



**Members Present:**

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

**Members Absent:**

None

**Others Attending:**

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

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

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

**5. Approval of Agenda**

Councilman Lipp requested the addition of an Item titled Entrance to Loxahatchee Groves Park.

Town Clerk Lippman recommended making the Item 13 (a).

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

**CONSENT AGENDA:**

6. **Town Reports: PBC PLZ&B**
7. **County Water Hook-up Request: Palms West Plaza (Yees Corporation)**

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

**REGULAR AGENDA:**

8. **Public Hearing:**

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

**Title:** A Class A Conditional Use

**Request:** To allow a place of worship

**General Location:** Northwest corner of Okeechobee Boulevard and "E" Road  
(Community of Hope Church)

Town Attorney Tolces explained that this is a quasi judicial hearing and told the Council that they had a memo outlining the steps in a quasi judicial proceeding in front of them. He then swore in Jess Sowards, Ray Liggins, Chris Barry, and Town Clerk Lippman.

**Chris Barry, Jon Schmidt and Associates-** introduced himself and said he was the agent for the applicant. He explained the project was requesting a place of worship which would have 17,000 square feet for a multi-purpose building with a maximum seating of 528, 1700 square feet for a youth administration center, 2900 square feet for an administration building, 2100 square feet for a storage workshop and some covered pavilions.

Mr. Barry said they wanted to address some minor issues with the conditions of approval. He said that right now the County is asking for additional right of way for E Road and they have to write this condition because it is consistent with the thoroughfare map as it is today. He said we are asking for the flexibility that if the E Road/140<sup>th</sup> thoroughfare gets pulled off the PBC TIM that the condition would then be removed.

Town Clerk Lippman referred to Master Page 15 and said when DCA is successful the item will be removed.

Mr. Barry said we want to bring to your attention under use limitations where it discusses special events on the property and we would like to ask for the ability to have some special events and temporary amusements through the year and we could limit that to a specific number if you want. He mentioned that he knows there are traffic concerns with the project.

Vice-Mayor Herzog asked who the owner of the area South of the lake where the cluster of trees was.

Mr. Barry said he didn't know who the owner of the property was.

Councilman Autrey said it was listed as vacant in the Staff Report.

Vice-Mayor Herzog asked if there are any further plans for expansion there.

**Ray Liggins, Assistant Village Manager/Engineer for Royal Palm Beach-** responded that they are owned by Methodist Church and they don't have any plans for that at this time. He said 15 acres is what the development is today and what was envisioned.

Vice-Mayor Herzog asked what the projected future use of the lake and trees is and if the buildings will be constructed in phases.

Mr. Barry responded yes in phases. He said there is a Cypress preserve to the West of the lake which will remain as open space.

Vice-Mayor Herzog asked which phase will be built first.

Mr. Barry said that Building E is already constructed but Building A will be the next phase.

Councilman Louda asked what the arrow under the lake indicated.

Mr. Barry it is the main access for the preserve.

Councilman Louda asked about parking.

Mr. Barry responded that it would be grass parking.

Councilman Lipp asked if there will be paved pervious parking.

Mr. Barry responded yes there is paved parking.

Councilman Lipp asked Mr. Barry to investigate the use of pervious parking.

Mr. Barry said they would look into it.

Councilman Lipp commented that when we wrote the original Rural Vista Guidelines that is one of the things we looked at and would like to add this as a condition to the project.

Town Clerk Lippman said that we can include that when we send our comments back to the County.

Councilman Lipp commented that he would like to do that for each of the projects regarding the pervious parking.

Councilman Autrey asked if the lake was for storm water retention and is not going to drain into the canal.

Councilman Louda asked if it was a dry retention or would hold water year round.

Mr. Barry said the lake will hold water year round. He said it would act as on site retention.

Mr. Liggins said it will be designed in accordance with the LGWCD, SFWMD, and C-51 Basin rules and regulations. He said it would be designed as a wet pond and the surface level of the pond would be dictated by the ground water table.

Councilman Autrey asked him to describe the uses of the multi-use building.

Mr. Barry said that Building A is where the sanctuary will be held. He said Building B is an administration building with Staff offices. He said Building C is the storage workshop for any storage on site. He said Building D is the youth building. He said Building E is a covered pavilion for outdoor recreation.

Councilman Autrey asked what is youth.

Mr. Barry responded that youth is those who come with their parents.

Vice-Mayor Herzog asked what the projected Sunday service hours would be.

Mr. Barry said he believed they would be ongoing in the range of 8am-8pm on Sundays.

Vice-Mayor Herzog explained that what she is trying to figure out is we have so many churches on that road and I am trying to see the impact of the cars. She asked if they would help alleviate a traffic condition to get people off the property and on to Okeechobee. She said that most of the churches start at around 10am-10:30am and if they are gearing to do so also, we might have a lot of traffic.

Mr. Liggins said obviously the goal here would be to go with more than one service just for the sheer success of starting on time and ending on time if it would not conflict with others in the area. He said there is hope that with this that the demand would be there and it would be successful.

Vice-Mayor Herzog asked if they had Saturday night services also.

Mr. Liggins responded not at this time but if there is demand for it they would hope to meet that.

Vice-Mayor Herzog stated that they might have to hire off duty officers to be there. She asked if there is a pastoral association that meets and coordinates things.

Mr. Liggins responded that Pastor Dale is in Jacksonville tonight but would have loved to be here to answer these questions. He said he thinks they would love to solve the traffic problem themselves.

Vice-Mayor Herzog said that where she is from they had an association where they would coordinate all their activities.

Councilman Autrey asked Mr. Barry to elaborate on what special events they are looking for.

Mr. Barry said that around Christmas time there is an event that draws people in and is religiously affiliated and no admission is charged.

Councilman Autrey asked the number of events they were looking to hold.

Mr. Barry responded that if they could get 6 in addition to sales events, such as, pumpkin or Christmas tree sales.

