



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 7:02p.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

Town Clerk Lippman requested the addition of Agenda Item #10(a). He said we are looking to turn in a list of projects to the Local MPO and I have been working with Clete Saunier since last Friday on this. He said the title of this Item would be *Infrastructure Funding Requests*.

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

CONSENT AGENDA:

6. 02-03-09 Town Council Meeting Minutes: Approval
7. 01-2009 Town Attorney Invoice: Approval
8. 01-2009 Town Financials: Approval

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

Mayor Browning moved to Item #9.

REGULAR AGENDA:

9. **Town of Loxahatchee Groves Comprehensive Plan Transmittal Hearing:** *The Town Council of Loxahatchee Groves is sitting as the Local Planning Agency*

Ordinance 2008-006 (2nd Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING THE TOWN OF LOXAHATCHEE GROVES COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Town Attorney Tolces conducted the 2nd reading of Ordinance 2008-006-Town of Loxahatchee Groves Comprehensive Plan Transmittal Hearing. He said the meeting had been duly noticed and a Public Hearing had been scheduled for this time. He explained that there was a sign in sheet present for anyone wishing to speak on the this Item.

Town Clerk Lippman said to give a little history on this, the Comprehensive Plan was put out to the Public on Monday, February 9, 2009 and we did receive some feedback from some Council Members that was incorporated. He said the Comprehensive Plan that was posted and given to you is in front of you now. He said you also received a packet tonight of 23 pages which were additional changes that were made today. He said the document I am about to present on the screen will reflect all these changes for the record. He said I met with Clete before the meeting to review with him all the changes they were concerned about from the Friday, February 13, 2009 Intergovernmental Meeting. He said with that, I would ask when Shelley Eichner comes up tonight the goal is to work through any of the Council Member's changes and to adopt the Comprehensive Plan subject to those changes. He said any recommendations and any changes the Council agrees upon tonight we are asking the Comprehensive Plan be adopted with these changes ,and within 10 days will be transmitted to the DCA.

Shelley Eichner, Calvin-Giordano- said what you have before you is the Final Comprehensive Plan recommended for adoption this evening. She said since your Transmittal Hearing we have incorporated changes and suggestions made from the LGWCD and the Intergovernmental Committee. She said as Matt said, the LGWCD is satisfied that all those have been incorporated. She said the changed pages are some Scribner's errors and typos. She said after

this evening we would gather up the Ordinance and the sign in sheets from the Public, and get it up to the State by March 3, and assuming DCA receives the package and acknowledges its receipt on March 4, and find us in compliant, the Plan would be done by April 20, 2009. She said if there are any additional input or any further modifications or refinements tonight, we will vote on it and incorporate that and then send it on. She said we had done several Memos on strategy as to how we were going to handle some of those ORC Report comments and what we modified to satisfy the DCA will also go up as part of the submittal.

Councilman Louda said we discussed this morning with a Memo as well as on the phone, and in existing Land Use conditions, Page 1-3 there should be acknowledgement that Ag is still missing.

Ms. Eichner said you are talking in the text and we will put it in.

Councilman Louda said make sure that the drainage of the LGWCD is not 2.3, it is 2.0. He said and on Table 3.1 on Page 3.1, strike the 1st line.

Town Clerk Lippman said that is taken care of on the Master one I submitted to Shelley.

Councilman Louda said and we received an email from Doreen Baxter today and asked if those Scribner's errors were looked at and agreed upon.

Town Clerk Lippman responded the goal at this point is to come up with one long list of edits to be considered before it is submitted and those will be considered as well.

Vice-Mayor Herzog said I was glad to see you were able to work in the LGWCD language in the document and change all the figures that needed to be changed.

Councilman Autrey said I talked to you this afternoon about my concern about 1-2 on Master Page 1-24. He said I understand why and it is referenced here in your notes, but my concern was the wording-shall support development-is a little forward and am wondering if we can change that.

Town Clerk Lippman said Shelley and Town Staff had an opportunity to talk about it and we share your sentiment and concern. He said we strongly urge you to keep this language in there and we don't see it as a guarantee to require the Council to approve anything in the future, and it is due to the conference that Shelley had with DCA, so our very strong advice is to keep that in there and it will satisfy a great concern to DCA while we still have control over development.

Councilman Autrey said I understand that but I also understand that if someone doesn't understand the technicalities of the process they have to go through may feel this is too strong.

Town Clerk Lippman said you are concerned that if someone picks up the Comprehensive Plan as a resident and doesn't understand the background they are going to see we are pro development and not understand our Vision.

Ms. Eichner said keep in mind this is one objective of many throughout your Comprehensive Plan and as time moves forward any applicant would have to demonstrate consistency with all of the objectives and goals and policies of your Plan and this is one that indicates some support for a Rural Style Commercial Center along Southern Boulevard, however, that doesn't mean

you are going to change the Land Use to Commercial. She said throughout the Plan and the different elements it is quite clear of the rural lifestyle to be maintained and enhanced within Loxahatchee Groves. She said while this statement satisfies some objections raised by DCA, I don't think that opens the floodgates or even implies that is what the intent of the Plan is. She said I think the bigger concern is that it satisfies some of the objections from the DCA and I think that is one of the most important things we need to satisfy today. She said but keep in mind there are many other things in the Plan regarding to future development keeping with the overall intent.

Councilman Autrey said thank you, I think we needed to discuss that publically.

Councilman Lipp said I turned over to Matthew some more Scribner's errors that Doreen was able to look at. He said you and I had talked earlier today about Policy 1.115 on Page 1-27- Existing Naturist Resort legally established prior to the date of incorporation shall remain. He said when you go to their website they have already exceeded the original 48 recreational sites that they were given in the 1994 revision of their code. He said they are up to 70 when you just count them. He said one of the things that they refer to in their enabling of legislation from the County was that they shall be allowed no more than 48 recreational vehicle sites within the subject recreational vehicle park. He said so since that is the language the County is using, instead of resort, I would like to see us use recreational vehicle park. He said the policy resort thing I think is way too open ended. He said if you look up resorts under Land Use you end up with not what is in their enabling legislation. He said we mentioned that in here, so we are considering in here Resolution #R94-1070.

Town Clerk Lippman said I would recommend in their initial 1979 Resolution they are entitled a recreational vehicle park including a private club and accessory recreational facility. He said so if you are going to make any changes to take out naturist's resort, I recommend using the language as it is here.

Councilman Lipp said get rid of the word resort and put in what you just said, because it is not called a resort in either one of these documents. He said if you go to the County's ULDC and look at the definition of a recreational vehicle park and you are not allowed to have anyone parking there for more than 180 days. He said so I had Counsel look up the definition of mobile home, and I like the one from The City of Boynton Beach as far as what a mobile home is. He said we say there are no condominiums or mobile home parks. He said I think we are ignoring an issue that we have here. He said we just had according to the newspapers 400 attendees to their 21st Annual Festival, and the Cinco de Mayo people came to us and got a Special Permit and Community of Hope came to us for pumpkin sales but we don't have any Ordinance for them. (Sunsport Gardens)

Councilman Louda asked can you read that description again.

Town Attorney Tolces said they got a special exception to allow recreational vehicle park including a private club and accessory recreational facility.

Councilman Autrey asked so what is the real intent here, just to require them to get a permit and to change the language.

Councilman Lipp said I think by having follow through so our document says the same as the County's. He said then when it comes time for us to write our own ULDC we will then have to

tackle that one because in Chapter E of Section 3, Section 7, it goes over recreational vehicle plan district, which is essentially what that is and we can address it in the ULDC so that Sunsport fits.

Town Attorney Tolces said so your suggestion is to change the word resort to existing naturist vehicle park which includes a private club and accessory recreational facility.

Councilman Lipp responded yes.

Councilman Louda said I like Councilman Lipp's explanation that they all say the same thing.

Councilman Autrey asked the Public, does this posse any difficulty for anybody.

Town Attorney Tolces said no, because as Councilman Lipp said when you come around to develop your LDR's you'll be able to address what the standards are.

Councilman Lipp said on the mobile home and recreational vehicle parks it says Loxahatchee Groves contains no mobile home condominiums, so I think if we change the language there we need to go in and just state that on Page 6-11, Master Page 152 so we can remain consistent in our document. He said just take the language form 1.115 and stick it in there.

Councilman Autrey asked the language that we had in Section 1.115 was that submitted by Sunsport because I know they submitted a letter initially to you.

Town Clerk Lippman said yes, before we sent it up to DCA we did have emails going back and forth from Sunsport and the language they proposed in there we followed through as their Business Tax License is listed, so we took it as a naturist resort. He said when you look at their classification, what type of business they are, they don't have one.

Councilman Autrey asked what years the County approved Sunsport.

Town Clerk Lippman responded the initial was in 1979 and it was revised in 1994.

Councilman Louda said they ran it a few years unapproved because it was here in the 1960's. He said one last thing, under carbon footprint I will be asking permission later on tonight to take a proposal on Bio- Diesel to the Intergovernmental Committee.

Councilman Lipp said on Page 621, Policy 6.2.5, a policy that allows the placement of manufactured homes or individual mobile homes and said historically when someone had put a trailer on their property it was for a temporary time while their residence was being built and then it was to go away. He said now there are a few trailers out here that have been grandfathered in. He asked on 10 acres or more can you have a mobile home.

