

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)
Michelle Kantor, Interim Assistant Town Clerk (NCS)
David Tolces, Esq., Town Attorney
Members of the Public

Others Absent:

Matthew Lippman, Interim Town Clerk (NCS)

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 Manager Dr. Rosenbaum. Town Manager Dr. Rosenbaum announced that Town Clerk Lippman's wife was in the hospital about to have a baby and he was absent. Upon completion of the roll, Mayor Browning requested everyone stand for the Pledge of Allegiance and Invocation.

5. Approval of Agenda

Vice-Mayor Herzog made a MOTION to approve the Agenda, SECONDED by Councilman Louda and discussion was opened:

Councilman Lipp stated he would like to remove Item #11 from the Agenda. He explained the ORC report would be out from DCA at the end of the week and I think everything that has been said is on the record with DCA and I don't think there is anything else we can add to that this evening is going to do anything more than bring up points that are best left to discuss when the ORC report is here, as opposed to doing it now and then doing it again. He said because I think as a Town we really do need to start coming together and I think to go over Frank Palen's letter and the points the LGWCD Board made on the plan is done. He said they are not going to send a letter to DCA revising anything because that is just dumb and I think in a spirit of cooperation because we are going to have the ORC report anyway, and DCA might have looked at some of these comments and said well these are just comments and we won't have to respond on it. He said I think we should just let this thing go through its natural course and we'll have our debate on it when it comes time.

Councilman Autrey said I would like to find out if any Staff had any input that they wanted to participate on this Item or if they are here for this item. He was referring to Shelley Eichner and her staff from Calvin-Giordano.

Shelley Eichner, Calvin-Giordano- said I agree with Dennis's Motion to let things go their course and we will deal with whatever comes out of the ORC report.

Councilman Louda said my only comment as part of 11, is getting rolling on cooperative.

Vice-Mayor Herzog's earlier MOTION was never completed.

Councilman Lipp made a MOTION to approve the Agenda with the removal of Item #11, SECONDED by Councilman Autrey and the MOTION passed unanimously 5-0.

CONSENT AGENDA:

6. **October 28, 2008 Special Town Council Meeting Minutes:** Approval
7. **Logo Licensing Agreement with Camp Aquatic Customizing:** Approval
8. **LGWCD Invoice for Emergency Repair Work (24th Ct and 24th Circle):** Approval

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

REGULAR AGENDA:

9. **Public Hearing (Southern Crossing MUPD): Control No. 2004-961**
GENERAL LOCATION: NW corner of Southern Boulevard and "E" Road (Southern Crossing MUPD).

TITLE: An Official Zoning Map Amendment to a Planned Development District.
REQUEST: Rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

APPLICATION SUMMARY: Proposed is the rezoning of 9.13 acres of land from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Unit Development (MUPD) Zoning District to allow for the development of 7,552 square feet of financial institutions and 29,856 square feet of medical office for a total of 37,408 square feet. The proposed Site Plan indicates 2 financial institution buildings and 5 medical office buildings for a total of 7 buildings. The site plan shows a total of 157 parking spaces with access to the site from Southern Boulevard and Loxahatchee Avenue.

Ordinance 2008-010: (2nd reading and public hearing)

AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING ZONING APPLICATION PDD-2006-188 (CONTROL NO. 2004-061) OFFICIAL ZONING MAP AMENDMENT TO THE TOWN OF LOXAHATCHEE GROVES UNIFORM LAND DEVELOPMENT CODE FROM AGRICULTURAL RESIDENTIAL TO MULTIPLE USE PLANNED DEVELOPMENT DISTRICT FOR PROPERTY CONSISTING OF APPROXIMATELY 9.3 ACRES LOCATED GENERALLY AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "E" ROAD (SOUTHERN CROSSING MUPD); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

Town Attorney Tolces conducted the 2nd reading of Ordinance 2008-010-for approving the Zoning Application for Southern Crossing. He then went over the quasi-judicial proceedings and swore in 7 people. He said I handed to you a letter from Mr. Perry that was sent to me late this afternoon. (See letter below:)

SENT VIA EMAIL

November 18, 2008

Law Offices

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David Tolces, Esq.

Goren Cherof Doody and Ezrol P. A.

3099 E Commercial Blvd Ste 200

Fort Lauderdale, Florida 3330

Re: Southern Crossings MUPD

Dear David:

Following our discussion yesterday, Councilman Lipp and Bradley Miller had a brief discussion. Councilman Lipp inquired as to whether our client was willing to reorient the project to and allow access to and from Tangerine in line with what the Councilman indicated was the Town's

vision for commercial projects along Southern Boulevard. Bradley explained that this was completely opposite to the direction the project had been given in the past. Notwithstanding this, Mr. Miller and I discussed the request with our client. Our client is adamant in his desire to finally resolve the pending application tonight. This application has been pending in the County and the Town for more than four years. Significant efforts have been made to accommodate input from the Town and its residents. At this point, our client is unwilling to consider further modifications without the present application being approved. If in the future the Town approves a visioning plan which incorporates this parcel, our client has indicated that he will be willing to discuss potential modifications with the Town. At this point, however, it is his position that he needs a showing of good faith on the part of the Town in light of his demonstrated willingness to work with the Town over an extended period of time. Mr. Miller has communicated this to Mr. Lipp. We look forward to a successful resolution of this matter at this evening's hearing.

Very truly yours,
F. Martin Perry

Cc: Chuck Royal
Maria Busbee
Bradley Miller, AIC
Rob Rennebaum, P.E.