Town Attorney Tolces referred to Master Page 17 and read Use Limitation #1.

Mr. Liggins said under the County's review it is the big events that they are looking at. He said we were concerned with that and didn't think it applied to the events taking place today but we didn't want the no amusement/special event to be confused with the use of the property the way it is now.

Councilman Autrey said we need to look at noise and that you are not an outdoor concert.

Mr. Liggins responded that there is a condition for no noise after 9pm.

Town Clerk Lippman said that noise is a previous concern for the Town and gave the example of Aguirre's Rodeo. He said there is a process to follow the County guidelines to get an event approved and the County will work with the Town on this. He explained that there are limitations when you file for a Special Permit.

Mayor Browning said that he knows they have done the Christmas event for years and have always done a great job with the traffic.

Town Clerk Lippman said we need to be consistent across the board and any event which requires a Special Permit and will produce a lot of traffic needs to make the Council aware of it. He said if they are simply having a bake sale with their youth group then no they would not need this, but if they want to have a carnival or a garage sale then yes, they would need a Special Permit.

Councilman Lipp said that the main egress is on Okeechobee a few yards West of E Road, and as I recall driving down E Road it seems like there is a culvert crossing to your Building A.

Mr. Barry responded that the County was clear about not having any access on E Road and the main access will be from Okeechobee.

Councilman Lipp asked if there were any kitchens on the property that would be serving meals to large groups of people.

Mr. Barry replied that there are kitchens in the multi-use building.

Councilman Autrey asked Mr. Barry to address the lighting plan.

Mr. Barry said we will comply with no lumens going off the property and there is no restriction from the County on the height of the lighting fixtures.

Councilman Autrey asked why we need to look into that.

Councilman Louda asked Councilman Lipp how lighting was addressed in the Rural Vista Guidelines.

Councilman Lipp responded that the lights should all be facing downward and a limit on height.

Councilman Louda asked Town Attorney Tolces if he read #1 and #2 as 2 separate Items.

Town Attorney Tolces changed the last sentence of Use Limitation #2.

Councilman Louda asked if the 6 events a year would include the sales events.

Mr. Barry said we were looking to differentiate the 2 with 6 temporary events and 6 sales events.

Town Clerk Lippman asked the Council to please remember that there is still a code and very specific permit requirements they will need to go through.

Vice-Mayor Herzog said it sounds like this will become a very well used piece of property and not just on Sundays.

Town Clerk Lippman said that you can limit these activities to just the weekends and request it be done within certain time frames.

Councilman Louda commented that eventually the Town will be issuing its own Special Permits after the Comprehensive Plan and would be taking over all of that.

Mr. Liggins commented that the way Town Attorney Tolces stated it earlier we have no problem with. He said we were concerned when we read it because it looked like it was an outright prohibit of any special events.

Councilman Autrey said he wants to get a little more clarification on traffic. He said they had 262 trips per day listed on the report and asked how they came up with that.

Mr. Barry said that they go off the number of seats or the square footage to get the number.

Councilman Autrey asked if Mr. Barry thinks that number should then be multiplied by a 7 and put all on a Sunday in terms of the total load you are going to put on Okeechobee on a Sunday.

Mr. Liggins responded that the way the County looks at it, it works at the worst peak times

Vice-Mayor Herzog asked if the Village of Royal Palm Beach had any issues with the amount of traffic that is coming and going.

Mr. Liggins said he didn't know the answer to that.

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

Town Attorney Tolces swore in Clete Saunier and Ken Johnson.

**Ken Johnson, Collecting Canal-** referred to the site plan and asked what the property to the North is.

Town Clerk Lippman responded a nursery.

Mr. Johnson asked if they will be required to have turn lanes.

Town Clerk Lippman responded yes.

Mr. Johnson asked when is the latest at night they can operate anything on this property.

Town Attorney Tolces responded that outdoor activities are limited till 9pm.

Town Clerk Lippman responded that the lighting is till 10pm.

Mr. Johnson said he was concerned with the latest hours of operation they could possibly have but other than that it seems they have done their homework.

**Clete Saunier, LGWCD Administrator-** said that he just wanted to ask Town Staff to get with LGWCD before the final site plan approval because of the proximity to E Road.

Councilman Lipp asked Town Attorney Tolces to go through the conditions.

Town Attorney Tolces said that:

- (1) All outdoor lighting must comply with the Rural Vista Guidelines.
- (2) All parking areas must have a pervious surface as stated in the Rural Vista Guidelines.
- (3) If the E-Road/140<sup>th</sup> Thoroughfare is removed from the Palm Beach County Thoroughfare Improvement Map, the condition relating to the additional right of way needed for E Road will be removed.
- (4) No more than a total of six (6) special events or temporary amusements may occur on the property each year, subject to the applicable provisions of the ULDC and the Town's Code of Ordinances, and pursuant to the Town's approval.

(5) Prior to final DRO certification, the final site plan shall be submitted to the Town Council for review and approval.

Councilman Autrey asked if they had plans to operate overnight.

Mr. Barry responded that there could be potential sleep over or lock ins.

Town Attorney Tolces said that he is sure if there was any noise they would get a visit from PBSO.

Vice-Mayor Herzog asked who decides if they need off duty officers directing traffic.

Mayor Browning said that it will take care of itself and they want the people moving in and out as smoothly as possible so they don't go somewhere else.

**Councilman Louda MOTIONED to approve the request from Community of Home with the so noted conditions of approval, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.**

**b. (Everglades Farm Equipment)(Control No: 1984-186)**

**Title:** A Development Order Amendment

**Request:** To delete land area, add square footage, reconfigure the site plan, and modify conditions of approval.

**General Location:** North side of Southern Boulevard approximately 800 feet east of F Road (*Everglades Farm Equipment*).

Town Attorney Tolces explained that this is a quasi-judicial hearing and swore in Susan Taylor and Town Clerk Lippman so they could speak on behalf of the project.