Town Clerk Lippman said the intent of this particular policy is that if you have a vacant piece of land you have the choice of either a house, mobile home, manufactured home, and these are all acceptable forms of housing that we would allow as a principal residence and that is really what this is indicating. He said what is happening right now at the County is they are cracking down on if you have a home and then put a mobile home on the same property then you have 2 dwellings on your property.

Councilman Lipp said Wellington and our surrounding communities I don't think allow that. He said you may see modular homes like Commissioner Santamaria's family builds. Town Attorney Tolces said I believe there are some State Statutory Provisions that place certain limitations on the ability to place manufactured homes, but I think through the development of your Land Development Regulations and ULDC you will be able to provide for the limitations so you won't wind up with a mobile home on a .25 acre lot. He said I believe this was put in here in order to be consistent with State Statute.

Councilman Lipp asked how do you get around this. He said not that there is anything wrong with it, I am just curious.

Ms. Eichner said there are 2 components. She said number one, the number of mobile homes would be subject to first and foremost Land Use. She said then you have the other qualification which was discussed in the Workshops that with the updating of the ULDC you will have specific zoning requirements in certain zoning categories as it would relate to manufactured homes.

Vice-Mayor Herzog asked do we have a description of the manufactured and the mobile homes. She said I thought when we were discussing earlier we had discussed limitations on mobile but manufactured we had more or less agreed they can look very much like a regular home. She said when it comes with an axle it would be a mobile home.

Town Attorney Tolces said for mobile home from Florida Statutes it is a residential structure, transportable in one or more sections, designed to be used as a dwelling when connected to utilities, and not originally sold as a recreational vehicle and that is the definition of a mobile home.

Mayor Browning said so by cutting the axels off a mobile home it may become a manufactured home. He said historically we had an acreage limit on that. He said I know the County went to 10.

Town Clerk Lippman said one has to do with accessory dwellings and right now in the ULDC if you have a nursery or a farm you can have a care takers quarters on the property and that is what we have been following. He said and on 6.2.5 this satisfies a Statutory Requirement but this by no means opens up that every single property in this Town can have one. He said so if you want to make it a 10 acre parcel you can get to that avenue when you need to, this just gets the foot in the door.

Town Attorney Tolces said one other thing I would like to point out with respect to communities is a lot of the developments are managed through HOA's and wouldn't present a large scale home because it wouldn't meet the design standards in their declaration. He said that is something that you don't necessarily have here.

Councilman Autrey asked does this language in anyway help our affordable housing.

Ms. Eichner responded it is still subject to Land Use Restrictions and whatever ultimate changes to the Zoning Codes we will make.

Councilman Autrey said my feeling is that when you get to that point, the LDR's and things like that you can specify the landscaping and things like that once they are finished and I think

Jess's partner has products PBD buys for schools. He said they are out of concrete and super strong.

Councilman Lipp said I wasn't asking to get rid of this.

Councilman Louda said there is one thing we could do on this. He said the primary residence has to meet standard hurricane requirements and I don't think they make a mobile home that can.

Town Clerk Lippman said if you notice also the language states that and when you develop those you can make them that stringent. He said we welcome your comments and suggestions, and we'll consider them down the road, but his language obviously needs to say but He said for the record, we do have a letter submitted by Lewis, Longman, and Walker and here tonight so it will be part of the record (see below).



LEWIS, LONGMAN & WALKER, P.A.
ATTORNEYS AT LAW

Reply To: West Palm Beach

February 17, 2009

Matthew Lippman, Town Clerk
Town of Loxahatchee Groves
14579 Southern Boulevard, Suite 2
Loxahatchee Groves, FL 33470

Re: Ordinance No. 2008-006 – Comprehensive Plan

Dear Mr. Lippman:

These comments are submitted on behalf of Seminole Improvement District (“Seminole”) and Callery-Judge Grove LP (“Callery”). Callery is an affected person as that term is defined in Section 163.3184(1)(a) Florida Statutes. Callery is the owner of real property abutting the real property that is the subject of the Town’s proposed Comprehensive Plan, and is adjacent to the property which is proposed for a change from the existing land use map of the Town’s interim Comprehensive Plan. Seminole is a special district and is responsible for maintaining infrastructure on property adjacent to and abutting the Town. Seminole and Callery are submitting these comments to the Town of Loxahatchee Groves during the period of time beginning with the transmittal hearing for the Comprehensive Plan and ending with the adoption of the Comprehensive Plan. Please make these comments part of the official record of the adoption hearing, currently scheduled to occur on February 17, 2009, and forward a copy of these comments to the Department of Community Affairs with the adopted plan amendment.

We do not believe that the referenced Comprehensive Plan satisfies the requirements of Chapter 163, part II or of Chapters 9J-5 and 9J-11 Florida Administrative Code. The Plan fails to meet a number of requirements of the above-referenced provisions including, but not limited to provisions discouraging the creation or perpetuation of urban sprawl. The Plan is not responsive to the issues raised in the Department’s ORC report. Further, we do not believe that the referenced Plan is supported by adequate data and analysis nor that the effects of the Plan on public facilities, particularly transportation facilities, has been adequately addressed.

Very truly yours,

Andrew J. Baumann

AJB/lb

cc: David Tolces, Esquire
Bob Dennis
Mike McDaniel

Helping Shape Florida's Future®

BRADENTON 1001 Third Avenue West Suite 670 Bradenton, Florida 34205 p 941-708-4040 • f 941-708-4024	JACKSONVILLE 245 Riverside Avenue Suite 150 Jacksonville, Florida 32202 p 904-353-6410 • f 904-353-7619	TALLAHASSEE 2600 Centennial Place Suite 100 Tallahassee, Florida 32308 p 850-222-5702 • f 850-224-9242	WEST PALM BEACH 1700 Palm Beach Lakes Blvd. Suite 1600 West Palm Beach, Florida 33401 p 561-640-0920 • f 561-640-8202
---	---	--	---

www.llw-law.com

Mayor Browning asked for comments from the Public.

Andrew J. Baumann, Representative for Callery Judge Groves- said I represent Callery Judge Groves and the Seminole Improvement District who are your neighbors to the Northwest. He said we have been following this process and have been engaging with your Staff Attorney for some time over our hope that issues such as the existing land use patterns in this region, as well as, transportation issues would be looked at in a comprehensive and cancel matter. He said you are all familiar with our own transportation areas which we had to deal with as part of some of our efforts from the past. He said you have been given an opportunity that many are not able to do and that is to start from scratch and begin drafting a new Comprehensive Plan would take a careful look at this. He said respectively we feel that the traffic and transportation issues need to be addressed up front and it is our view that the Comprehensive Plan should address and deal with traffic and infrastructure impacts up front and not to divert these things to a later date. He said they are just too important. He said on the issue of Land Use, it was our hope that the Comprehensive Plan would really take a careful look at perhaps trying to change the pattern that exists in Loxahatchee Groves and in the surrounding area, and it is our position that this has not been addressed in the Comprehensive Plan. He said the DCA provided you a number of comments in their ORC Report and many of these were driven from these same concerns and while the Plan which is certainly an improvement from what was transmitted months ago, still doesn't address this.

John Ryan, 3508 A Road- said just because it was one of the issues I took a look at and it seemed to fit with some of Councilman Louda's issues I thought I would add 2 quick things. He said in the most recent governing approval of Sunsport Gardens they do refer to it as a recreational vehicle park and part of the approval was the site plan which was fairly detailed that was submitted as part of that approval and it was designed by Land Design South. He said the other thing was in looking through the County's matrix for all sorts of areas, the closest I could come to would be a hotel or a camp ground but in any even I think recreational vehicle park is what they got on the approval and site plan and I think that is the correct terminology.

Clete Saunier, LGWCD Administrator- said I have a letter here I would like to submit for the record (see below) as discussed in prior Intergovernmental Meetings.



LOXAHATCHEE GROVES WATER CONTROL DISTRICT

February 17, 2009

Honorable David Browning, Mayor
Council Members
Town of Loxahatchee Groves
14579 Southern Boulevard, Suite 2
Loxahatchee, Florida 33470

VIA HAND-DELIVERY

**RE: COMMENTS OF LOXAHATCHEE GROVES WATER CONTROL DISTRICT
REGARDING THE TOWN OF LOXAHATCHEE GROVES COMPREHENSIVE PLAN
(ORDINANCE 2007-006) PRESENTED AT THE 2ND READING AND ADOPTION
HEARING, ITEM 9, COUNCIL MEETING OF FEBRUARY 17, 2009**

Dear Mayor Browning and Council:

Pursuant to §163.3184, Florida Statutes, Loxahatchee Groves Water Control District ("District") has reviewed the Town of Loxahatchee Groves ("Town") Comprehensive Plan (Ordinance 2007-006), which has been revised in response to the Florida Department of Community Affairs ORC Report of December 16, 2008. In a letter dated September 15, 2008, the District had previously submitted to you and to the Department of Community Affairs certain comments and suggestions for revisions.

Based on discussion meetings and joint approval by the Town Council and Board of Supervisors, the changes in the Comprehensive Plan proposed by the Town address the concerns expressed by the District in its letters of September 15, 2008 and October 15, 2008. We would like to thank the Town, its staff and their consultants for their responsiveness. In the intervening months, both the Town and the District have taken steps to improve communication and coordination of our activities. We look forward to continuing and expanding this cooperative relationship for the benefit of the residents of our community.

Thank you for allowing us an opportunity to comment on these matters. Please feel free to call me if you have any questions.