Marty Perry, P.A. for the owner of the Southern Crossings Project- introduced himself and Bradley Miller from Miller Land Planning Consultants and said we are here representing the project. He said let me address the letter I sent to Mr. Tolces. He said I had received a call from Mr. Tolces indicating that Mr. Lipp had wanted to meet with Bradley Miller, our land planner, and they did that. He said the end result of that discussion was expressed by Mr. Lipp as to whether or not our client would consider revising its Plan in line with a Visioning Plan the Town had. He said Mr. Miller advised Mr. Lipp as indicated here that was an approach that was completely different from what we had been doing until the present time. He said to have access to Tangerine opposed to Southern Boulevard and at this point in time, we discussed it with our client and he is unwilling to consider anything of that nature because it is such a dramatic departure from what we have been doing up until this point. He said and up to this point we have attempted to address the concerns of our Town Council and the residents and to limit any vehicular access into the Town's streets by providing for a right in and right out off of E Road and providing potentially for a right in only off of Loxahatchee Avenue. He said if the Town were to cooperate with us and go to DOT seeking a variance to allow us ingress and egress on Southern Boulevard and we will go into more details on this. He said our client indicated that although in the future if the Town incorporated his project into any form of Visioning Plan that he would be more than happy to discuss with the Town any revisions to the site plan to hopefully come to a conclusion with the Town that would be mutually beneficial, but at the present time we are seeking to go forward with the site plan approval. He said some of this will be redundant from last week's meeting but we have to present it for the record.

Bradley Miller, Miller Land Planning Consultants- introduced himself and said I am here representing the applicant. He said as you know, this has been going on for an excess of 4

years and the land use for the Comprehensive Plan was adopted by the County which you in turn accepted during your incorporation, is a Commercial Low Office Land Use designation. He said our application this evening is to request the re-zoning that corresponds with that land use to take it from an AR Zoning District to an MUPD which is a Commercial Plan Development type of District. He went over the location of the property and said it is a little over 9 acres. He said this plan was generated after Jon Schmidt who has provided 15 different plans since this project evolved after a whole series of meetings with residents of Loxahatchee Groves before incorporation. He said we have a Staff recommendation approval for this plan and it complies with the land use requirement of a FAR of 10% or .1. He said within that square footage there are 2 bank sites and the rest is medical office space and to support that 157 parking spaces. He said our access as this plan shows, we have an ingress (inbound lane only) off of Southern Boulevard which includes a turn lane which will be a requirement and a condition of the approval for the developer to construct. He said on E Road, to the East side, is ingress and egress and then access to Loxahatchee Avenue which is also ingress and egress inbound and outbound. He said we discussed an alteration to E Road which would allow only a right in and right out scenario by creating a traffic median there that would control that and that was in response with concerns of traffic coming out of the development and into the Town and the local streets. He said we also discussed the potential of having an exit lane onto Southern Boulevard and we have gone to DOT and requested that, but it would take support from the Town to go to DOT and request that. He said if that goes through we are willing to alter the driveway to just an inbound lane there and restrict the exiting lane from Loxahatchee Avenue. He said as far as the rest of the plan we have landscape buffers around the perimeter. He said we comply with the Rural Vista Guidelines for Loxahatchee Groves which includes a 50ft buffer adjacent to all of that North property line including the little cut outs that are in the property. He said so there is compliance there across the board. He said the items that really came up last time pertained to traffic and drainage and Mr. Rennebaum can address more and there was also some discussion there about the modification of the plan. He said when I spoke to Councilman Lipp yesterday there was some discussion on whether we would consider reorienting the plan and focusing it toward Tangerine which surprised me because it is a 180 degree turn on what we focused on before. He said you had asked about maybe having a 2-story project with maybe some retail and some residential on it and we have a limitation of 1-story only. He said there were a lot of conflicts there that I think would be in direct conflict with the Comp Plan and the Land Development Code and the whole application process which has taken so long to get through. He said in summary and back again, we are consistent with the Comp Plan and the Land Development Code and our compliance with your guidelines not only from a planning stand point, but also from an architectural stand point. He said we believe we have done everything in order to have your approval here tonight including agreement with the conditions of approval. He said we do need to eliminate Condition 1E and that was part of the MOTION from the last meeting and that is there was a requirement to have a Southbound left turn lane off of Loxahatchee Avenue, which physically can't happen because of Southern Boulevard having a median there, which you are in agreement with.

Councilman Autrey asked you mentioned the traffic median, is this the pork chop you talked about.

Mr. Miller responded yes, affectionately called the pork chop, and what that does is it channelizes the traffic to come in. He said if you are coming South on E Road it would

allow for the Southbound movement to turn into the project and when you leave your only choice is to go Southbound again toward Southern Boulevard so it is a sort of triangular shape.

Councilman Autrey said you said this is compatible with surrounding uses and asked what is the surrounding area you consider compatible.

Mr. Miller said to the areas on all sides here.

Councilman Autrey said to me it is a stretch to say it is compatible. He said I know where you are at and we aren't going to get anywhere.

Mr. Miller said the Staff, County Staff, and Town Staff has agreed with that and supported it in their staff report as well.

Councilman Lipp said to bring up to the council and interested people from the Town, is we went through the Visioning Process and spent a lot of money and had a good time with Herb Marlowe and came up with some ideas, and one of the ideas was that the Commercial part or the Non-Residential part of our Town was going to be along Tangerine between the park and C Road, and this is what I discussed with Mr. Miller. He said and now we are at a point where the first crack out of the box is a cookie cutter MUPD. He said we spoke and just from reading Mr. Perry's letter, it seems there might be a glimmer there that if we can indeed get a product designed they might be willing to move in to. Councilman Lipp said in the next couple of years we are certainly not in a boom time as far as new banks. Councilman Lipp said I think that if Mr. Miller's client can give us better assurance then what was stated in the letter that we can come up with a design. Councilman Lipp said I think if we can work with the client and Calvin-Giordano. Councilman Lipp said the idea of the 2-story was just an idea. Councilman Lipp discussed the overall design discussed in the Visioning Process. Councilman Lipp said it really just boils down to what most Visioning things come to and that is you get caught up in the moment and the Vision Document on the shelf becomes a part of history and not a part of reality. Councilman Lipp said I would like to see the Town move forward on this and I think that Mr. Miller can help, and if they are willing to work with us I don't see any problem moving forward with their zoning so they can get moving on the property. Councilman Lipp said I think we will be able to start this Town off on the right foot and not have this Town look like every other MUPD on Southern Boulevard or Military Trail or 441. Councilman Lipp said I appreciate the time and I did get approval from Town Counsel (legal) to talk with Brad because that is normally not what we like to do but I just wanted to get that out. Councilman Lipp asked did I say anything out of the ordinary there.

