would just be an added cost of doing business. He said in this type of situation the cost of doing business is only \$3000 divided by 120 days, which would be our season, we are talking about \$25 per day. He said Councilman Lipp talked about these enormous fines, he said you need to consider the fine as some type of burden to the business. He said my personal experience with Red Barn was when we moved our cash counter, which was moved to where it is because of the existing electric box in our building, the County heard about it told us if we didn't communicate with them in the appropriate amount of time which I believe was 10 days, threatened to fine \$1000 per day until we contacted them. He said when they inspected and found there was nothing necessary they left us alone. He said we are just talking about moving cash drawers not running a business that is not zoned for the area. He said this definitely made me take notice. He said I don't have a problem with having competition, my mother has told me competition is the best thing you can have in business because it keeps you honest, but fair completion where we are all playing on the same field. He said I am getting a little frustrated when I am following all the rules and am having to compete with all these illegal businesses in the area that can take advantage of a flawed system. He said I have handed you out some businesses in the area and I have personally turned them all in. He went through 8 businesses and what they are doing illegally and also included a copy of his property tax bill. He said I am asking the Council to take a harder look at this situation and come up with a more stringent policy or answer.

Frank Schiola, 13734 Marcella Boulevard- said first of all I want to wish Councilman Louda good luck on this intergovernmental committee and hope that everything be worked out and that we don't jeopardize our state funding through gas tax and other revenue forces. He said secondly, I want to bring up about the clearing of non native vegetation and ask that Staff get in touch with Staff at the Division of Forestry because they have a machine that will go in and clear out and go right down below the dirt and take out the roots and mulches it all up so it will compost on the property. He said this has been done on a few properties in Loxahatchee Groves and I was told by Chris Wasil, the Forestry Area Supervisor that they are actively looking for people who will come to them and use this service and just sign an agreement that if anything was damaged by them that they won't be responsible for it since they are doing this free of charge. He said and I would also recommend getting in touch with Scott Peterich at the Division of Forestry because you have already agreed to be part of the Fire Wise Program, but there is another intense program called the Community Wide Fire Protection Plan and that is where this might come into play also because you might become compliant with this stuff and there are grants available to help the homeowner and the Town come to that conclusion.

Ilene Rindom, 14285 Collecting Canal Road- said I wanted to congratulate Marge for being so stoic after being trampled on up there, but now that Bill threw up South D Road, now I see why he offered to be on the committee with the LGWCD.

Howard Voren, 1538 E Road- said I am disappointed with that tonight's Agenda has ignored the request for discussion of an investigation into either the Code of Ethics violation committed by Councilman Lipp or the need to amend our Code of Ethics so its intent is made clear. He said the Amendment to the Code of Ethics that this Council enacted reads-an elected public officer shall not engage in communication or discussion with applicants, petitioners, or their agents or representatives seeking action or other relief from the Town Council on matters related to a pending application or other petition. He said any reasonable person who was not involved in Councilman Lipp's decision to personally engage in communication with agents of the MUPD who will be here at the next meeting and who are still seeking action, would believe there was cause for great concern. He said the continually changing stories both recorded and given in statements to the press by Councilman Lipp as to how and why this communication took place, despite what was written in the Code of Ethics has not only cast a shadow on him but he has now extended the shadow over the Town Attorney and the Town Clerk. He said the air needs to be cleared in the Sunshine. He said at the very least we have a Code of Ethics that needs to be amended or re-written because it does not clearly give Councilman Lipp the exceptions he desires, nor mentions his right to extract special permission from the Town Staff. He said I ask that the Town Council, not allow Councilman Lipp or any members of Town Staff that had involvement in this to bury it. He said it will just send a signal to future Councils that the rules can be bent and twisted as desired, especially if they can get a nebulous answer from our Town Attorney to use as an excuse. He said according to the Press, our attorney stated, "It's up to the (Town Council) to decide what is permissible or not permissible." He said I ask that you take his published advice and again I request that the Council formally make a motion and vote tonight on the need for a full investigation into this matter.

Dennis Lipp: I would ask that Town Counsel (Attorney) to address that if you could.

David Browning (Mayor): Okay, David?

David Tolces (Town Attorney): Thank you Mr. Mayor. The item that Mr. Voren raises with respect to the ordinance that was adopted by the Town Council, you must clearly look at what the intent was as stated in the ordinance. It is stated in the ordinance, The intent and purpose of this article is to strengthen the quality of representative government. It is important to assure that, that the policies and decisions made by public officers are made through established processes and that public officers avoid action which creates the appearance of impropriety, and that the public have confidence in the integrity of Town government and the Town's public officers.

With respect to this specific item, I don't think the concern with respect to any intent. The discussions were clearly disclosed on the record in writing and in conversation at the meeting. There was no obfuscation of rules; there is no attempt to do anything with respect to a specific violation of this ordinance. Certainly, it's Town Council's right to police itself under this code of ethics, but I think in light of the fact that the scenario, the fact that the item came before you, that there was clear disclosure on the record of the conversation, that there's no real issue from my perspective. I did see the petitions that were presented on behalf of the residents in reference

to the Charter provisions, and that is not relevant to the issue with respect to how you go about presenting your request for a review of an ordinance. This ordinance was adopted, if they want to provide some referendum on whether or not the ordinance should be in existence or not that's a different thing but you don't go through that petition process with respect to attempting to enforce the code.