Sincere regards,
LOXAHATCHEE GROVES WATER CONTROL DISTRICT

Clete J. Saunier, P.E.
District Administrator

CJS/lrb

cc: Honorable David DeMarois, Chairman, LGWCD
Dr. Irving Rosenbaum, Town Manager
Matthew Lippman, Town Clerk

C:\Documents and Settings\Clete.LRB\FY 2008-2009\Correspondence\02 - February 2009\02-17-09 Mayor David Browning letter.wpd

POST OFFICE BOX 407 • 101 WEST D ROAD • LOXAHATCHEE, FLORIDA 33470-0407
PHONE (561) 793-0884 • FAX (561) 795-6157

He continued in the Intergovernmental Coordination Meeting on Friday, February 13, 2009 we discussed various comments that were submitted on September 15, 2008 and on October 15, 2008, and those comments were presented by Dr. Rosenbaum and Councilman Louda and we came to a consensus on those comments and with the exception of 3 or 4 which Matthew has given us today we prepared the following letter. He then read the above letter into record.

Councilman Louda said I was wondering if this letter going forward would carry more weight if it was signed by you and Mr. Dave DeMarios-Chair.

Town Attorney Tolces responded either way the letter is sufficient and I'm sure he wouldn't be sending it without the approval of his Board.

Vice-Mayor Herzog made a MOTION to approve Ordinance 2008-006 and adopt the Town's Comprehensive Plan with the changes discussed tonight, SECONDED by Councilman Louda and discussion continued:

Town Clerk Lippman said since this is our adoption hearing, we do need to read into record the additional changes we are accepting this evening:

- Policy 1.11.5 we are changing to read existing naturist recreational vehicle parks including a private club and accessory recreational facility....
- Also in mobile home and recreational vehicle parks we will change the language to read the same as Policy 1.11.5.

Ms. Eichner said on Page 1-3 in the description of the lands within the Town the 1st sentence will begin with an acknowledgment of the % of the Agricultural within the Town. She said we will also incorporate the handout of Scribner's errors from Councilman Lipp's hand out..

Town Attorney Tolces said due to the fact that this Ordinance will be adopted in 2009, we will have the Town Clerk change that to 2009.

The MOTION passed unanimously 5-0.

Mayor Browning moved to Item #10.

10. Remaining Timeline for Comprehensive Plan

Town Clerk Lippman said at this point we would like to walk you through the timeline of what to expect once this is submitted. He said at this point it goes to DCA and needs to be received within 10 days of adoption. He said backing up a second, he said we received on November 23, 2008 the ORC Report and 120 days from then would have been March 23, 2009, however, our hearing date is February 17, 2009 so we are about a month ahead of schedule as far as resubmitting to the DCA. He said if the DCA receives the package by March 4, 2009 which is the time they need to receive it by, then they have 45 days to respond back to us which would be April 20, 2009 and they would respond if we are in compliance or not in compliance. He said

if we are in compliance they issue a Notice of Intent and there is a 20 day period during the Notice of Intent where any affected party can intervene. He said if they intervene then it would go to a DOH Administrative process. He said should the DCA find our Plan not in compliance, it would go straight to a DOH process. He said the difference is if they find it not in compliance when it goes in front of an Administrative Law Judge it is the Town vs. the DCA. He said should the Plan be found compliant by DCA and there is an intervening party then it is the Town and DCA vs. the intervening party. He said the third, and what we are hoping will happen is after the 20 Day Notice of Intent, after the 20th day it expires and the Comp Plan becomes official. He said we will keep you posted and we wanted to make sure you were all aware of the 3 options and the timeline.

Councilman Lipp asked Ms. Eichner have you been in contact with DCA.

Town Clerk Lippman responded yes, Shelley and her team have been in contact leading up to this and they are well aware of the changes that are coming. He said there has been a lot of discussion with Shelley and Council Members and we are going to make a recommendation to send Shelley Eichner and Jeff Maxwell to Tallahassee for the day, so they can hand deliver this and schedule an appointment to have one on one time with DCA before they review this. He said I asked them to give me an approximate of what it would take to get them there. He read into the record the email that was sent by Shelley Eichner saying the total cost would be \$3480.00. He said I am asking you to move forward to approve this dollar amount.

Councilman Louda made a MOTION to approve sending Shelley Eichner and Jeff Maxwell to Tallahassee to present the Town's Comprehensive Plan for a cost of \$3480.00, SECONDED by Vice-Mayor Herzog and discussion continued:

Vice-Mayor Herzog asked what effect would it have to have our Mayor there also.

Town Attorney Tolces responded it is not needed at this time.

Town Clerk Lippman said if I may add and I know that in the past there has been concern about Agenda Items just popping up and this was an Item that was previously approved and I am now putting a price tag on it.

The MOTION passed unanimously 5-0.

Mayor Browning moved to Item #11.

11. Drainage and Flooding on Marcella Boulevard: Discussion

Town Clerk Lippman said I have been in contact with Mr. Don Widing from Marcella Boulevard back since August 26, 2008 and you have an excerpt of emails of the interaction he and I had during the Tropical Storm Faye time in which there was severe flooding of Marcella Boulevard. He said the reason this is before you this evening is after meeting with Mr. Widing and discussions of what the problem is there is a particular property located on Marcella Boulevard

that is in foreclosure and there is no one responsible for that property right now, obviously the bank is, but there is no one caretaking for it and there is a failed culvert and a collapsed culvert on that property which is causing a severe back-up on many properties, as well as, on the public road which is Marcella Boulevard. He said what we are asking from you this evening based upon the pictures we have already previously submitted is that Town Staff is recommending after meeting with Don Widing and Clete Saunier is you give us the authority to price out what it would take to do this and also to work specifically with Town Attorney Tolces to find legalities of what we would have to do to be able to do this to possibly do a lien on the property and make sure we are doing it by the books, so we are looking to move forward on it and then report back to you the legal and cost process involved and have you decide then.

Councilman Louda made a MOTION to direct Town Staff to work with the Town Attorney and an Engineer to scope and cost out the work that needs to be done to remedy the situation on Marcella Boulevard, SECONDED by Vice-Mayor Herzog and discussion was then opened:

Councilman Autrey said I had talked to Town Attorney Tolces about this and my concern is we are dealing with private property owners and we discussed how the Town would intervene on a piece of private property and we discussed possibly under a nuisance situation, because I am sympathetic to what their situation is but my concern is this goes on in a lot of places and if we are going to intervene, this is an abandoned piece of property, but what I was thinking is we do have abandoned properties, so if we have a situation where it is abandoned and in foreclosure or and another situation could be a tree falling on a power line and if we have a health hazard to the neighborhood they are going to want somebody to take care of it and that somebody would be us, so what I am thinking is we have to develop a test that we would apply to a situation and then if it meets the test then we would go forward and fix the problem. He said it is my understanding there is someone that currently lives there and is in foreclosure and this gentleman just doesn't have the money to fix it and then asked or is it vacant.

Town Clerk Lippman responded it is vacant.

Councilman Louda said if this is in the hands of the bank and no one is living there we have to act quickly. He said that was the reason for my MOTION.

Councilman Autrey said we have to come up with a policy so it is applied fairly because this will come up again in another situation.

Town Attorney Tolces said I am aware that some cities have begun adopting an abandoned property Ordinance which is putting a burden on the banks that are acquiring these properties through foreclosure to take certain steps to make sure these properties don't fall into a state of disrepair, and that they do take care of any nuisances. He said and what I would like to do is get a copy of that proposed Ordinance and forward you a sample to see if that is something that would be workable here. He said I would like to look at that and also at the current nuisance process that should be in place in the County Code which we adopted as part of our Charter as well, and these pictures were taken back in August, but that is not to say it won't happen again so we may be able to factor in where there is an existing nuisance and we may be able to get the property owner or the bank to take steps to fix it so it doesn't happen again.

Councilman Louda said if you are working on an Ordinance for something like this, I wouldn't restrict it to just this, but also that the Town would have the ability to call the bank to repair broken windows to stop a drug house and if not we can go in and put bars on it and if not we can put a lien on the bank.

Town Attorney Tolces said typically for a nuisance abatement process you notify the property owner and they have 2 weeks to fix it and if they don't fix it the Town has the authority to repair it and then place a lien on the property.

Mayor Browning said this is a little bit of a different situation and I agree with Councilman Autrey to have a criteria because this affects Marcella which is a Town street therefore there is a public safety issue there more than just a house with broken windows.

Town Attorney Tolces said and then we need to look into potential liability for the Town because although we might be fixing something we need to make sure we are not making something else worse. He said so we just need to make sure we analyze the whole thing from a legal perspective and also how is the best way to fix it.

Vice-Mayor Herzog said and we have to address the health and safety issue for the residents of that area; that has to be a major part of that Ordinance because that flooding will bring infestation of all kinds.

Councilman Lipp asked is there anything in the County's ULDC about the size of a drainage culvert underneath a driveway or swale.

Town Attorney Tolces responded probably not in the ULDC but there is probably something in their Engineering Standards whether it be in drainage or road construction of preferred size.

Vice-Mayor Herzog said I thought the LGWCD sets that because when we replaced ours at our house we had to do it to a different size.

Councilman Lipp said if there is some existing wordage out there that says that if you are going to have a driveway over a swale you have got to have a 30 inch pipe, because one of the flooding problems that we had was because a beach ball got stuck in the drain going underneath C Road.