Vice-Mayor Herzog replied nope.

Councilman Louda said on the traffic thing and after checking into it, I will withdraw my objections with the pork chop. He said as to whether this should be completely internalized, I disagree with that because it has been in the process for so long and they were practicing in good faith. He said I think the way it is set-up, if we have people that want to develop later and internalize I think this can be brought into that internalization with a few connectivity pieces. He said but to flip this now and put it on Tangerine, I don't see it as part of the Vision. He said I think if those properties get sold eventually, then I think this would become part of it by pulling down the Tangerine buffer. He said they just have too much

time invested in this project and it started before we even thought of incorporation is the main thing.

Vice-Mayor Herzog said I agree with Councilman Louda. She said I was part of the LGLA when you came and presented to us your concepts and you worked with us very well. She said I think for us to expect you to change at this late stage would be inconsiderate even if we do have a Visioning for down the road. She said we have other projects that are coming forward and are we going to expect them to flip their projects. She said we were restricting access on Tangerine on some of them and now we are saying okay access on Tangerine. She said we have to be consistent with all of them and if a project was in the works, let it continue the way it was presented to us.

Mr. Miller said I would like to add that we did at the end of last year or early part of this year, at your request and suggestion, send out notice to all the property owners along Tangerine and Citrus, and I believe there were 19 property owners there, to set up a time to meet. He said Mr. Gillman was kind enough to offer up his location for us to meet at and I think there were 5 property owners there, so we have reached out even before my involvement when Bob Baseheart was involved with the project before your incorporation. He said we are ready to move on.

Rob Rennebaum, President of Simmons & White- said our office did the traffic and civil engineering.

Town Attorney Tolces swore Mr. Rennebaum in for the hearing.

Mr. Rennebaum continued at the 1st reading there were some concerns on drainage and traffic. He said the first concern there was some intermittent flooding on Tangerine and we wanted to make sure we could maintain those flows if they were headed onto our property and my response to that was during the permitting process we are required to consider all off site flows and at the first reading, Patrick Figurella from Calvin-Giordano confirmed that as well. He said since then I met with Clete Saunier from LGWC and he said that was correct. He said I think that for this process adequately addresses the drainage concerns. He said traffic was the 2nd issue and there was a couple of studies mentioned that I had not seen a copy of or was familiar with. He said I talked with Jeff Maxwell from Calvin-Giordano updated me on the 2 studies going on. He said Access Management was one. He said we talked a lot about the Council's desire and our desire to have a right out onto Southern Boulevard which is a variance with FDOT. He said it is our team's desire to also have limited access to both Loxahatchee Avenue and E Road for 2 reasons. He said #1 being to serve the Town residents to have a Southbound right in on E Road with a pork chop allows residents of the Town to get in without having to go on Southern Boulevard, but limiting that to a right out with a pork chop prevents people from going out to the back roads across Citrus to get to the light at F Road. He said if we can get the out to Southern Boulevard that helps to mitigate that concern as well. He said Loxahatchee Avenue having a right in only is a great solution to protect the Town and roadways from cut-through. He mentioned no draft of the Access Management Study is available yet. He said the 2nd study that Calvin-Giordano has underway and again, no draft is available, is the MREG and it is really an operational analysis of all the Town intersections. He said Jeff Maxwell has said the project trips from our site will be considered later in his study. He said so both studies will be considering this project. He said if anything we can all benefit from the result of that study.

Vice-Mayor Herzog asked will any of your traffic require you to do any improvements other than the bus pull off or the right turn to Southern.

Mr. Rennebaum responded the right turn deceleration lane is the big site related improvement and will be a high dollar item out of the pocket of the developer of the project.

Vice-Mayor Herzog asked how much of Loxahatchee Avenue and E Road are you being required to pave.

Mr. Rennebaum responded certain Council members said to preserve the nature of the Town let's stop it at your driveway connections. He said we are looking for direction from the Council. He said if we are trying to limit and deter project traffic from going through the Town streets, I think it makes sense to limit the paving to our driveway connections. He said representatives of the LGWCD who are also in charge of maintaining Town roads might have a different opinion because it minimizes their maintenance if we extend that further North.

Vice-Mayor Herzog said I know on F Road the Medical Plaza that was proposed across from the Chamber, they are being required to do it to their Northern property line.

Mr. Rennebaum responded true and I think that had a lot to do with the desire of the LGWCD to reduce the future maintenance responsibilities to be caused by the future impact of that project.

Vice-Mayor Herzog said I am just thinking there has been a request to OGEM Tangerine, so if you only do to your in lane on Loxahatchee Avenue or on E Road, you are leaving just a little section of dirt, so you may want to work with the LGWCD and coordinate what is going to happen.

Mr. Perry addressed Vice-Mayor Herzog's concerns. He said in relation to the paving, currently the conditions that have been drafted require that E Road be constructed to the project, and if the Council wants to change that then they would need to modify that. He said secondly there was an issue raised of the 1.5 acre park site shown on the Eastern portion of the plan. He said the conditions relevant to that park site are shown in the Comp Plan Amendment Approval Ordinance. He said there was some question as to whether or not our client intended to dedicate or deed that park and right now there is not a condition requiring that. He said I would be prepared to make that recommendation happen if there is an approval. He said in other respects, Mr. Autrey raised the issue that the residences to the North and the fact of that Commercial close to Residential was addressed in the staff reports and that is the reason for the 50foot buffer that is there is to maintain that and to address the impact of the Commercial on that. He said in addition to that, I think when you start talking in terms of consistency all of these issues were addressed in the staff report and were brought up by your Council at the 1st reading. He said there is a long listing in the staff report of all the findings relative with consistency with the Comp Plan, Neighborhood Plan and ULDC. I would simply like to end by requesting that the Council approve this project on 2nd reading.