Councilman Louda said I would like to see this put on the next Agenda to clear the Sunshine. He said to discuss that particular and it in general. He said the Town's Code of Ethics as precipitated by this event.

Mayor Browning stated that any Council Member can ask for something to be on the Agenda.

Cindy Corum, 2452 C Road- said I know Howard Voren wrote a letter and had 12 of his friends sign it and contacted the reporter from the Palm Beach Post. She said we have a letter too and I will read it. She said it was signed by 153 people in support of Councilman Lipp.

The letter reads-

To: The Town Council of Loxahatchee Groves:

A letter was recently sent to the Town Clerk by resident Howard Voren falsely accusing Councilman Dennis Lipp of impropriety. The letter was signed by five married couples and 3 additional residents. The Palm Beach Post was also contacted and a reporter ran a short article on this NON-story.

We, the undersigned, feel the intent of that letter was simply a smear campaign on a good man's name by a disgruntled minority who are now engaging in a campaign of personal attacks against anyone who does not agree with them. We believe plain old personal vindictiveness is the motive.

Councilman Lipp did indeed speak to a representative of the development project for Southern Crossing. However, he did so only after receiving permission from our Town Attorney. The spirit and intent of ordinance #2007-006 regarding "Standards of Conduct" was not violated. This ordinance was conceived to prevent Council people from making secret deals allowing developers to profit from Council decisions. The intent of this ordinance is to prevent "pay to play" politics. This was certainly not the case in Councilman Lipp's short conversation with Southern Crossing's rep. No promises were made. No favors were done. No money or gifts were exchanged. There was no ethical violation as there was never a question of anyone seeking "action or relief on a pending application." The conversation was simply a matter of clarification of our Town's vision. It should also be noted that Mr. Lipp was the only Councilperson who voted AGAINST this development project.

We, the undersigned wish to express our full support for Councilman Lipp. We find it offensive that certain individuals in our Town (including a few Council Persons) continue to waste valuable time on petty political infighting and trumped up charges, when we have some very real issues to be solved. We ask that the Council please put a stop to this nonsense immediately and get down to the business of correcting our Comp Plan and moving this Town forward in a positive direction.

(The letter was followed by names, addresses, and telephone numbers dated and signed by 153 people).

Mayor Browning moved to Item #15.

15. Town Clerk Comments

Town Clerk Lippman said the only comment I have is I hope everyone in this room, everyone on the dais, and everyone in the world has a great holiday and God Bless everybody.

Mayor Browning moved to Item #16.

16. Town Attorney Comments

Town Attorney Tolces said I know we mentioned it earlier this evening, but Vice-Mayor Herzog and myself did attend the FDOT variance hearing concerning Southern Crossings variance application which was denied. He said consequently they will be back at the 1st meeting in January to discuss the ingress and egress issues so if you would like to discuss any issues with Town Staff I would suggest you do that before the meeting. He wished everyone Happy Holidays and Happy New Year as well.

Mayor Browning moved to Item #17.

17. Council Member Comments

Councilman Louda said I think I've said quite enough tonight, Thank you, Happy Holidays.

Vice-Mayor Herzog said I was kind of looking forward to working on that Intergovernmental Committee but if this is your choice then I will live with it. She said one of the things that should have been brought up is this should go to a 2 month rotation rather than a 4 month to be consistent to what the LGWCD is doing-they are doing a 2 month as opposed to a 4 month. She mentioned on Thursday, the LGLA will have Fred Rapach there to speak to us on the Everglades Restoration. She said they had their big meeting today and they were voting on whether they were going to go forward with the purchase of the land. She said he will be there and he will be giving an update to the LGLA. She concluded with Happy Holidays.

Councilman Autrey said Happy Holidays to everybody and I think we are going to air that out the next meeting so I will hold my comments till then.

Councilman Lipp said Merry Christmas-Happy New Year-Happy Hanukah-Happy Kwanza and may all be happy.

Mayor Browning said thanks to Marge I attended a fun, progressive dinner the other night, so they put together a good one there. He said some of you saw us at the parade doing the thing in the rain. He wished everyone Merry Christmas, Happy Hanukah, and Happy Holidays-Thank you all very much.

Mayor Browning moved to Item #18.

18. Adjournment

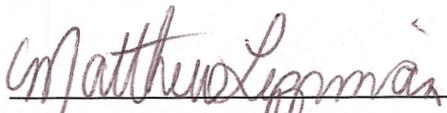
Vice-Mayor Herzog MOTIONED to adjourn the meeting, SECONDED by Councilman Autrey and the Motion passed unanimously 5-0.

There being no further discussion and no additional public comment the meeting was adjourned at 9:15 p.m.

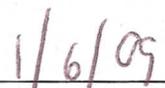


MAYOR DAVE BROWNING

ATTEST:



Matthew Lippman, Town Clerk



Date Approved