**Susan Taylor, Perry & Taylor, P.A.-** introduced herself and explained the property is located on the North side of Southern Boulevard approximately 800 feet East of F Road and is family owned and operated. She went over the brief history of the approval of this site. She said the project was originally approved by the County in April 2000. She said it was approved with a Class B Conditional Use and was originally approved for 2 phases. She said in November 2006 the Everglades Site was incorporated into the Groves. She explained the 2 parcels are bound together because of the original approval and site plan and she is looking to separate the two projects so they can go on their own separate ways. She said this is a 4 part Development Order Amendment request:

1. To delete the 18.878 acres now owned by Palms West Hospital
2. To add 1400 square foot addition to the West side of the property

3. To modify the site plan to reflect those changes
4. To modify the conditions of approval so they are consistent with our request

Ms. Taylor said that the deletion of the 18.878 acres was approved by the County but requires the Council's approval as well because it is now in the Groves jurisdiction.

Councilman Lipp asked if she could point out where the power easement is.

Ms. Taylor responded it is inside the property by 12 feet and runs from the edge to 12 feet in. She explained they are proposing to add an additional 1400 square feet on the West side of the property to allow for additional parts storage and repair.

Vice-Mayor Herzog asked if that would be enclosed or open.

Ms. Taylor responded enclosed.

Ms. Taylor also showed that there is a 50 foot landscape buffer on the property.

Councilman Louda asked why the arrow is going North and why it is there.

Ms. Taylor responded that there is an easement that sometimes they will take the tractors back on to test them.

Ms. Taylor said that assuming the project is approved this evening it will be going back to the County for Final DRO approval. She said they added an issue or comment to the application saying that at the time the hospital comes in to seek approval for the vacant land the hospital will have to get a variance for this to remain.

Vice-Mayor Herzog referred to Master Page 46 and asked about where it says parks and equestrian trails and then it says is here by deleted.

Ms. Taylor responded that the condition would have to be deleted because that part is no longer their land.

Councilman Louda said we could work with them later down the road if we expand the trail system.

Vice-Mayor Herzog referred to Master Page 39 where it mentions feed and grain sales and asked if the property was planning on selling feed and grain.

Ms. Taylor responded that she didn't believe they sell feed or grain.

Councilman Lipp referred to Master Page 37 and recommendations #1 and #3 stating access to site shall be limited to Okeechobee Boulevard and Southern Boulevard and asked if the request was consistent with this recommendation.

Vice-Mayor Herzog said it was referenced in 2 places the same way and she thinks it is an either or.

Councilman Lipp said on the same line the engineering comments state that the project entrance to F Road and asked where that is coming from.

Town Attorney Tolces said it is just part of the analysis and he doesn't think it carries over.

Ms. Taylor said those are itemizing items in the Neighborhood Plan for Loxahatchee Groves.

Town Attorney Tolces said in respect to the uses it either has to be off of Southern or Okeechobee. He said this is off of Southern so it is consistent.

Councilman Autrey asked if we need anything from the hospital.

Ms. Taylor said they are in Unincorporated PBC.

Councilman Autrey asked doesn't this action you are taking affect them in some way.

Ms. Taylor explained that it affects them positively and they have been working in conjunction with us and the County on getting the plat approved.

Councilman Lipp referred to Master Page 47 about the 50 foot setbacks to the West. He pointed out that they are currently storing tractors and everything else all the way out to under the power easement so they are within 12 feet of the neighbor, not 50 feet of the neighbor.

Town Attorney Tolces said that was part of the previously approved and if they are doing that now we can certainly let them contact them and let them know our concerns.

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

There were no comments from the Public.

Ms. Taylor said that this is on the County's DRO Agenda for the 2<sup>nd</sup> week in June. She said the only things that could possibly be corrected on the site plan would be just items that address conditions that have been drafted that we haven't gotten on here yet.

Mayor Browning said this is just an addition to the existing building.

Councilman Louda said that Councilman Lipp's comments should be followed up on because they don't have a 50 foot buffer.

Councilman Autrey said they do they just aren't using it.

Vice-Mayor Herzog asked Ms. Taylor to point out where the addition would be.

Town Clerk Lippman said to address Councilman Lipp's concerns that the site plan is consistent with what you are looking for. He said we will have the agent go back to the applicant and communicate our concern with the site plan that since the existing site plan shows the 50 foot setback but it is not being complied with, this is not a site plan issue, it is an issue between the applicant, owner, and Town Code Enforcement and will be handled appropriately through those channels.

Ms. Taylor said she would be glad to do that.

**Vice-Mayor Herzog MOTIONED to approve the Development Order Amendment as presented with conditions of approval, SECONDED by Councilman Autrey and the MOTION passed unanimously 5-0.**

**9. Plat Application Approval:**

**a. (Groves Medical Plaza) (Agent: Caulfield and Wheeler, Inc)**

**Background:** The Preliminary plat of Grove Medical Plaza was submitted to the Palm Beach County Survey Department for comments/approval. After responding to any comments from the County, the plat was then submitted to the Town's Surveyor for comments.

Town Attorney Tolces started by saying that this is the 1<sup>st</sup> Plat Approval the Town has considered. He explained that the property owner just needs to meet the requirement that is provided in the Code. He said this had been filed prior to incorporation and that is why it is proceeding through the process.

Mayor Browning asked if typically Staff gives a recommendation on this.

Town Clerk Lippman said that usually this Item would be on the Consent Agenda but since the Town has never previously approved one he wanted to have Calvin-Giordano speak on it. He explained that this is just administrative and usually wouldn't require any discussion.

Councilman Lipp asked about the property owner's request (at the start of the Moratorium) to make this an adult living facility and if that was still happening.

Councilman Autrey asked if the Use of the property affects the Plat.

**Patrick Figurella, Calvin-Giordano-** responded that no, the Use does not affect the Plat in this case. He confirmed that everything that is supposed to be on the Application is.