Town Attorney Tolces introduced the file in for the record.

Councilman Louda said since Loxahatchee Avenue is a Non-District Road and E Road is a

District Road, if we find the traffic as such with the right in off of Loxahatchee and the right in off of E road is till somehow impacting the area to the north a problem, can we just not shut off the Northern half of both of those roads.

Town Attorney Tolces said traffic control devices, such as, stop signs or speed humps are at your disposal to work on the Public Roads. He said if it turns out there are adverse impacts, there is always ways to deal with that. He said they may not be easy or inexpensive.

Councilman Louda asked Shelley Eichner, if built as you see it and given the Visioning of internalizing this at some point in time, do you see any way here that we can have this become part of that by pulling down the buffer on the North Side.

Shelley Eichner, Calvin-Giordano- said my first gut reaction is anything is possible. She said after it is built it would be a little more difficult to do.

Mayor Browning asked for comments from the Public.

Chris Gillman, 13839 E Citrus Drive- said I met with a couple of these gentleman at my farm and it went very well and I want to commend them on being proactive. He said that being said, I have major concerns about the access still and even with or without the pork chop. He said I happen to live and work on that road and it is becoming more and more problematic-the traffic- because of the surface of that road. He said unless we collectively work as a group and figure out what we are going to do about that, any more traffic on that road is going to force me out and I'm going to leave. He said we are going to have to work on the pork chop issue and the access there. He said I feel sorry for those folks on Tangerine and it has got me very upset at this point and we need to work as a Town and that was the whole idea when we first got together. He said here is our first test and right now I don't know if we are going to pass it. He said I can tell you right now as a resident it is going to be very hard for me to stay here.

Ron Jarriel, 2800 161st Terrace North- said Chris has the same problem as those on Tangerine Drive had and that problem can be solved. He said I talked with the developer on it and personally I think it is a beautiful development that that can benefit the residents of Loxahatchee. He said I think the ingress and egress off Southern Boulevard, Loxahatchee Avenue and Tangerine, preferably most people would use Southern Boulevard and I think that the Town Council needs to support them in every way with DOT to get that situation fixed. He said I think we are going to get developments coming in from Tangerine North to Southern and this is an opportunity for this development to put something back into the Community. He said I don't know who made the comment that we want to keep it looking rural so we keep the dirt roads, people don't want to go to the doctor's office on dirt roads. He said we all know OGEM and speed humps keep it looking rural. He said we have asked you time and time again to put OGEM on Tangerine to help the kids on that road and slow down the traffic and knock off the dust. He said now Chris is worried about more traffic. He said we've proven on F Road the traffic was cut by more than 50% when we put the OGEM and the speed humps in. He said I would like to see the Council and the LGWCD work with the developer to see about placing OGEM from Southern just past Tangerine and from E Road to Loxahatchee Avenue and back up to Southern and I don't think that cost would be too expensive for a project like this and they would be the 1st development putting something back into the Community that they are going to serve.

Councilman Autrey made a MOTION to approve the Ordinance 2008-010 on the 2nd reading with the condition that the site plan be modified so that no traffic will be on or off E Road and Loxahatchee Avenue and the removal of (1E) the left hand turn lane as required for the applicant, and we will work with them with DOT to get ingress and egress off of Southern Boulevard, SECONDED by Councilman Louda and discussion was then continued:

Town Attorney Tolces said that is conditioned on the granting of the variance from DOT and if the variance isn't granted then they will have to come back to modify the site plan.

Councilman Autrey said then we can have a conversation about other things.

Vice-Mayor Herzog asked how does this fit in with County Staff and their recommendation.

Town Attorney Tolces responded the County Staff found the design without the limitation of ingress and egress met whatever requirements of the ULDC. He said this hasn't necessarily been discussed by County Staff, but you are also dealing with the fact that what you are proposing is ingress and egress off of Southern, which is something that they didn't have in their report and I don't necessarily see it as incompatible. He said I don't know of any ULDC requirement that says they have to have access on the East side and the West side so in that instance it would be consistent with the ULDC.

Councilman Louda asked the park would be maintained by whom

Town Attorney Tolces said right now it is limited to park and open space. He said if we get into a discussion with them as far as a conveyance or a lease to the Town then it could be the Town's responsibility.

Vice-Mayor Herzog said there are Veteran's Groups that are interested in possibly developing that site and having a facility for Town use.

Councilman Louda said I proposed a year or so ago on getting an entrance off of F Road to the existing park.

Town Attorney Tolces said the other condition is if that was a park we are basically eliminating any use for it.

Mr. Perry said while I can appreciate what you are trying to do, it has some real potential problems with DOT.

Mr. Rennebaum said when you were discussing limiting all access to both E Road and Loxahatchee Avenue in our traffic report we have to distribute traffic where we think it is going to go, and we have approximately 80% Easterly and 20% Westerly split so if you eliminate the access to E Road that means that 80% of the people to head back East will have to make a right turn out of the project and a u-turn at D Road and I think when the DOT sees that I think they will look negatively at that access solution and I think it would be a much more positive solution for everybody if you allow egress at E Road.

Councilman Autrey said they are not going to do that.

Mayor Browning asked you don't think you can get it approved with one entrance. He said the school at Folsom tried the same thing and everything goes out at Okeechobee-one entrance.

Mr. Rennebaum responded I think if you as the Council can say we don't any access onto E Road or Loxahatchee Avenue, but if we have trouble at DOT and the DOT say we don't want to force everybody to u-turn at D, we need an exit onto E Road, that you allow that to happen for the variance.

Mayor Browning said I think we can agree with that.

Town Attorney Tolces said for the purpose of the record, try and focus on the comment of the applicant.

Mayor Browning said I think that is the feeling here. He said we would like to have it to where all the access is off of Southern Boulevard. He said if DOT flat says no you can't do that, then we are open and willing to work with them on something else.

Mr. Rennebaum said I wanted to point out the concern and I think you understand.