Mayor Browning called on Don Widing to clarify and explain the situation.

Don Widing, 13169 Marcella Boulevard- said I certainly understand that this very well may be a precedent setting situation for you, and I'm sorry I had to come to you with this, but there are at least 5 of my neighbors that are here that have dealt with this problem for a long time. He said there were at least 20 property owners who were affected by this flooding most recently. He said it is a problem that has been accumulating over time. He said I have lived on Marcella Boulevard since I was the first person to put a pipe in the road and everybody kind of thinks that I can solve all the problems but we have worked with each other over the years and we have even offered to provide some labor assistance to the previous property owner and now this has continued and the culvert has nearly almost collapsed inside. He said there is a 30 inch difference from one side of the culvert to the other. He said the photo shown was 7 days after the storm. He said that should really capture the true effect of the amount of water that we had

so you can see what it is doing to the road. He said so here comes the trash hauler that puts the outriggers down on the already wet road and the road is all ready soft it really deteriorates the road.

Town Clerk Lippman showed photographs from the record that were taken in August 2008 after a storm.

Mr. Widing continued the other thing that is unusual about that particular area of Marcella Boulevard is there is a natural cypress that runs from Raymond Drive the road to the north all the way to Collecting Canal the road to the south and the water from that entire region naturally drains right down into the canal so that is why it takes so long and why it is so critical to keep open drainage because it is not just draining the properties on Marcella, but the properties all around it, and it is just the natural topography of the land. He said we have lived with it for a lot of years but that pipe we've all watched it now for the last 2 years and I talked to an attorney who said to talk with the Local Government so here I am. He said I put the property owner on notice respectfully and said if you can't abate this problem the next time this happens I am going to go to the Mayor of the Town and get permission to dig up your culvert. He said 19 other homes experienced the same type of problems and 1 lady experienced flooding in her home. He said the following are some questions I asked the Town back in August 2008 and I want to ask again, that my neighbors are going to ask. He said and please don't take it as a challenge or the wrong way.

1. What really constitutes a Town Road?

-He said you talk to people and you say we are incorporated now, the Town takes care of the road. He said they think it is too, does it or doesn't it, is it a 60 foot easement, 30 feet, and that is really not defined and probably should be.

2. Is the Town responsible for maintenance of the "road" only, or the entire 60 feet easement which, includes the drainage ditch?

3. Who is responsible for flood related damage to the Town roads caused by improper culvert installation or failure to maintain a culvert?

4. Does Town Code Enforcement apply to this situation?

5. Is a permit required for replacement and if yes, through what agency? (If not a District or Town system, then who?).

6. Since flooding contributes to the deterioration of Town roads, can gas tax revenue be spent to repair roads damaged by water or limited to deterioration related to vehicular traffic?

7. In the past, prior to incorporation Palm Beach County provided funding to assist with the replenishment of road materials for non-District roads that were damaged from flooding. Is the Town intending to apply this same practice?

Mr. Widing said again we realize the complications of this issue and are trying to work together to come to some sort of resolution other than neighbor to neighbor disputes. He said I met with the property owner today and am waiting to hear what he heard when he met with his bank.

Councilman Louda said if this culvert is fixed and you get east west drainage how is the drainage at the end going to F Road and Folsom.

Mr. Widing responded that is a good question. He said there is a lot that has been changed in the past 38 years. He said when I went to put the first pipe in I came down and talked to the gentleman who was running the LGWCD at the time (not Clete) and I said what is the mean elevation and he said boy don't you know water runs downhill. He said I said well we've got a problem so I shot my grade off of Southern Boulevard and then I tried to pick it up at Folsom but on a serious note you are looking at the very end of that road is Folsom, and as Councilman Louda pointed out, the equivalent distance to the west is of course F Road canal. He said what used to exist from the center point of Marcella west behind the properties on the north side was almost a drainage ditch equivalent to the capacity of Marcella and then when the groves closed that added to the problem because a lot of the water on Raymond Drive used to go down the ditch behind the orange groves. He said that is now filled in and now we have is the properties on the south with the water building up from the percolation from the closing of the groves. He said so to answer your question I would say the flow into F Road is probably about 50% of what it is on Folsom. He said from the point where the culvert is obstructed to F Road is only 800 feet and once it clears that culvert as blocked it is gone.

Councilman Louda asked will we be looking at any upgrade of into the canal drainage on either Folsom or F Road.

Mr. Widing responded right now the drainage into Folsom canal is excellent and the same with F Road.

Vice-Mayor Herzog asked are there other culverts that are obstructing the flow also or is it just this one.

Mr. Widing responded one.

Frank Schiola, 13434 Marcella Boulevard- said just to go ahead and answer your question about that drainage is clear with the exception of just that one property in question. He said the people who lived across the street from me had the same problem about 3 years ago and at her own expense put culvert pipes in. He said my suggestion to the Town is to get with Clete Saunier and since the LGWCD has the stuff already in place we are not saying we need to have everybody up to these standards but if you replace a culvert pipe that you adopt the standards that the LGWCD has. He said so if the Town and LGWCD end up combining at one time years from now, this won't be an issue for some but might be an issue for another, but at least we would have something to go by. He said if you look at the pictures the driveway is beautiful and they did a good job of building that but they used the wrong type of culvert in there. He said this house is only about 12 years old and they used poor construction to build the culvert. He said I believe they used a used culvert and then hooked everything up around it. He said and the other thing is unlike with other projects, the Town would be able to recoup your money with interest on this.

Councilman Louda asked is this a total collapse and not something that can be cleared up.

Mayor Browning responded it is almost totaled. He said 30 inches is a lot.

Vice-Mayor Herzog asked what is going to happen to the road that is paved already when you have the equipment in there trying to replace that culvert. She asked where is the equipment going to be stationed so you don't destroy the road.

Mr. Widing responded on the property owners side.

Councilman Lipp said just to continue on with what Councilman Autrey said I think that developing some sort of test is a good idea so that at least we can have some sort of a benchmark. He said so if Staff can look up that Ordinance.

Town Attorney Tolces said what I am taking as the Motion to direct Staff to look into this specific issue and report back to the Council what steps would be necessary to take in order to alleviate the problem and the various options involved.

Mayor Browning said and in the future we are looking at a policy where we can deal with that issue as well.

Town Attorney Tolces said, as well as, maybe developing a separate Ordinance for abandoned properties.

Councilman Lipp said there is that burnt down grow house on C Road that continues to be an issue.

Town Attorney Tolces said we will work on this issue but we will also look at a more global policy that could be used throughout the Town.

Vice-Mayor Herzog said we could approach that grow house by the Town taking it over and hiring labors to the Town and then sell it back.

Councilman Autrey asked what funds would be used in this situation, what account would it come from.

Town Clerk Lippman responded the 5 cents gas tax fund.

Councilman Autrey asked what is the balance of that account.

Town Clerk Lippman responded \$26,038.92.

Councilman Autrey said so if we start fixing all the problems it is not going to go very far. He asked so if that account was to be depleted what sources of revenue would be used.

Town Clerk Lippman responded at this point there is General Contingency.

Councilman Autrey said because I am aware of other issues in the Town other than this one.

Town Attorney Tolces said you have the ability of Special Assessments.

Mayor Browning said and this one we have the potential of recouping it from the bank.

Town Clerk Lippman said we need to find that out.

Vice-Mayor Herzog asked where is your priority with all the others that want their money. She asked is a lien paid first.

Town Attorney Tolces responded well one of the things we will look at is the status of this property and is it actually in foreclosure or is there a suit pending. He said and we can contact the bank if they are really in control of the property to see what they are really willing to do.

Councilman Autrey asked what is a reasonable time frame to get this done, because I know the residents here would like some sense of when we can address this.

Town Clerk Lippman responded I think that May or June is when rainy season starts, so I think in the next 90-120 days to get it done if the Council decides to.

Councilman Autrey asked how quickly could we get it done.

Town Attorney Tolces said depending on the nuisance process. He said if we go ahead and declare this a nuisance and Council authorizes the work to be done , it could be 30-60 days.

Town Clerk Lippman said at that point I would go ahead and get 3 bids for the project and then come to you for your approval of one of the 3. He said and that is in my discussions with Clete. He said we would get 3 bids with the LGWCD being one of them.

Mayor Browning moved to Item #12.

12. Resolution 2009-005: Charitable Giving Policy

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE ADOPTION OF THE TOWN'S POLICY CONCERNING CONTRIBUTIONS TO NOT-FOR-PROFIT ORGANIZATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Tolces conducted the reading of Resolution 2009-005-Charitable Giving Policy.

Vice-Mayor Herzog made a MOTION to approve Resolution 2009-005-Charitable Giving Policy, SECONDED by Councilman Louda and discussion was then opened:

Councilman Louda asked is it totally up to us on a case to case basis.

Town Clerk Lippman responded yes.

Town Attorney Tolces said it does say in the policy events held to benefit the residents of Loxahatchee Groves.

The MOTION passed unanimously 5-0

Town Clerk Lippman suggested setting up a dollar amount instead of picking an event to donate to the Loxahatchee Groves Elementary School. He recommended the amount of \$250.00 and then the school could apply it to whatever event they wanted for the carnival.

Councilman Louda made a MOTION to donate the amount of \$250.00 to Loxahatchee Groves Elementary School for their Spring Carnival 2009, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0

Mayor Browning moved to Item #13.