Councilman Autrey asked that regardless of what they plan on doing with it, is this process necessary?

Mr. Figurella responded that yes the Applications need to be approved.

Councilman Autrey asked what is in front of this facing toward Southern.

Mr. Figurella responded that it is a 20 foot wide tract being dedicated to the Town from DOT for SR80.

Councilman Autrey asked if the only access was F Road.

Mr. Figurella responded that was correct.

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

**Clete Saunier, LGWCD Administrator-** said that we discussed dedications and reservations to LGWCD and there is a dedication which is adjacent to F Road. He said he did not find on Sheet 1 any dedications or reservations to the drainage district or to anyone

Mr. Figurella said that it is not specifically mention but needs to be.

Mr. Saunier said originally it was in there and it might just be a glitch that it was left out.

Town Attorney Tolces said we will make sure we have that.

Mr. Saunier asked if he could present it to his Board on June 9, 2008 so they could sign off on the dedications and reservations. He said to answer the question regarding additional right of way with SR80 is it looks wider because they are allowing for an intersection.

Vice-Mayor Herzog asked if they are going to proceed with the missing pavement on F Road.

Town Clerk Lippman responded that there has been no discussion with the Town but he knows there has been with LGWCD.

Mr. Saunier said we were working on an agreement with them. He said at the last meeting they had said that their investors ran away with the market situation, so it is on temporary to permanent hiatus so this whole project is unknown.

Town Clerk Lippman said that he recommends that the Motion is subject to any changes that have been brought up.

**Councilman Louda MOTIONED to approve the Plat Application for Groves Medical Plaza with including the wording of the drainage easement and the warning of the County Commissioners of the change as well, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.**

Vice-Mayor Herzog commented that the site itself is very unsightly.

Town Clerk Lippman explained that there is currently a dilapidated house on the property which is subject to demolition. He said that the property owner has been working with our Code Enforcement Officer on that and we will be following up.

Town Attorney Tolces said that we are working with Calvin-Giordano to come up with some platting regulations that you as a Town Council will be able to adopt as far as processing Plat Applications when they come to you.

**10. RFP 2008-001: Emergency Services Contract Monitoring (Interviews and Possible Extension)**

Town Clerk Lippman said that we received 2 responses to the bid. He said the 2 parties that submitted were present this evening: Mr. Frank Schiola and Calvin-Giordano. He said that Staff is recommending that we continue to solicit bids and to reschedule the interviews until the June 3, 2008 meeting to give other firms time to bid.

**Vice-Mayor Herzog MOTIONED to delay the selection of a Disaster Debris Monitoring Firm until June 3, 2008 and to set a new deadline for submittal of May 28, 2008 at 12 noon, SECONDED by Councilman Autrey and the discussion was then opened:**

Councilman Autrey asked how we would go about advertising this to get more interest.

Town Clerk Lippman responded that the 1<sup>st</sup> time around he sent the RFP to the 4 entities that handle this for the County. He said the next step will be to advertise on a State Website and put an ad in the Palm Beach Post.

Councilman Lipp asked if these bids are available to the Council at this point in time.

Town Attorney Tolces responded that they will remain sealed until all the bids are in.

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

**11. Agreement with Property Appraiser for Collection of Solid Waste Special Assessment**

Town Attorney Tolces explained that this Item relates to two agreements between the Town and the Property Appraiser relating to the processing of the Solid Waste Special Assessment for 2008-2009. He said the first agreement is essentially an agreement that the Town will pay the Property Appraiser for the services they are providing including the Special Assessment on the

tax notices that you get in August. He said it costs .75 cents per parcel and they will provide us with the information and we will input the information regarding the assessment and send the information back to the Property Appraiser and they will include it on the tax notice.

Town Attorney Tolces explained the 2<sup>nd</sup> agreement is an agreement in respect to the use of the computer information that they are providing to us and then we are providing to them. He said the Statute requires 2 agreements.

**Councilman Lipp MOTIONED to approve the two agreements with the Property Appraiser for collection of the Solid Waste Special Assessment, SECONDED by Councilman Louda and the discussion was then opened:**

Councilman Autrey asked if we would be paying .75 cents per parcel per year. He asked if we could include this cost as part of the Assessment.

Town Attorney Tolces replied that yes, we would be applying administrative costs.

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

There were no comments from the Public.

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

## **12. Agreement with Tax Collector for Collection of Solid Waste Special Assessment**

Town Attorney Tolces explained that this Item relates to the agreement with the Tax Collector. He said the Tax Collector is the one who will collect the Special Assessment and then remit what come back to the Town. In return for that service there is a 1% cost.

Councilman Louda asked if we could tack those fees on as administrative costs also.

Town Attorney Tolces replied yes.

Town Clerk Lippman said we will still have a chance to determine the total assessment when we consider the assessment Resolution in July.

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

There were no comments from the Public.

**Vice-Mayor Herzog MOTIONED to approve the agreement with the Tax Collector for collection of the Solid Waste Special Assessment, SECONDED by Councilman Autrey and the MOTION passed unanimously 5-0.**

### **13. Simon Property Proposed Compliance Agreement**

Town Attorney Tolces said he previously provided the Council with a draft of proposed revisions to the settlement proposal. He said the changes we made as a result of discussions with Town Clerk Lippman and Town Planner Kevin McGinnley are reflected in the single underline items. He said our goal was to try and keep the Town's options open with respect to the substantial equestrian facility. He said he felt it was important to look at the gross acreage of the area that is required to be developed as open space. He said he forwarded the proposed revisions to the attorney of the developer and the planner. He said we are operating under a certain time deadline because another status report is due at the end of this month.

Councilman Louda said if the 50% of the land goes to open space in order to qualify for the RR2.5 so we are forcing them to cluster less than 2.5.

Councilman Autrey asked what the next step was.