Mr. Gillman said the main concern we are having on East Citrus drive right now is road conditions and accessibility to the traffic light at F Road. He said I don't have any problem with the project per say. He said I think it is a wonderful project and these guys have put a lot of time into it, it is the traffic flow from that particular neck of the woods to get off Loxahatchee Avenue or Tangerine onto E Citrus. He said we already had meetings about the park because of where the entrance lies into proximity of the residential area and everyone wants access to the traffic light. He said I have video tape of 50 trucks running down that road one day. He said the devastation it causes to my property is untold what I have to pay as maintenance and the dust there is incredible. He said and any more vehicle population in that area is going to be devastating to the residents who live on that road. He said I know because I live there and I see it every day. Thank you.

Councilman Louda said again that was the main push I had on trying to get that entrance by the Chamber of Commerce and close that entrance that should have never been put there.

Mr. Jarriel said whatever you do the people on Tangerine they were abused when they stopped the median cut through on Loxahatchee Drive and now they still have access on E Road where they can cut through and head through Town. He said I'm telling you there is nothing wrong with the ingress and egress the developer wants. He said you are trying to take the advantages of the residents being able to get to that medical center without them having to go out on SR80. He said most of our fatalities are happening right here between Wellington and Loxahatchee on SR80. He said when you close out those drives on Loxahatchee and E Road you are hurting the residents of Loxahatchee and Chris is right, you can solve his problem now by putting OGEM down and by putting speed humps down on E Citrus. He said we need those ingress and egress. Thank you.

Town Attorney Tolces said for the record based upon the MOTION, the following conditions from the County are needed. He said specifically 1B and 1C and 1D and 1E. He said we will have to communicate with the County on those conditions.

The MOTION passed 4-1, with Councilman Lipp opposed.

Mayor Browning asked how soon can we get with DOT because if it is contingent on that.

Town Attorney Tolces said they will I'm sure get a hold of us and we will coordinate.

Mr. Perry responded we will renew our request for a letter to be signed by the Mayor that we can submit with our application for the variance.

Mayor Browning said we will get that prepared for you right away.

Mayor Browning moved to Item #10.

10. Ordinance 2008-008: Moratorium Extension (2nd reading and public hearing)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR AN EXTENSION OF THE MORATORIUM ENACTED PURSUANT TO THE TOWN OF LOXAHATCHEE GROVES ORDINANCE NO. 2007-07, CONSISTENT WITH THE TOWN CHARTER, ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS, AND APPLICATION FOR AMENDMENTS TO THE TOWN COMPREHENSIVE PLAN, AND THE CORPORATE BOUNDARIES OF THE TOWN; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVING FOR AN EFFECTIVE DATE.

Memorandum will be provided by Town Attorney concerning the variance process that has been discussed relating to non-conforming uses during this agenda item. In addition Councilman Lipp and Town Staff will report on its meeting with Palm Beach County Zoning Staff relating to the variance process.

Town Attorney Tolces conducted the 2nd reading of Ordinance 2008-008-Moratorium Extension. He said I provided you with a Memo from our office concerning the issue that came up during the 1st reading on your ability to provide exemptions from the Moratorium Ordinance. He said and as indicated in the Memo, the Town Council has the authority to provide for specific exemptions to the Moratorium Ordinance if it is extended it by providing for another Ordinance that would add additional exemptions. He said as the current Moratorium Ordinance exists there was a time period originally established for those projects that were already in the loop to apply for a specific exemption. He said the project that was identified at the last meeting doesn't necessarily fit into that, as well as those issues relating to Non-Conforming Uses that don't fit into any current exemption in the Moratorium Ordinance. He said if the Town Council chooses to adopt this Ordinance tonight, you can direct our office to prepare an Ordinance to provide for additional exemptions and we can bring it back to you for 1st reading by the 1st meeting in December.

Councilman Louda made a MOTION to approve Ordinance 2008-008-Moratorium Extension on the 2nd reading, and direct Staff to draft another Ordinance for exemptions SECONDED by Vice-Mayor Herzog and discussion was then opened:

Mayor Browning asked for comments from the Council.

There were no comments from the Council.

Town Attorney Tolces clarified for the record that Councilman Louda was referring to the 2 categories he had identified in the Memo.

Mayor Browning asked for comments from the Public.

Mike O'Dell, representing Loxahatchee Equestrian Partners- said for the record we are in support and happy to work with you as we said in our last meeting with regards to our property located on B Road and Southern Boulevard. He said and we look forward to moving forward with the process. Thank you.

The MOTION passed unanimously 5-0.

Mayor Browning moved to Item #11.

11. Comprehensive Plan Update: DCA discussion

This item was tabled until the next meeting.

Mayor Browning moved to Item #12.

12. Alternative IV as outlined in the Independent Study: Discussion

Town Manager Rosenbaum explained that Item 12 would be discussion on the study. He suggested maybe we can review and summarize the study relating to the relationship of the Town of Loxahatchee Groves and the LGWCD. He said the report was prepared by a consultant and Alternative 4 was the recommendation discussed at the Workshop. He said Alternative 4 is to establish a committee comprised of one Board Member and one Administrator from both the town and District to stand in service to meet the Charter intent in developing service delivery.

Mayor Browning opened the Item up for discussion by the Council.

Councilman Louda said whatever happens on the part of Council Members as part of this I would suggest it be done on a rotational basis, so that one Member does not become the permanent liaison.

Councilman Lipp said I spoke with Members of the LGWCD Board individually, and did not relate any of their responses to any of the other LGWCD Board Members, therefore staying within the realm of the Sunshine, concerning the Town's ability to maintain the roads in cooperation with the LGWCD Board and they all agreed and there was a consensus that the Town does share maintenance responsibilities for the roads within the Town and I think that is a

big hurdle. He said and I think that is a big hurdle and I think knowing that, moving forward we will be able to work together as long as we maintain an attitude of cooperation. He said things that I see in written Memos, get rid of the poison pen attitude and I hope that we can get that behind us and move forward in a spirit of cooperation. He said but hearing that from all of the Members was good to hear.