13. Intergovernmental Coordination Meeting: Summary of 2/13/09 meeting (Councilman Louda)

Councilman Louda handed out and read his summary on the meeting from 2/13/09 which is posted below.

Drs. J. William and Deborah W. Louda
Standing Waters Estate
P.O. Box 1238, 1300 E Road
LOXAHATCHEE GROVES, FLORIDA 33470



MEMORANDUM

TO: Mayor David Browning, Councilman David Autrey, Councilwoman Marge Herzog, Councilman Dennis Lipp, Town Staff cc:LGWCD

FROM: Councilman Bill Louda

DATE: February 17, 2009

SUBJECT: Report on ^{Third}~~Second~~ Intergovernmental (ToLG / LGWCD) Meeting held on Friday January 13, 2009.

As announced, this meeting was held as advertised. As the meeting ensued, we went through the agenda items, each in turn. As the Town staff has included a copy of the Agenda in the regular agenda packet, one is not attached here.

Usual start of business went well (pledge, invocation, agenda approval)

Item#5: Minutes of Jan. 16th meeting, approved, only minor typos noted.

Item#6: Fire suppression; Recap of need to obtain alternate water sources for fire suppression. Upcoming joint ToLG / LGWCD meeting at LGWCD headquarters on Thursday Feb. 19th at 2:00PM. P.B.Co. Fire-Rescue as well as the Town's Engineering consultant to attend along with ToLG and LGWCD staff and council / Board as needed. I will attend as ToLG liaison to this effort.

Item#7: Coordination of LGWCD with ToLG re ToLG Comp Plan. A very few minor adjustments were noted. It should be noted here that NONE of the comments were new. Rather, these were to correct oversights on previously agreed upon (ToLG Council and LGWCD Board) changes.. This includes changing 2.63 inches to 3.0 inches, deleting the note of LGWCD having responsibility for ground water levels when it is SFWMD, and in section 2-2 make wording match that in 1-10. Also discussed were potential conflicts in r-o-w width availability from LGWCD and trail designs by ToLG. An informal agreement was made to just communicate when each segment is being considered.

It was noted that a letter to the effect of LGWCD removing all objections, recommendations and comments to the DCA re the ToLG Comp Plan, is being drafted and should be available for inclusion with the resubmittal package.,

ITEM#8: Nothing new here except, to reiterate the above: It was noted that a letter to the effect of LGWCD removing all objections, recommendations and comments to the DCA re the ToLG Comp Plan, is being drafted and should be available for inclusion with the resubmittal package.

That is, excerpting from the history section of Item #8 in the Intergovernmental Agenda a package:

"---"If the Town does something on a non-District road, the Town and the District will have to coordinate.

IT WAS THE CONCENSUS OF THE COMMITTEE THAT THE TOWN AND DISTRICT SHOULD SHARE THE USE OF GAS TAX REVENUE BY ENTERING INTO SEPARATE, PROJECT-SPECIFIC INTERLOCAL AGREEMENTS."

ITEM #9: Coordination between Town and LGWCD relating to Road Improvements.

It was noted that (1) The Town is (has held at this writing) holding the M.R.E.G. Study informational meeting.

LGWCD is proceeding with the road-by-road referenda for OGEM "improvements". Limited discussion occurred as to how the two processes, OGEM by LGWCD and long range planning by ToLG could be merged. LGWCD will participate in MREG discussions and provide near real-time info to ToLG re the referenda and other facets of the OGEM process. The LGWCD supplied the ToLG with a copy of the revised 'Road Improvement Referendum Procedures'.

I again brought up and discussed the fact that the vote is per-acre and that only those acres that are actually voted will be counted for a yea vs. neigh decision. That is, not voting is not a NO vote.

Overall, this remains as an impasse between the two jurisdictions as to a moratorium prior to the Town becoming fully functional at the MREG level.

ITEM #10: "40th Street North and North Road Canal":

A workshop to be held by LGWCD and ToLG is being spearheaded by LGWCD and is being considered for April 18 th or 25th. (4th was considered but discarded due to conflicts). This will be held at the LGWCD headquarters and will include all residents of the land block north of the Loxahatchee Groves section of perceived 40th Street North from "A" to "E".

The fact that several (5-ish ??) parcels do not have legally recorded easement sfor access roads. The Liang family is pursuing this problem with their title company and others are being contacted / have been contacted by LGWCD Administrator C. Saunier to do likewise.

As part of the agreement between the LGWCD and the County, \$ 40,000 is available for "funding an equestrian trail" along that section. I suggested at that

meeting that "we", the Town, discuss ways by which we could do a matching funds effort to provide not only the trail but the fill or whatever to finalize the short access roads. That is, using existing culvert crossings, roads would be (re-) formed to the nearest properties and in so doing a continuous 40th Street North would not be created. Thus, the equestrian trail / road could be overlain. Council discussion and coordination with LGWCD needed here!

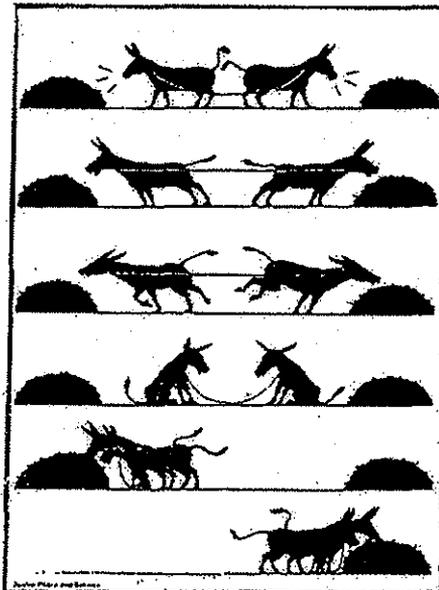
ITEM #11: Federal Funding Sources (aka the "Stimulus Package").

Dr. I. Rosenbaum provided insight as to the money flow. Town Clerk M. Lippman did as well. In essence, the Town would need to work through the County MPOP to get money from the State. DR. Rosenbaum can elaborate on this. In addition, I have since learned that Vice-Mayor Herzog has attended the DOT, I believe, meeting regarding these monies and can asked to provide her insight here.

Presently, what the Town and District needs to do is have a menu of "shovel ready" projects available for submittal to the appropriate agencies and at the appropriate time when both the agencies and times become clarified.

Non-Agenda Item presented as informational: The LGWCD received a letter from the IAFF presenting their side and read on a misunderstanding regarding the removal of fill from the Fire Department lands at F-Road and Okeechobee. Basic conclusion by the IAFF and the Intergovernmental Committee was, should anyone think that something inappropriate or illegal is going on, call PBSO. No action needed.

Meeting adjourned (~ 1hr 35 minutes +/-)



We be trying mon.

3

Councilman Louda explained that Item #6 is to get the ball rolling on what is needed with wells on drawing to fight fires when the canal can't be relied on. He said this is to work

with SFWMD to find sources other than the canals so we are ready in extreme drought conditions. He said the history was the considering of deepening and hardening of the canals would be prohibited, a loop system from the County which would probably be cost prohibitive and require an awful lot of title work, so the wells look like the way to go.

Councilman Louda explained that Item #9 we will continue to talk about in the future.

Councilman Louda explained that nothing has been started yet with Item #10, and as noted Council discussion and coordination with the LGWCD is needed here.

Councilman Louda said that a recording and Minutes will be provided by Lynnette from the LGWCD.

Councilman Lipp said I went back and looked at the Erdman Anthony Study on the traffic counts and the ones we were presented on Saturday didn't take in all of those. He said for example, this was the exhibit that was in the Erdman Anthony study where besides the 270 there were another 915 trips on F Road. He said besides the 1130 stated in the MREG report on D Road there was an additional 2500.

Jeff Maxwell, Calvin-Giordano-Traffic Engineer said this figure just shows the numbers adjacent to Okeechobee and there are further segments down to the south, as well as, the north and the final report will have all the segments.

Councilman Lipp said so the number you gave us appeared on Saturday to be the through counts. He said on F Road if you don't add in the 915.

Mr. Maxwell responded the 915 is only taking place south of Collecting Canal.

Councilman Lipp said that is hard for me to believe and I am not sure how the County got that.

Mr. Maxwell responded I'm not sure that is just the Erdman Anthony number.

Councilman Lipp said from Okeechobee on D Road to Collecting Canal it is 1130 and from Collecting Canal to Southern Boulevard it is 2500. He said I don't understand.

Councilman Autrey said I think that is why you do these analysis's, so you can understand because if you go by what you just think, you don't have accurate data. He said so you go with these studies so you can make decisions with the information.

Mr. Maxwell said the data can be very surprising.

Mayor Browning moved to Item #13(a).

ADDITION OF AGENDA ITEM 13(A)

13(A). Infrastructure Funding Requests

Town Clerk Lippman said I received communication from Florida League of Cities and PBC League of Cities in reference to a PBC MPO coming up on Thursday, February 19, 2009. He said they are requesting a listing of shovel ready projects by tomorrow . He said immediately I got with Clete Saunier and he is working on a list.

Town Clerk Lippman then read into record the letter Town Staff was submitting to Randy Whitefield the Director of PBC MPO (see below).