Town Attorney Tolces said the next step is to speak with the Planner and the property owner's attorney and if everyone is in agreement then there would be a compliance agreement that would go back to the County for approval and then we can work with the County and DCA and the Comprehensive Plan Amendment would be processed.

Councilman Autrey asked if nothing happens between now and the time the Town adopts our plan.

Town Attorney Tolces said that right now what they have, they have on the County's plan. He explained that when Town adopts its Comprehensive Plan then they would be subject to the Town's Comprehensive Plan, Land Development Regulations, and approval process.

***GENERAL CONSENSUS WAS GRANTED TO STAFF TO MOVE FORWARD IN DISCUSSIONS ABOUT THE SIMON PROPERTY.***

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

**Ken Johnson, Collecting Canal-** said he understands the Simon Property is under the County with no Commercial and asked for clarification of this.

Town Clerk Lippman responded yes.

**ADDITION OF ITEM 13(A) TO THE AGENDA:**

**13(a) Discussion about the Loxahatchee Groves Park Entrance**

Councilman Lipp presented slides showing the entrance to the Loxahatchee Groves Park and said when the County built the park the only entry point was E Road off of Southern. He said his recommendation would be to send a Resolution for Parks and Recreation to open the entry at the curb cut at Southern and they close the E Road/Citrus entrance and to send a letter to Commissioner Santamaria asking for his support on this.

Councilman Louda said he had brought this up on an earlier Agenda and he had asked to close the entrance on Citrus and open the one on Southern, completely shut off E Road just before Tangerine and Citrus and then put an entrance where people can use the light.

Councilman Autrey asked about DOT saying it affects a State road.

Town Attorney Tolces said the Town Charter does specifically recognize this park and provides that any improvements have to go through the Town and says that sometime in the future the Town could enter into an agreement with the park for development of the park. He said we can draft a Resolution to send to the County asking to alter the entrance from Citrus to Southern.

Town Clerk Lippman said we need to consider that it needs to be approved by the County and DOT.

Town Attorney Tolces said we can include Florida DOT in the Resolution.

Mayor Browning asked if we should just get the entrance changed right now.

Councilman Autrey said we talked about finally putting in a horse facility.

Councilman Lipp said his feeling is to get started with just one thing right now.

Town Clerk Lippman said we need a clear understanding of what we are looking for and what our goal is.

Councilman Lipp said to keep egress from Southern Boulevard and closing the entrance off of Citrus.

**GENERAL CONSENSUS WAS GIVEN TO BRING BACK A RESOLUTION TO THE NEXT MEETING AND FOR COUNCILMAN LIPP TO MEET WITH COMMISSIONER SANTAMARIA TO CREATE THE ENTRANCE OFF OF SOUTHERN BOULEVARD AND TO CLOSE THE ENTRANCE OFF OF CITRUS.**

Councilman Louda said his idea was to close E Road just South of Citrus and to close Citrus but add a new one off of F Road to get people to the traffic light.

Councilman Lipp said there are a lot of local people that come out of the park.

Town Clerk Lippman said it sounds like a multiple step process and there are many tiers we are looking to take care of.

Councilman Autrey said he fails to see what we are gaining here.

Vice-Mayor Herzog said as a 2<sup>nd</sup> phase maybe we should start exploring other options for traffic would be good.

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

**Ron Jarriel, 2800 161<sup>st</sup> Terrace North-** said we always wanted the E Citrus Drive gate closed and wanted it to come off of Southern. He said you don't want to shut it down completely because the fire department needs access from any angle they can come in. He suggested closing it off and keeping it locked but not shutting it down completely. He said cutting E Road off we allow the state to hurt the people on Tangerine when they did away with the cut through from Loxahatchee Drive to Southern. He said we have had 3 accidents that I know of at D and Southern. He said to shut down E Road and Southern Boulevard without talking to the Public or the Fire Department would be a bad idea.

Councilman Louda said that was gone in our discussion.

Councilman Autrey said he thinks that we have 4 planners present and we should utilize them and get them engaged.

Town Clerk Lippman said he will have get recommendations for Councilman Lipp from Calvin-Giordano before he talks to Commissioner Santamaria.

Councilman Louda asked about the traffic light that is supposed to be at the entrance to Palms West Plaza off of Southern.

Town Clerk Lippman said that will come out of the traffic study we are conducting.

Vice-Mayor Herzog suggested speaking to Bill Hammond and said he knows the details on this.

#### **14. Opposition to E Road/140<sup>th</sup> D.C.A. Transmittal**

Town Clerk Lippman said this Item was suggested by Councilman Lipp.

Councilman Lipp said that he spoke with our lobbyist Donna Brosemer and she concurred that Nat Roberts (Callery Judge) will be working as an intervener on this. He said Ms. Brosemer told him that Mr. Roberts is not happy with Loxahatchee Groves for opposing everything he has wanted to do on his property and he will be becoming an intervener in the E Road/140<sup>th</sup>. He said he thinks we need to get a plan of action together with all the stakeholders in the area to be proactive to this.

Councilman Louda suggested a letter to DCA and more specific direction to lobby at DCA in Tallahassee.

Councilman Lipp suggested someone sit down with Nat Roberts.

Vice-Mayor Herzog asked what about Ms. Brosemer.

Town Attorney Tolces said he placed a call to the County Planning Department to get confirmation as far as the status as to where the transmittal actually is. He said he understands that Nat Roberts will be an intervener so I will keep you abreast of any information we get from DCA or the County may get from DCA.

Councilman Lipp said that on the meeting on April 28, 2008 he didn't hear anyone from Callery Judge Groves mention anything about this.

Town Attorney Tolces said that they might have sent a letter at some point in time that would be part of the record. He said if you don't participate with the Public than you will be limited as to the issues that are raised specifically if it is by another entity. He said we can find out if they submitted a letter.

Councilman Louda asked if we can put in a public records request from BCC for all the emails and letters from Nat Roberts pertaining to this.