Councilman Autrey asked was that before the Workshops this weekend or after.-your conversations

Councilman Lipp responded it was yesterday.

Councilman Autrey said well I am glad to hear that, that is good news. He said I agree with Bill, we should have rotational. He said what I would like to do is just flush out some of the concerns the Council has so when these meetings start to happen we can sit down and collectively discuss something we want to discuss rather than just sit down and have a chat. He said that is what I brought up at the last meetings in my comments.

Vice-Mayor Herzog asked isn't that kind of what we did when we met with Staff one on one and Bill gave a letter.

Councilman Lipp said help me out here Marge, I don't know what you are talking about.

Vice-Mayor Herzog said Dave is saying we should have talking points and I think we have all given talking points to Matthew.

Councilman Lipp asked and when did that happen.

Vice-Mayor Herzog said whenever you wanted to have a meeting with him.

Councilman Lipp said I think that is where some of the confusion comes in.

Councilman Louda said I think what Dave was saying is during the rotational basis, each of us going and discussing collective ideas not our own ideas.

Councilman Lipp said no, that wasn't it. He said from Staff you are certainly welcome to your opinions but when Staff puts in a Memo form things that are clearly a poke in the eye to somebody-I think we really need to stop that.

Town Attorney Tolces said in the effort in trying to help the Council trying to formulate some general concepts regarding this committee. He asked how long would the Council Member be appointed for.

Mayor Browning said a minimum of 4 months just to get a comfort level.

Councilman Autrey said well we don't even know how often this group is going to meet.

Town Attorney Tolces said so we can send a letter to the LGWCD just saying these are our thoughts on this committee and we would like to get a framework so we can start working.

Vice-Mayor Herzog said and also if you have a person and they are in the middle of discussion of an issue, you might not want to remove them and bring in another person, so it might be by issue also.

Councilman Louda said what I was thinking about was in turning it around faster, He said it was my hope that this committee wouldn't be needed for more than 4 months and by that time we would have things worked out and policies in place and we could just move down the road, so to speak.

Mayor Browning said my thought is we would meet once a month and it will be an ongoing thing only from the standpoint of projects that we can work together on. He said and each group will come back and report to their Board or Council. He said I'm afraid if we did an alternate every month it would put too much work on Matthew and Clete and at the same time we are not making a decision for the LGWCD Board and they might not decide on the same thing.

Councilman Louda said 4 months.

Councilman Lipp said I think the 4 months would work certainly.

Mayor Browning said get with Matthew with a list of things we need to discuss and he can prioritize them.

Councilman Lipp called a point of order and said I think we are putting too much work on Matthew and he is the Town Clerk. He said the Clerk's job is to prepare notes in the meeting and get the spreadsheets done, to get the work done. He said anything on a policy level we need to refer to Irv.

Town Manager Dr. Rosenbaum responded we are one company and we will get it done.

Town Attorney Tolces mentioned the committee is going to meet and you are going to want to get reports done so you know what is discussed. He asked do you want the Town to take the lead or the LGWCD as far as the secretarial duties.

Councilman Lipp suggested we record it, instead of typing it up, and then use the appropriate software to break it up. He said I talked to Lynette and Clete about getting a digital recording system. He said you can always make a typed out written summary after.

Town Attorney Tolces said one of my concerns is with respect to the Sunshine Law and Public Records, and we do need to have notice posted and some type of minutes provided for those meetings along with the recording.

Councilman Louda asked is this open to the Public.

Town Attorney Tolces said the Public has the right to be there but not necessarily the right to be heard like tonight when you have a Public Hearing. He said but it depends on how the committee wants to function.

Councilman Lipp suggested one of the attending members take notes on the actions from the meeting.

Mayor Browning said one of the things that we will have the ability to do at any given meeting, is we can discuss whatever we would like to have brought up at the next committee meeting.

Town Manager Dr. Rosenbaum said I think we have to outline the purpose here and that is business and cooperation, we don't want to have a third party Public Meeting. He said we need to make sure we focus on the business and coordination aspect.

Councilman Louda said that was going to be my suggestion as this moves forward, to keep it a Public Meeting with no Public Comment.

Councilman Louda made a MOTION to go ahead with Alternative 4, setting up the Town side with Dr. Rosenbaum and Vice-Mayor Herzog as the first Council Member on the committee, -to be followed by rotation by Council Seat # every 4 months, have the meetings open to the Public with no Public discussion, with a digital recording and notes provided, SECONDED by Councilman Autrey and discussion was then continued:

Vice-Mayor Herzog asked will the person from NCS always be Dr. Rosenbaum or someone else.

Town Manager Dr. Rosenbaum responded myself or Matthew would be there.

Mayor Browning asked for comments from the Public.

Clete Saunier, LGWCD Administrator- said thank you for your vote of confidence. He said the Board of Supervisors approved Alternative 4 unanimously on November 10, 2008. He said the structure was conceptually looked at between me and Irv on the 1st meeting we had on Friday, November 7. He said I think all of these things are valid points that you brought up tonight and the Board is very much interested in having a rotational schedule as well. He said we would defer to the attorneys for notice requirements as well. I would volunteer, unless you had an issue with it, if we had the meetings here on a regular basis that Lynette would be available to take notes during the meeting and the Town could substitute if she was out ill or on vacation. He said we will be able to record the meeting and look at getting a digital recorder. He said as far as the details of the process, I think we can evolve into that. He said I think the issues that Irv brought up that you as respect to Council can discuss those and I would get direction from our Boards and discuss the details on that. He said I look forward in working with you in the coming weeks and months.

Councilman Lipp asked your next Board meeting would be on Monday, December, 8, 2008. He asked assuming a positive vote there, could we possibly set a date tonight for the 1st meeting.

Town Attorney Tolces said you can request that.

Mayor Browning said we almost need those that are involved to kind of work that out.

Mr. Saunier said I would make the suggestion that at your meeting on December 2, 2008, you come up with whatever you think are your topics of discussion and then I can present that to my Board. He asked does that sound reasonable.