Town of Loxahatchee Groves

14579 Southern Boulevard • Suite 2 • Loxahatchee Groves, Florida 33470 • Phone: 561.793.2418 • clerk@loxahatcheegroves.org

February 18, 2009

Mr. Randy Whitfield
Director of Palm Beach County Metropolitan Planning Organization
2300 North Jog Road, 4th Floor
West Palm Beach, FL 33411-2749

Randy,

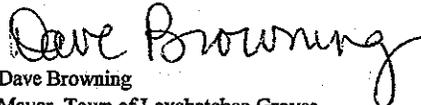
On behalf of the Town of Loxahatchee Groves, we are submitting a project list of "shovel ready" projects for the Palm Beach County M.P.O. to consider at the February 19, 2009 meeting as a result of the recently signed legislation for the American Recovery and Investment Act of 2009.

The Town of Loxahatchee Groves recently incorporated in 2006 and is in the process of adopting its first Comprehensive Plan. In addition, the Town has funded an extensive Master Road, Equestrian and Greenway Trail Plan which will allow us to proactively plan for the future of all the Town's infrastructure.

We have limited resources to be able address all of the infrastructure needs to the Town and any financial assistance that the Town can receive would greatly improve our ability to provide for these much needed projects. The increase of employment during these projects would be a great boost to our local workforce and economy.

I greatly appreciate your consideration and we look forward to working with the Palm Beach County M.P.O. on all of our future needs.

Thank you,


Dave Browning
Mayor, Town of Loxahatchee Groves

DB/ml

cc: James Titcomb, Executive Director Palm Beach County League of Cities

Town of Loxahatchee Groves Infrastructure Projects:

Project Name	Description	Funding Required	# of jobs created
<p>Roundabout at the intersection of Okeechobee Boulevard/B Road</p> <p>Name of lead agency and project point of contact:</p> <p>Town of Loxahatchee Groves Project Manager: Jeff Maxwell, P.E., PTOE Calvin Giordano & Associates</p>	<p>The Town of Loxahatchee Groves is bisected by Okeechobee Boulevard and all Town roadways that cross Okeechobee Boulevard operate with two-way Stop-control on the minor approaches. Okeechobee Boulevard is a high-speed, high-volume thoroughfare making it very difficult for minor street traffic to cross without full intersection control. Conversion of this 2-way stop-controlled intersection to a roundabout will reduce vehicle conflict points and greatly improve overall intersection safety. Vehicle delay will be minimized resulting in a substantial reduction in greenhouse gas emissions. The project will also afford an opportunity for enhanced landscaping and roadway beautification.</p>	\$750,000	15
D Road Canal Improvements	<p>Project provides for the improvement of 3.65 miles of primary flood control canals, including the removal of noxious, exotic vegetation, dredging of silted canal section, reshaping and grading canal section to improved flood protection specifications, seeding and mulching, replacement of all defective drainage culverts and bridge culvert crossings.</p>	\$745,900.00	32
Primary Drainage System Infrastructure Improvements	<p>Project provides for the removal and replacement of ten (10) bridge culvert crossings at primary road intersections. The existing culvert bridges do not meet required drainage design criteria established by the drainage district's 'District Wide Flood Routing and Drainage Basin Study'. These existing structures prevent the District's drainage system from achieving optimum design capacity resulting in diminished flood protection for the entire 8000 acre community. The existing structures have also reached their maximum life cycle and are in critical need of replacement. Average age of all bridge culvert crossings is between thirty and forty years. This project will replace the deficient bridge culverts with new, larger size culvert pipes and headwalls in conformance with drainage district criteria and FDOT road and bridge construction standards. Anticipated increase in overall drainage district flood protection capacity is between 30% and 40%.</p>	\$1,036,220.00	19

Councilman Louda said one quick suggestion is with our local work force and economy I would put local resource and surrounding to spread it out.

Town Clerk Lippman said right before the meeting I had an opportunity to speak with Mr. Randy Whitefield and there are 2 areas of funding that we have to focus on. He said one is roads and one is Infrastructure. He said on the road part there is very stringent guidelines as to what you can use this money for. He said you can only use the money if you are lap certified and I have the whole certification process here and there are only 4 municipalities that are lap certified in PBC and the only roads the Town would be eligible for this funding would be Okeechobee and Folsom. He said the Infrastructure part is where we could get the most bang for our buck. He said this is what I looked at the list that was provided by most of the other municipalities and there was a wide range of projects on there. He said for us the most logical thing would be to focus on some drainage. He said so these are some recommended items and I am looking for you to allow me to move forward. He said I spoke with Jeff Maxwell earlier today and he is going to help me put together a description to request funding for safety and traffic mitigation for Okeechobee Boulevard and this is consistent as a priority of what you expressed recently. He said I have the D canal improvements that was submitted to me and Clete is working on is any of the major bridge culverts that need replacing for the lettered roads not for private properties. He said the one that I need you to consider is the possibility of looking for funding for construction of drainage and culvert connections for residential areas, specifically all the roads that don't have them. He said but keep in mind you have 1 year to spend the money after receiving it. He said the other item that was discussed is because of the results of the MREG and in discussing the B and F Roads and since F Road has currently consistent surface on both sides there may be some resurfacing or improvements of north and south B Road consistent with where the major traffic flow concerns are according to the MREG. He said the question is how can we get into the north and south B Road, that is a stretch, however, we are looking to see if we can get the funding for Okeechobee and then we can prove that is a part of that, probably a long shot. He said the only way that would fly is if we got the funding for Okeechobee. He said I am looking for some discussion and direction from Council.

Councilman Louda asked what about finishing F Road to SR80.

Town Clerk Lippman responded there is no way that would qualify.

Councilman Louda asked about north and south B from the light.

Town Clerk Lippman responded we would argue since F Road is surfaced on both sides we would argue we need consistency.

Councilman Lipp asked are you talking about traffic lights or traffic circles.

Town Clerk Lippman said Jeff Maxwell will make certain recommendations on that.

Councilman Louda asked wouldn't lights give the platoon flow.

Jeff Maxwell, Calvin-Giordano, Traffic Engineer- responded actually statistically the roundabout is a lot safer, statistically it is much safer, but there are arguments to be made for each one.

Councilman Louda said when I use roundabouts I see many people not using the right hand rule.

Vice-Mayor Herzog said I like the idea of the B Road because it complies with the MREG that we just went through as opposed to any of the other roads and also I like the idea of the culverts being included because there are some that are really in bad shape.

Councilman Louda asked if the Bio-Diesel could be funded by this. He said it would be construction on a facility.

Town Manager Dr. Rosenbaum responded this is not the way for that. He said we need to subsequently talk about it in the future .

Vice-Mayor Herzog said it is not a shovel ready project.

Town Clerk Lippman said realize this too, this is a great opportunity with a lot of limitations and the Town is eligible for other areas of funding, and if we don't receive everything we are looking for it is not the end. He said I am looking for that we are all on the same page on including the construction of culvert and drainage connections and if we are all in approval then I will send this list of 5 projects.

Councilman Lipp asked for clarification on that. He said this would be like the 4 or 5 acre tracks on D Road that now are under LGWCD coming up with a special taxing unit to put in a new culver to service those 4 properties and asked is that what you are talking about.

Town Clerk Lippman responded no. He said I am talking about the roads that the LGWCD is determining as Non-District Roads and anything we collect gas tax revenue on that and they have basically no drainage. He said there are some areas that either need repairs or have no drainage whatsoever. He said so anything that is not maintained by the LGWCD and we would possibly have the opportunity to help them out if the funds were available.

Vice-Mayor Herzog asked the Biddix Bridge that has come up before, would hat would be one.

Town Clerk Lippman responded no.

Vice-Mayor Herzog asked that is not a gas tax road.

Town Clerk Lippman responded I would get with Clete and we would make a list of all the culverts and areas that need improvement. He said there are a lot of roads that just don't have drainage that are not maintained by the LGWCD that need help getting the water to flow to the canals and that is what the focus is.

Councilman Louda said he is not talking about the access culvert to the road.

Town Clerk Lippman said no just to allow the water to flow to the canals.

Town Clerk Lippman said this is subject to a legal process being set forth by the Town's Attorney

Councilman Louda said you said 1 year and asked isn't it you have to get the money and start within 1 year but you have 3 to finish.

Town Clerk Lippman said yes that is the road part of it but I am not sure about the Infrastructure part.

Councilman Louda made a MOTION to allow Town Staff to send the letter with the list of the 5 projects to MPO, SECONDED by Vice-Mayor Herzog and discussion was then continued.

Vice-Mayor Herzog asked this was based on the money being put out and then we reclaim the money. She said some of the projects were according to the DOT meeting.

Town Clerk Lippman responded no. He said I will find out the details on Thursday. He said my head is spinning with the information and I spoke with other municipalities who said the same.

Vice-Mayor Herzog said if that is the case we would have to prioritize which ones we could afford to do.

Town Clerk Lippman said we could worry about the details later.

Vice-Mayor Herzog said more is better.

Councilman Louda said we can only front the one on Marcella so far. He said we don't have any more money than that.

The MOTION passed unanimously 5-0.

Mayor Browning moved to Item #14.

14. Loxahatchee Groves Park: Discussion of ingress and egress alternatives
(Councilman Louda)

Town Clerk Lippman said I did speak with the County today and I got email communication from George Webb (see below).