Town Attorney Tolces said he would make that request and see what we can get.

Councilman Autrey said he thought it would be helpful for Town Attorney Tolces to walk us through the steps as to what we would do if Nat Roberts decides to challenge it.

Town Attorney Tolces said at this time they have had their transmittal hearing and DCA has the opportunity to review it along with other State agencies that will provide comments back to the

County and then at that point in time the County would have their adoption. He said then it would be transmitted back to DCA and at that point in time people could intervene.

Town Clerk Lippman said that right now Donna Brosemer is completing her contract with the Town. He said we need to consider on following through the transmittal to DCA. He said Town Manager Dr. Rosenbaum, Mayor Browning and himself will call up Nat Roberts and schedule a meeting to sit down face to face and see what is going on. He said there is no coincidence that the Town sent the letter opposing the Ag-Enclave Bill and also the Resolution to the County Commission opposing Callery Judge and there is a definite correlation here. He said he is not saying the Town shouldn't speak against what they are against. He said we need to find minimal ground to get our goals accomplished without shooting ourselves in the foot.

Vice-Mayor Herzog said previous to being elected she attended meetings every month with Nat Roberts and E Road/140<sup>th</sup> was always a major topic and he swore that E Road was not necessary for his developments. She said Mr. Roberts promised that none of his roads were going to connect into the Groves.

Town Clerk Lippman said that the meeting needs to take place to see what is really going on.

Town Attorney Tolces said in respect to objections the Town did receive one objection from DOT and that will be included in the transmittal packet to DCA.

Councilman Louda made a request to have the Council's okay to contact several individuals to have them come forward on our Smart Growth. He said he would wait to see the outcome of the meeting first.

Town Clerk Lippman asked for clarification on what he would ask them to come forward with.

***GENERAL CONSENSUS WAS GIVEN FOR TOWN STAFF TO SCHEDULE A MEETING WITH NAT ROBERTS (CALLERY JUDGE GROVES)***

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

**Ken Johnson, Collecting Canal-** suggested that in addition to the meeting with Nat Roberts that Vice-Mayor Herzog attend that meeting since she has knowledge of Nat Roberts' previous meetings.

Vice-Mayor Herzog said she couldn't because she couldn't go with another official from the Council.

Councilman Louda said Vice-Mayor Herzog couldn't due to the Sunshine Law.

Mr. Johnson also suggested looking into if there were minutes available from Nat Roberts' meetings.

Town Attorney Tolces said if it ever got to that stage that Staff would look into that.

**Ron Jarriel, 2800 161<sup>st</sup> Terrace North-** said he agreed with Town Clerk Lippman and we were justified when we tried to stop the 3000 homes and the residents of Indian Trails don't object to the homes. He said the Council stepped on Nat Roberts' toes when you did the Resolution. He said that E Road is more important than trying to fight a battle you just can't win. He said he thinks now you need to try and work something out with him instead of trying to win something you can't win and concentrate on E Road.

**15. Discussion of Resolution relating to the Nicole Hornstein Act (helmet protection for minors riding horses)**

Town Clerk Lippman said the Item was suggested by Councilman Louda.

Councilman Louda said he thinks we should come up with our own age and do a Resolution for the Town. He said this is not the 1<sup>st</sup> time this has happened out here.

Councilman Louda asked what do you think about enforcing safety.

Councilman Autrey said he thinks we should wait and see if this is going to move forward at the next Legislative Session.

Councilman Louda said he was talking about doing something for the Town.

Councilman Autrey asked if this was something we can do.

Town Attorney Tolces said he would have to research the issue.

Mayor Browning said that he is torn because typically the idea of a Loxahatchee kid wearing a helmet instead of a cowboy hat is kind of strange.

Councilman Louda commented that until we get a new trail system these kids are off the roads.

Town Attorney Tolces said that Staff will keep in touch with the local Legislation in the event that a Bill is filed for next year to let you know.

**16. Strategic Visioning Update**

Town Clerk Lippman said that agreeing to disagree is a very healthy thing to do. He said that he forwarded the 1<sup>st</sup> draft of the actual visioning document to the Council and the Comprehensive Planning firm today for their review and feedback. He said the final document

will be presented on Tuesday, June 3, 2008 and the Public will have time to comment and give their feedback. He said we want to keep the Comprehensive Planning firm on their schedule.

Councilman Lipp asked if we had a preliminary schedule.

Town Clerk Lippman said he will be meeting with the Comprehensive Planning firm tomorrow and everyone will be given at least one months notice on the schedule.

**Clete Saunier, LGWCD-** asked if his Staff could get a draft of the plan also.

Town Clerk Lippman responded yes.

## **17. Administrative:**

### **a. ONYX Waste Assessment Update**

Town Clerk Lippman said that a 3<sup>rd</sup> letter would be going out shortly and it will give them a 10 day opportunity to pay the balance. He said the 2 options that will be in there will be a lien on the property or an Assessment for next year. He said as of right now we have \$301,000 collected out of the \$372,000 we owe. He said that back in February when he indicated the projections for the rest of the year he read those as there was no more income coming in.

Councilman Louda asked if there were any more arguments over this.

Town Clerk Lippman said it has calmed down dramatically. He said as of this time it is either there is a total ignoring of the bill, working out a payment plan with us, or the mortgage company making a mistake. He said that a lot of these mortgage companies are not paying the bills when they tell the residents they are. He complimented the work of Assistant Town Clerk Kantor in dealing with the mortgage companies.

### **b. Budget Preparation: Letter to elected officials asking to identify all financial assistance that may be designated or available to the Town (County Commissioner, State Representative and State Senator)**

Town Clerk Lippman said in order to get prepared for the budget one of things I have seen and done many times is the opportunity to communicate to the County Commissioner, State Representative, and State Senator as to their ability to work any pools that have been allotted to them to disperse to local municipalities. He said he will meet with Councilman Lipp to get some thoughts on the County Commission and there will be a standard letter sent. He said he will prepare a rough budget for the June 3, 2008 meeting and we will be able to proceed from there when the budget hearings begin.