Mayor Browning said that sounds good.

Ron Jarriel, 2800 161st Terrace North- said I just want to thank the Town Council and the Staff and I think we are headed in the right direction. He said I think it is nice to see both the Town Council and the LGWCD to start to communicate.

Howard Voren, 1538 E Road- said I would like to remind the Town Council that according to the Workshop we had, this is supposed to be an experiment to see if Alternative 4 works. He said now we all know that Alternative 4 will work very well if what you discuss in your meetings is what color shrubs you want on a horse trail, so I would suggest in order to get the experiment underway, there really needs to be some discussion on some really difficult subjects mainly addressing the fact that Alternative 4 specifically said that the LGWCD had to recognize the Town's superior position concerning decisions in relation to road improvements. He said he mentioned the Town Council had a fiduciary responsibility to take over that superior position. He said now none of the residents that I've spoken to would like to see months of months of testing the waters to see how well Alternative 4 works to find out after the fact that they refuse to give in on this specific subject that the person doing this study said had to be a factor. Thank you.

The MOTION passed unanimously 5-0.

Councilman Louda said following up on Howard's Public Comment, he made a very, very good point, and one of my main things that I know Mr. Jarriel remembers is my objecting to improving roads at some of the residents willing to pay to get their roads done. He said I looked at that as a process instead of a plan. He asked how do we get pedestrian/equestrian access on the other side of the canal at the same time. He said that to me is a big sticky issue.

Mayor Browning said I think it is going to take some consideration. He said we will have to work together on this and we need to give it a chance to work together.

Councilman Louda said at the same time the MREG Study is being done.

Councilman Lipp commented I just did a quick scan of the Consolidation Study and the only time the word superior was used was in Alternative 3.

Mayor Browning commented one of the things I came to a realization on this past week while watching all the elections going on and stuff and that is we are in a very unique situation because the Town Council in Loxahatchee Groves where every dollar we save directly goes back to our residents. He said every dollar that we can save can save our tax payers and we have got the most direct way of saving our tax payers. He said we have just got to keep that in mind and make this work.

Mayor Browning moved to Item #13.

Councilman Louda said I would like to apologize to the LGWCD for the tone of the letter I sent out. He said I sent it out for a very specific reason and that was that we have got to work together.

13. Ordinance 2008-009: Procurement Code (1st reading)

AN ORDINANCE OF THE TOWN OF LOXAHATTCHEE GROVES, FLORIDA
ENACTING A NEW SECTION OF THE TOWN OF LOXAHATTCHEE GROVES

CODE OF ORDINANCES ENTITLED "BID PROCEDURES; PUBLIC FUNDS"
ADOPTING PROCUREMENT REQUIREMENTS; PROVIDING FOR
CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR
SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Town Attorney Tolces conducted the 1st reading of Ordinance 2008-009.

Councilman Autrey made a MOTION to approve Ordinance 2008-009-Procurement Code on the 1st reading, SECONDED by Councilman Louda and discussion was then opened:

Vice-Mayor Herzog asked is this comprehensive enough to cover a town our size or is it too comprehensive.

Town Attorney Tolces responded it is comprehensive. He said it provides specific direction but it also provides flexibility for those instances where you may need to look to alternative methods for obtaining services. He said I think it works well.

Vice-Mayor Herzog asked does it limit or restrict our ability to move forward.

Councilman Autrey asked on Page 6 of the Ordinance, Paragraph 1, should the \$25,000 be \$10,000.

Town Attorney Tolces responded this \$25,000 number here is the threshold for going out for competitive bid and later on in the Ordinance there is a \$10,000 limitation on what the Town Manager can purchase without Town Council approval. He said no matter what happens if the amount is over \$10,000 it needs to come to you and if it is over \$25,000 it needs to go out for bid.

Councilman Autrey asked on Page 7 of the Ordinance-Item C-Town Standard, can you explain that.

Town Attorney Tolces responded if at some time the Town adopts a certain type of standard whether it is through a computer system or some type of public service there is no reason to open it up because it would be of certain standard.

Councilman Autrey said I talked to Town Attorney Tolces earlier and he explained a lot of my questions. He said the surplus property paragraph on Page 18-Item 1-Disposal, I think we should since we don't have a lot of property have anything that is disposed discussed by the Council.

Town Manager Dr. Rosenbaum said that would probably be the most practical way to do it right now.

Councilman Autrey suggested just to eliminate the whole section.

Town Manager Dr. Rosenbaum said that way everything comes back to the Town Council.

Mayor Browning said at this point that is probably a good thing.

Town Attorney Tolces asked so you want it to say that any surplus disposed property must be approved by the Town Council.

Councilman Autrey said and in the Paragraph Bill just mentioned the word Commission needs to be changed to Town Council.

GENERAL CONSENSUS WAS GIVEN TO DO THE ABOVE 2 CHANGES.

Councilman Autrey asked on Page 21 (A) General, explain how that works. He said it seems kind of liberal.

Town Attorney Tolces read the paragraph aloud. He said we can change the wording to say renewals must be approved by the Town Council.

Mayor Browning said just take out without and put with.

Councilman Lipp asked on Page 6, under C-2-6 what does that mean when it talks about peculiar skill.

Town Attorney Tolces responded maybe a team builder-a unique service.

Councilman Lipp asked on lobbying services, would this be a bid item or something with a professional service.

Town Attorney Tolces said I don't know if lobbying is necessarily a contracted item. He said something more like an expert in dust control. He said I wouldn't necessarily read this and feel a lobbyist was included in this paragraph.

Councilman Lipp said under the various services on Page 8, I think 2,3,4, and 5 ought to be stricken and those would be items that would go out for bid. He said I think 8 needs to be clarified a little bit between warranty service and maintenance contracts on computers. He said I would add something on that. He said 11, why are we giving not for profits a break to not have to bid.

Town Manager Dr. Rosenbaum said that is just common practice.

Councilman Autrey said like canal cleaning.

Town Manager Dr. Rosenbaum said it could be anything that is to the public benefit.