Matthew Lippman <ncsmatthewf@gmail.com>

[LOX Grove.com] New Contact

cstewart@pbcgov.org <cstewart@pbcgov.org>
To: clerk@loxahatcheegroves.org

Tue, Feb 17, 2009 at 4:14 PM

Name: Cathy Stewart for George Webb
Phone: 561-355-2006
Email: cstewart@pbcgov.org

Message: In response to your inquiry regarding Loxahatchee Groves Park. Construction to be completed by Oct-Nov, 2009, it is in the design phase by the Parks Dept. . More information contact Mr. John McCarthy at Parks 966-6634

1 of 1

2/23/2009 1:32 PM

Town Clerk Lippman then referred to the letter (below) that was received by the Town back on 7/3/08.



Department of
Parks and Recreation
2700 6th Avenue South
Lake Worth, FL 33461
(561) 966-6600
Fax: (561) 642-2640
www.pbcparcs.com

**Palm Beach County
Board of County
Commissioners**

Addie L. Greene, Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus

Robert J. Kanjian

Mary McCarty

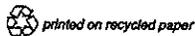
Burt Aaronson

Jess R. Santamaria

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*



July 3, 2008

Matthew Lippman, Town Clerk
Loxahatchee Groves
14579 Southern Boulevard
Suite #2
Loxahatchee Groves, Florida 33470

Dear Mr. Lippman:

This letter is in response to your recent correspondence regarding Loxahatchee Groves Park. I am pleased to report that Commissioner Santamaria is supporting a funding request in the 2008-2009 fiscal year budget to construct a new entrance off Southern Boulevard as well as a connection to the County's water system. While this is going to be a very difficult budget year, I am hopeful that the funding will be provided.

Staff has already contacted the Department of Transportation who have no objection with establishing a new park entrance off Southern Boulevard. In addition, there are provisions in our lease agreement with the Chamber of Commerce that would allow for an entrance/exit at the east boundary of the park, should it ever be necessary.

If the budget request is approved, funding would become available October 1, 2008. It would be my intention to construct the new entrance using in-house personnel and/or annual contractors.

If you have any questions concerning this matter, please contact me at 966-6685.

Sincerely,

Dennis Eshleman, Director
Parks and Recreation Department

Pc: Commissioner Jess Santamaria

H:\WPADMIN\DENNIS\LETTERS\lox_groves.doc

Councilman Louda said the concept is to connect the entrance that goes to the baseball fields now over to where the pavilions are and go to the loop road where the entrance off of SR80 is that gives you entrance off of E Road plus off of SR80 into the park. He said you can get back out of the park going to SR80 or E Road. He said a lot of people want to go to the light, so if we put a one way out only road off of the loop, that will get people from the park to F Road to go to the light. He said and the existing entrance on Citrus would be closed to Public use but left there for Emergency Vehicle and Maintenance use. He said and hopefully that would get all the traffic off of Citrus.

Councilman Autrey asked they wanted to delay closing that entrance though.

Town Clerk Lippman responded they don't want to do anything with closing that entrance until Southern Boulevard is open and the East side of the Chamber is open and once those other two are open they would leave it only for access of Emergency Vehicles.

Councilman Autrey said that is reasonable.

Councilman Louda said we still need to get a tie in with a better equestrian entrance off of F Road.

Councilman Louda made a MOTION for Town Staff to follow up with PBC Traffic and Engineering, as well as, Commissioner Santamaria to get an update on the project, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.

Mayor Browning moved to Item #15.

15. Administration Update

a. March 10, 2009 Municipal Election

Town Clerk Lippman said we have our Town Election on Tuesday, March 10, 2009. He said please come out and vote. He said if you go to our website there is information about the deadline for absentee ballots and you can apply for them online. He said in addition to that the registration deadline for running has passed. He announced for Seat #1 as the ballot will read, we have Ronald Dale Jarriel and Ilene Rindom and for Seat #3 Marge Herzog and Ryan Liang. He said that has been submitted to the County and the ballots have been ordered and we are ready to go. He said as you see this has been legally advertised and another advertisement will be in next week with a sample ballot for all the residents to have.

b. Master Road and Equestrian Greenway Trail way Plan Study (M.R.E.G.) & SR 80
(Southern Blvd.) Corridor Study

Town Clerk Lippman said we have already been provided with some of the MREG Workshop update but I would like to reiterate by the end of this month the full report along with the SR80 study will be posted. He said as with the Comprehensive Plan and anything that we put a lot of time, effort, and money into, Staff's goal for this particular document to be used as a working tool and to guide us and it will give us plenty of opportunities to keep us busy for a very long time. He said there is no time frame to do it immediately, but we've got to take this Plan and really move forward and make some good tough decisions.

c. Dennis Koehler letter regarding PBC Zoning (*updated response*)

Town Clerk Lippman said there was a letter submitted by Councilman Lipp at the last meeting from Dennis Koehler regarding a request to interact with the Town Staff and County Staff on our zoning matters. He said in there is a response from Town Attorney Tolces and Jon MacGillis and I believe that shall resolve that situation.

Councilman Lipp said I would like to go over the Dennis Koehler letter, the response, and the back and forth and would like to get a consensus from the Council, do we want to help the businesses that were out here before incorporation to stay in business because from what I understand is the County DRO process can be very expensive because they are also looking at building designs and architectural review and I just want to get a sense from my fellow Council Members, do we want to investigate how other municipalities have done this or do we just want to say no, go to the County and get your checkbook out. He said I for one want to explore what the options may be.

Councilman Autrey said if we didn't have the County and their process we would have to have our own and in order to have our own we would have to have our own Planning Department. He asked if we had our own Planning Department would the process be any different from what the County is doing.

Town Clerk Lippman said we could possibly streamline it. He said and it all ties together. He said you can't take on your own DRP process unless you have your own Code of Ordinances and LDR's. He said it all comes together, the Planning Department, Land Development Regulations, and Codes. He said the answer to your question is we can't alter the DRO process until we adopt the LDR's and take these matters into our own hands.

Councilman Autrey asked what is our obligation with respect to existing codes.

Town Attorney Tolces responded the path that we have been pursuing for the last year and half or so is we have this agreement with the County where they have agreed to process any Land Development Permit Applications that come through because they are familiar with the ULDC that is currently in place. He said and they told us from day one that they are happy to do that but once we start changing things they don't want to be responsible for handling 2 different versions of the ULDC and they would send us the files and we would do what a Town typically does which is adopt its own Land Development Regulations and have its own Planning

Department. He said so we have been proceeding with that direction hoping that by the end of this year the Town will have its own LDR's and ULDC and will then begin the process of administering its own process. He said and we understand that property owners want to be able to come into compliance as quickly and economically as possible, but as part of the growing pains of the Town we've got this issue to deal with. He said once the Town Council adopts its own ULDC through that process we will be able to deal with these Non-Conforming uses. He said you'll be able to develop standards with respect to those types of uses so that if they are Non-Conforming or if for some reason they were legally established they will now be able to become legally established within the Town and will meet the standards that you adopt through your own ULDC. He said we would just ask the property owners to be patient through this process and we have been working through the Special Magistrate and Code Enforcement process to ensure that there aren't unnecessarily any fines or liens being imposed against these property owners because we do recognize the difficult situation they are in. He said so I think if you give us another 6-9 months and things go smoothly, I think we will be able to provide those property owners with a more expedited and economical process to obtain Land Development Approvals that meet the standards that you as the Town Council approve.

Councilman Autrey asked so if we suspend the fines or just abate them are they still subject to enforcement. He said in other words, would new businesses go through that whole process, Special Magistrate, so they are kind of put on notice so they are not economically damaged but so they are aware there is an issue. He said I guess the question is do we want to spend the money on the Special Magistrate and enforcement cause there is a cost to the Town.

Town Clerk Lippman responded we can recoup that back though.

Town Attorney Tolces said what we have done with the Special Magistrate and the property owners is we've had an understanding that we are going through the Comprehensive Plan adoption process and going through the Land Development Regulation process and we want to let you know you have a violation, however, we are not going to ask the Special Magistrate to impose a lien or a fine, we just want you to be aware that you have your violation out there and we hope that either through the existing process or with the Town through the adoption of the Land Development Regulations

Councilman Louda said to answer Councilman Lipp's question, yes, I would really like to see our existing businesses that are not nuisances continue so I like the idea of extending the Moratorium on enforcement, but I would like to do one thing, as ones are found that are Non-Conforming, impose a fine and what I've got in mind is a \$1.00 a month. He said have them work through the Plan with us until we get the Land Development Regulations done and with our new Ordinances. He said and then streamline a way that they can come into compliance with our new Ordinances. He said the \$1.00 a month fine is to put them on notice that we know they are not in compliance. He said that is \$12.00 a year.

Councilman Lipp said one of the things I would like to do is something that Councilman Autrey said at the last meeting was that you give an industrial use to somebody and it is an industrial use. He said what I would like to see us do is to figure out some sort of a grandfathering mechanism where they can have that use but as soon as they sell it, it goes to RR5. He said to that end Dennis Koehler sent me this and I'll share it (see below). He said there is an attorney Ron Weber from Tampa who has been working with Florida Law and there was a 1976 Supreme Court case which they went through and made something dealing with the legality of grandfathering.