Councilman Autrey asked about CBIR (acronym for state funding.) He said we should include this every year and go for funding and see if we get lucky.

Town Clerk Lippman said one of the things as well that is not on the Agenda tonight that will be on the agenda for June 3, 2008 will be the final grant writing proposal and we will get direction there.

Councilman Autrey said Donna Brosemer would be the one to ask about the CBIR request.

Town Manager Dr. Rosenbaum asked if it would be okay for him to include a FEMA request.

Town Attorney Tolces said that one thing that has helped past CBIR requests is to have studies or specific documentation to support the request so when the State looks at it you have this available.

Councilman Autrey commented that we should be going after Comprehensive Plan money every year.

Town Clerk Lippman said he would have Town Manager Dr. Rosenbaum prepare a plan and present it at the next meeting.

Town Manager Dr. Rosenbaum said that a lot of our opportunities are going to be intergovernmental and certainly with the park we need to work with the County.

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

**Bill Gurney, 1453 E Road-** said that he has brought this up before, but SFWMD has grant money available to water users to do studies and improve water resources. He said that is still an option.

## **18. Public Comments**

**Harold Murphy, 13245 Comptoru Road-** said he had a request to the Council. He said he has 10 acres of land in the back of his home which dead ends at 22<sup>nd</sup> Street off of F Road. He said he wants to clear the trees on the property to put in a tree farm and make a nursery. He said the trees would be put in the ground and stay there for 2-3 years until they reach a height to be sold to the Public and other trees would be replaced. He says he would not clear the entire piece of property and would leave a perimeter on it. He said he has dealt with ERM before and they charge to take trees down. He said he has no problem paying the Town a fee to allow him to take the trees down. He said he knows we have several land development companies we deal with and he has spoken with them for guidance on doing it. He said he doesn't want to make anyone mad and there are very few neighbors around him. He said there wouldn't be any traffic. He said he is looking at maybe about 6 acres to take the center out and is looking at just pine trees. He said if he goes to ERM and the County they will say he can do it and just take the money where he feels the Town should get the money.

Town Attorney Tolces advised that Staff would be happy to talk to Mr. Murphy, but the Council does not have the authority to authorize this. He said he thought it would pretty much be with the County as far as regulating that right now.

Mr. Murphy said he spoke with Bob Weissman (County Administrator) and asked him if the Town has the authority to do this if the Town has not signed an agreement with ERM to take over does the Town have the ability to do this. He said his property is already Ag Zoned already.

Town Attorney Tolces said if it was that simple then we would be happy to take your money and put it to good use but I don't think we are in the position to do that right now.

Councilman Louda asked if someone buys a piece of land and wants to open a nursery what are the existing land clearing policies we are under and how does ERM fit in that if we don't have a formal agreement.

Town Attorney Tolces said it is under the ULDC and the Ordinance provides that unless the municipality has adopted its own regulations then the regulations will apply within the Town.

Councilman Louda said so ERM is still here even though we don't have a formal agreement.

Town Attorney Tolces replied absolutely.

**Dennis Koehler, Esq. 1966 Richard Lane, West Palm Beach, FL-** said he enjoyed the comments on Loxahatchee Groves Park earlier. He said the issue that brought him here tonight is that 3 of his clients are nursery owners in the Groves and have been cited by the Town's Code Enforcement for violations. He said the problem is typically the resident could comply by shutting down their offending activity or they could apply to the Town for permits. He explained that the 2<sup>nd</sup> is not possible at this time due to the Moratorium in place until November 30, 2008. He asked the Council to consider abating enforcement against the agricultural and nursery type businesses in the Town until such time you adopt your own Comprehensive Plan and Codes. He stated that there are 3 legal reasons and 1 practical reason why he thinks the Council should do this.

1. There is a precedent with your pens and cages exception that you adopted by Resolution in November 2007.
2. The argument that you used when doing that Resolution applies here. He said there is potential for selected enforcement.
3. The actual enforcement is not fair that it is only done on complaints by neighbors when there are plenty of other violators that are not enforcing this out there.
4. It is in the best health, safety, welfare, and business of the Town.

1. He said you can't achieve compliance by seeking Development Orders with a Moratorium in place. He said he realizes time is running short, but meanwhile the Code Enforcement cases are in.

Mr. Koehler said that Staff has been cooperative and we have reached some continuances and have done some additional research. He suggested it would be in the Town's best interest, his 3 clients, and others who have not yet been subjected to Code Enforcement actions for you to abate the enforcement of the Ag-related provisions (nursery) of the Counties ULDC. He said he wanted to make the case and present it to the Council.

Councilman Louda asked Mr. Koehler to recap the 3 cases of his clients.

Mr. Koehler explained the first case against Odums' and said it had been dismissed by the Special Magistrate.

Mayor Browning asked if it is alright to discuss these cases.

Mr. Koehler said the other involved a resident who sold hay and that would require an exception approval which he can't apply for due to the Moratorium. He said the third case involves a nursery selling trailers. He said what makes it tough is that his clients can't correct the actions by coming to the Council to present their needs.

Town Attorney Tolces explained the way to come into compliance is to seek the use of the Special Magistrate found wasn't in compliance with the code. He said we are working with the Code Enforcement Officer for the Town but it is a matter of bringing their unauthorized use code into compliance.

Councilman Louda said he didn't think the pens and cages applied and that he didn't think our complaints were Code Enforcement Officer driven.

Town Clerk Lippman responded that all of the Town's Code Enforcement complaints are complaint driven only.