Feb. 12. 2009 5:15PM Dennis P Koehler

No. 6378 P. 1

LAW OFFICES

Dennis P. Koehler, P.A., LLC

2511 Westgate Ave, Unit 7
 West Palm Beach, FL 33409
 Telephone (561) 684-2844
 Facsimile (561) 684-9370

BY FAX (793-6013)

MEMORANDUM

February 12, 2009

TO: Hon. Dennis Lipp, Member
 LOXAHATCHEE GROVES TOWN COUNCIL

FROM: Dennis P. Koehler, Esquire

SUBJECT: The Vexing Problem of Annexing: Acknowledging/Recognizing
 Nonconforming Uses into Loxahatchee Groves

Late yesterday, I gave you some (to me) exciting news: I'd contacted veteran Tampa lawyer Ron Weaver, a true genius and long-time teacher and practitioner of zoning and land development law in Florida, asking him if he was aware of and could advise me on the question you recently asked of me: Have any local governments in Florida made one-time grants of "grandfather" status to nonconforming uses located within their jurisdictions?

Mr. Weaver, who has taught continuing legal education seminars on zoning and land development caselaw in Florida for more than 30 years, replied that he has in fact advised a number of local governments on how to do this. Since he was rushing off to a meeting, he asked me to call him early this morning to further discuss this subject.

We finally made contact by mid-afternoon today. Briefly stated, Mr. Weaver cited and explained the holding of a Florida Supreme Court case, decided back in 1976, which essentially lays out the issues that must be addressed and the steps that must be taken by local governments interested in a "quick legal fix" to the problem that you would like your Town to address.

I told Mr. Weaver that I wanted to personally obtain and analyze the Supreme Court case and related court decisions that he cited for me, so that I could intelligently advise you on the matter. I also suggested that I may recommend that the Town Council retain him and his Tampa law firm, for the purpose of skillfully guiding the Town through the necessary legal process.

[I recognize, by the way, that in doing all of this, I may be rendering my legal services unnecessary for clients like John Choquette. Why hire a lawyer, when the Town will do the work for you? I've always been more interested in solving an interesting public interest problem than I am in serving my own financial interests.]

DPK:jmc

Town Attorney Tolces said I am familiar with Mr. Weaver and these are issues that we can tackle when we do our Land Development Regulations.

Mayor Browning said I agree we are not pushing anybody and my fear is putting \$1.00 a month fine is that when we find someone who is not in compliance that we want out they could say the precedent have been set and I'll pay that \$1.00 a month fine. He said we can kind of do the same thing right now where they know they are Non-Compliant and we are not pushing them out.

Town Attorney Tolces said with all due respect to the Town Council it would be up to the Special Magistrate to impose a fine so that is something you wouldn't necessarily have to concern yourself with. He aid but we've heard the direction the Town Council would like to go in and we have been following that pretty closely based upon the uses that either were operating or are continuing to operate.

Councilman Louda said I fully agree with Councilman Lipp on some that might not fall within our Land Development Regulations that when they sell it they can't pass it on.

Mayor Browning asked for comments from the Public.

Darlene Crawford, 3057 E Road- said I just wanted to ask a question on 15(a). She said during elections there are sign Ordinances and asked are we following the County's. She asked are things allowed to be put on utility poles or nailed to live trees.

Town Attorney Tolces responded we'll look at the Ordinance to make sure the signs are posted in conformance with it. He said we will make sure they are consistent with the Ordinance.

Ms. Crawford said I am just making sure which we are following since we are running the election ourselves.

Councilman Louda asked are we running the election.

Town Clerk Lippman responded yes.

Mayor Browning moved to Item #16.

16. Public Comments

Frank Schiola, 13434 Marcella Boulevard- said just a reminder, next week at the Royal Palm Beach Cultural Arts Center there will be a SWA meeting and I would hope all our Council Members and our LGWCD Supervisors show up in force because we are not looking forward to the 3000 plus trips a day 6 days a week on Southern Boulevard and Okeechobee. He said this is very important and we need to be heard along with some of our sister communities around us that are feeling the same thing. He said secondly, on a lighter note, tonight before I came here I got with a Staff Sergeant who was a paramedic in Iraq who just got home 3 days ago and my daughter and her Girl Scout Troop had sent care packages and letters to his platoon and he came back and pretty much told them what is going on in Iraq in a nice way for girls and after they went to play, he told us more in detail and it reminded me we need to know who are our

Reserves are that are overseas and we need to support them through these care packages and let them know that they are doing a good job and they are not forgotten and we as a Town will take care of their families and our own. He said and this is something that will get attention throughout our County and State and Country, so I would hope that this is something we can get some organizations together for. He said I know we do have one Reserve that just left to go to Afghanistan for 6 months and his wife and 3 kids are here and we are looking out for them as we do every time he goes overseas. He said it would be nice if he knew the Town of Loxahatchee Groves is there and looking out for his family. He said also the Staff Sergeant brought back from Iraq, and this is something the military encourages, 1 Royale for the kids and adults and this is really worthless in this Country. He said 1 Royale is equal to 33 1/3 cents in America. He said this would give us a good feeling about our Community that we do support our troops 100%.

Councilman Louda said if he can provide that name, send out a letter of support to him at least to get it started.

Councilman Lipp asked did we get a letter out about the rail system.

Town Clerk Lippman responded it went out to about 72 people. He said I'll make sure I email a copy to the Council.

Councilman Lipp

Mayor Browning moved to Item #17.

17. Town Clerk Comments

Town Clerk Lippman said I'm exhausted, have a great evening.

Mayor Browning moved to Item #18.

18. Town Attorney Comments

Town Attorney Tolces said I'm glad to be in Loxahatchee Groves this evening.

Mayor Browning moved to Item #19.

19. Council Member Comments

Councilman Lipp said excellent job to Calvin-Giordano & Associates, Shelley, Lorraine, and the whole crew. He said glad to see it get done and I'm glad we finally got all the Scribner's errors scrubbed out and I think getting a finer point of what Sunsport Gardens is was good. He said good work to Matthew and Irv.

Councilman Autrey said I echo what Councilman Lipp just said, it is quite an accomplishment and hopefully we will hear when you get back from Tallahassee how it went.

Vice-Mayor Herzog said ditto on that and also as a follow up for the comments about the soldiers, if anyone knows of any active duty soldiers let me know because the American Legion presents Blue Star Banner we gave the Browning's a banner for their home and we would like to keep actively doing that we have them on hand and ready to present.

Councilman Lipp noted that Doug Starr Pia Starr's son is one.

Vice-Mayor Herzog said we'll make sure she gets one and also the American Legion Auxiliary does a pocket size flag folding so the soldier can keep it in their pocket at all times and we just did 300 of those which we gave to the Forgotten Soldiers Outreach which is housed in Boynton Beach which we regularly sponsor. She said we send them silly sting and the beef jerky sticks and there is a list of things the soldiers have requested. She said the last thing is that on Thursday, February 26, 2009 there will be a Candidates Forum at the LGLA Meeting and I hope that all the candidates have told Bill Gurney that they will be there. She said it will be held at the Palms West Presbyterian Church at 7p.m. and Bill is getting a list of questions together with his committee.

Councilman Louda referred to a recent news article about Mark McCoy and said he is a great guy and if anyone has any information to please get it to the authorities. He said that kind of stuff can't go on. He said Mark is a beekeeper. He said there is a problem already with hive collapse syndrome and this vandalism on these hives is not a small thing and it affects everything and it is how he makes a living. He says his hives are here but he takes them out to different places for hibernation.

Mayor Browning said they were not vandalized in Loxahatchee Groves.

Councilman Louda responded no, but it hits home here. He said I'd like if it is okay to get a consensus from the Town Council. He said last week I was at an Environmental Meeting in the Bahamas and I met with Marco who runs the Bio-Diesel project and this is not an involved process; it takes a small area, so what I would like to do is get it on the Agenda for the next IG Meeting. He said I would like to see if the Town and the LGWCD could collaborate on establishing a facility at the LGWCD He said all you need is a 12x12 building and it takes 2 hours to run a batch.. He said it would do a couple of things, as prices go up it would keep fuel cost down. He said it is better for the engines because it has no sulfur and it would help the Town greatly in establishing a low carbon footprint. He said there is information there for everybody.

GENERAL CONSENSUS WAS GIVEN FOR COUNCILMAN LOUDA TO PURSUE THE BIO-DIESEL AT THE NEXT INTERGOVERNMENTAL COMMITTEE MEETING

Councilman Louda asked does anyone know anything about the roll over wreck in front of the Forestry Station here on D Road. He announced I won't be at the next meeting on March 3, 2009 and the last thing is I can't make the Candidates Forum at the LGLA meeting and asked is there going to be one at Sunsport.

Vice-Mayor Herzog said I hear they were trying to coordinate one with the Town.

Town Clerk Lippman responded that the Town has nothing to do with it.

Councilman Louda said good job, really great to look over there and see that 3-ring binder headed up the road.

Mayor Browning said I would like to thank everyone and Shelley for all the hard work. He said it is a milestone and I find it ironic that our neighbor to the north wants to complain on traffic that we would generate.

Mayor Browning moved to Item #20.

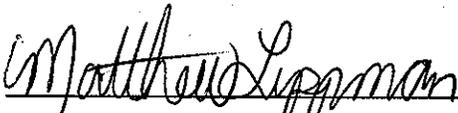
20. Adjournment

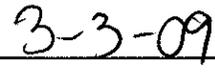
Vice-Mayor Herzog MOTIONED to adjourn the meeting, SECONDED by Councilman Louda and the Motion passed unanimously 5-0.

There being no further discussion and no additional public comment the meeting was adjourned at 9:16 p.m.


MAYOR DAVE BROWNING

ATTEST:


Matthew Lippman, Town Clerk


Date Approved