**Ron Jarriel, 2800 161<sup>st</sup> Terrace North-** read the following letter from Byron V. Reid and Associates, VMD, PA into the record:

May 19, 2008

Town of Loxahatchee Groves  
14579 Southern Blvd  
Suite 2  
Loxahatchee Groves, Florida  
33470

RE: The paving of "F" Road in Loxahatchee

To whom it may concern:

Our experience with a paved "F" road has been very positive thus far. The pavement cuts down on vehicle wear and tear and dust in the extreme. The speed bumps are extremely effective in slowing down traffic. Time will tell but we predict far fewer canal accidents than on the dirt road because of the decrease in speeding, the improved integrity of the embankment and the improved visibility. We think that an excellent job was done and would recommend this solution to the Loxahatchee road problems for other roads. In terms of riding horses on this road or on the trail on the other side of the canal, we think it is far safer because vehicles are slowed markedly and visibility and air and noise pollution are far less. Footing on the asphalt is adequate at slower gaits. Hazzards are more easily seen and avoided on the paved surface which should cut down on injuries caused by sharp debris. The appearance and experience of driving on this road is improved unless one is in a hurry. For those in a big hurry, alternative routes are being taken.

My opinion.

---

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Prepared by Michelle Kantor (NCS)

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Sincerely,

Byron V. Reid, VMD

Mr. Jarriel also commented on the Resolution discussed earlier regarding Nicole Horenstein. He said that being with Fire Rescue he sees a lot of equestrian accidents and most involve people falling from the horses. He said now days the helmets are cowboy hats. He said that Commissioner Santamaria is supporting this also.

**Clete Saunier, LGWCD Administrator-** said that he wanted to bring up an issue. He explained that they are having a problem with the waste haulers, especially the vegetative debris trucks, and the outriggers not being equipped with large rubber pads. He explained that over time they do eventually destroy the service of the OGEM. He asked if there was any way to encourage ONYX to really be aware of this and not allow any other equipment use without these large pads. He asked Staff to work that in with the scope of services for the upcoming year and said it would be appreciated by LGWCD and those land owners on the paved roads.

Councilman Louda asked Mr. Saunier if this was a common thing with waste haulers.

Mr. Saunier responded that they are very aware of this and they are often required by municipalities.

Town Clerk Lippman explained that Brad Avery from Waste Pro had assured us in his presentation that this wouldn't be a problem with them. He said it had been brought up by a resident during his presentation to the Council. He asked Mayor Browning to help follow up on this for him with Onyx since both he and Don Widing had not received any response or follow up on this after communicating the frustration.

Councilman Autrey asked what leverage we had with them.

Town Attorney Tolces said there are certain provisions in the contract that if they are causing damage to right of way and it is clearly something they are responsible they could provide some type of compensation to the Town.

Councilman Autrey asked why we wouldn't just send a letter and make it happen.

Town Clerk Lippman said that this is the 2<sup>nd</sup> time a complaint has been made to ONYX and the first time they had come out and taken care of the repairs. He said he would get with Town Attorney Tolces and have him draft a letter to send.

## **19. Town Clerk Comments**

Town Clerk Lippman said his only comment was for the Council not to run out of here because he has lots of things for them to sign.

## **20. Town Attorney Comments**

Town Attorney Tolces said he was going to pass out a few drafts of a Code of Ordinances for the Council to review. He said that Staff is also working on a Special Assessment Ordinance that will come to you in June that will authorize the ability of the Town to adopt the Solid Waste Special Assessment in July.

## **21. Council Member Comments**

Councilman Louda said he had no comments.

Vice-Mayor Herzog thanked Staff for making sure the Visioning and retreat were well organized and carried out. She mentioned that this Thursday, May 22, 2008 at the Loxahatchee Groves Land Owners Meeting, the inland port will be discussed. She said if you have any concerns about the traffic impact on Southern Boulevard to come on out on Thursday night.

Councilman Autrey said great job.

Councilman Lipp said he wanted to bring something to the Council's attention. He said that he thinks that airing things out in the Crier through editorials really needs to pertain to other issues. He said he wanted to answer this but not in the Crier: is that the 1999 Legislation that was passed by Shelly Vana talking about LGWCD gave them the ability to have special assessments for small taxing districts. He said this is happening for the 1<sup>st</sup> time for the folks on D Road where the culvert had collapsed. He said as far as the OGEM people won't have to get mortgages on their homes that it would be in the form of a tax. He said it would be approximately around \$200,000 per mile. He said it will be broken down on a 10-year note. He said someone with a 5 acre parcel would be paying somewhere between \$375-\$400 per year.

Councilman Autrey said he would challenge those numbers.

Councilman Lipp said the point is you are still not going to need a 2<sup>nd</sup> mortgage on your house because it is a tax system that would carry on to a new owner if a home was to be sold.

Councilman Louda said you tell that to a middle income family who has to balance that and money for medicine and things.

Mayor Browning asked Clete Saunier if he had a size for the outrigger pad that would work with the OGEM.

Mr. Saunier said that it really depends on the weight of the equipment. He said you would call it a widening distributing loading pad. He said he believes it is required for the City of Oakland Park in Broward County and he has their RFP and can get the answer by tomorrow. He said probably something bigger than 8 by 8.

Mayor Browning asked if in the original all or nothing the LGWCD Board was able to put forward the line of demarcation was the hospital property. He asked what that changes now that they taking the 18 acres.

Town Attorney Tolces said it is not included in the Town's boundary.

Councilman Autrey said they had an option to purchase it and when our legislation was filed they hadn't exercised it so we excluded it in the Bill.

Mayor Browning thanked Staff for the Visioning. He said he thinks it went very well and it was very interesting.

Vice-Mayor Herzog said it is amazing how fast Staff turned around the data

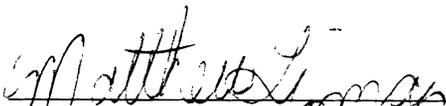
## 22. Adjournment

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

There being no further discussion and no additional public comment the meeting was adjourned at 9:47 p.m.

  
\_\_\_\_\_  
MAYOR DAVE BROWNING

**ATTEST:**

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

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