Councilman Lipp said I don't know what those services are.

Town Attorney Tolces said if there is an instance where you would like to contract with a not for profit to do some type of service you wouldn't necessarily have to go out for bid.

Mayor Browning asked would this be like the church and the migrant issue.

Town Attorney Tolces said we have an agreement with them.

Councilman Lipp said as far as the advertisement for bids, on Page 10, I think that really needs to be changed from a circulation of the Town, to the Region so we can have it published in the Post or the Sun-Sentinel.

Town Attorney Tolces responded they would be included.

Councilman Lipp asked wherever Chief Procurement Officer appears can we change that to Town Manager.

Councilman Lipp said under F-Award of Contract (A) on Page 14, the last sentence should read safety not convenience.

Town Manager Dr. Rosenbaum said if you picture the situation it doesn't always pertain to safety. He said in a hurricane, no electricity is an inconvenience not a safety issue.

Town Attorney Tolces said let me just run through the proposed changes so we are all on the same page. He said on Page 8 of 23-remove items G2 G3 G4 & G5.

Councilman Louda said G4 was academic stuff. He said why would you want to put lectures by individuals into competitive procurement requirements.

Town Manager Dr. Rosenbaum said these are things we don't do and this is drawn from a larger situation.

Councilman Louda said I can see removing 2 and 3, but I don't want to remove the others.

Vice-Mayor Herzog said and the same argument goes with 5. She said I agree with that.

Councilman Lipp said I have no problem with that.

Town Attorney Tolces said with we are removing 2 and 3, and with 8 it would be if you acquired some type of computer and you need to contact the entity that provides it for maintenance.

Councilman Lipp said I am fine with that I just needed to get a clarification on warranty. He said with 9-Advertising I think we need to go out for bid. He said if we want to do a mailer or flyer it is not costing \$10,000.

Town Attorney Tolces said so we will take 9 out.

GENERAL CONSENSUS WAS GIVEN TO TAKE 9 OUT.

Town Attorney Tolces said on Page 18 regarding surplus property we will say disposal of surplus property requires Town Council Approval. He said on Page 19 we will get rid of Paragraph 2 and on Page 21 we will revise under renewals to add the Town Manager may approve such renewals with approval of the Town Council.

The MOTION was AMENDED to add-with the discussed changes and passed unanimously 5-0.

Mayor Browning moved to Item #14.

14. Items Requested by Vice Mayor Herzog:

- a. Palms West Chamber of Commerce Holiday Parade (Sun 12/14 at 1pm):**
Discussion of participation
- b. PBC League of Cities BBQ (Fri 12/5):** Discussion of participation
- c. Resolution for Equalization of State Funding Based on Population:**
Discussion to draft resolution

(A)Vice-Mayor Herzog said I need to see if we are interested in participating this year as we did last year and there is no charge to the Town.

Councilman Louda said I think it is a great idea but I'll be out of town.

Mayor Browning said I'll be here so I'll do it.

Councilman Autrey said I'll be out of town. He said the thing is you have to create the float and last year we made a float.

Mayor Browning said they do make cars available for us.

Vice-Mayor Herzog said it could be as simple as just a sign on a car.

Councilman Autrey said I am just saying that last year we put quite a bit of energy into it.

Councilman Louda said I am in town.

Vice-Mayor Herzog made a MOTION to participate in the Palms West Chamber of Commerce Holiday Parade on Sunday 12/14/08 at 1pm, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

(B)Vice-Mayor Herzog said the PBC League of Cities is having a BBQ on Friday 12/5/08 as their holiday event. She said there is a change; it is not at the Pahokee Marina but at the Belle Glade Marina. She said I will give directions to Matthew to forward to everyone.

Councilman Autrey asked how much is a donation.

Vice-Mayor Herzog responded a minimum of \$100.

Councilman Autrey asked and that covers the Town.

Councilman Louda asked are we taking a collection or using Town money because I won't vote for using Town money.

Councilman Louda said I can't make it.

Mayor Browning said I can't make it.

Town Attorney Tolces said I am planning on going.

A GENERAL CONSENSUS WAS GIVEN FOR VICE-MAYOR HERZOG TO COLLECT \$20 FROM EACH COUNCIL MEMBER TO GIVE ON BEHALF OF THE TOWN.

(C)Vice-Mayor Herzog said Item C is going to be coming up at the League of Cities and what the item is, is a Resolution asking for Tallahassee to equalize the state funding based on population, because South Florida with the major population area that we are we have become the cash cow for some of the lesser populated counties in Florida, so we would like to have more of the money coming back to South Florida for State Programs and Services, so once I find out if the League of Cities is sponsoring it or endorsing this we will take action on this.

Town Attorney Tolces commented I am aware of other municipalities adopting this as well.

Vice-Mayor Herzog made a MOTION to direct Staff to bring back a Resolution for Equalization of State Funding Based on Population, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

Mayor Browning moved to Item #15.

15. Administration Update:

- a. **ULDC Article 14 Environmental Regulations:** Update
- b. **Town Financials:** October 2008 Report
- c. **Speed Enforcement Patrol:** October 2008 Report
- d. **2009 Town of Loxahatchee Groves Municipal Meeting and Holiday Calendar:** Approval

(A)Town Manager Dr. Rosenbaum said Town Staff and the Town Attorney met and will bring back a draft of Article 14 for the ULDC at the meeting on December 16, 2008.

Town Attorney Tolces said we have received comments on this from at least 2 of the Council members so far. He said we are getting through it and will bring back a draft by the 2nd meeting in December.

Councilman Lipp asked did the Conservation Amendment pass.

Vice-Mayor Herzog responded yes it did.

Councilman Lipp said so the talk we had during our Visioning Process as far as allowing people to dedicate conservation portions of their property, will we be able to have that in this.

Town Attorney Tolces said we are going to look at that because it is part of the County's process now. He said it is up to the State Legislature at this point in time to provide for the statutory exemption for those properties.

Councilman Autrey asked didn't we have something in our Comprehensive Plan regarding a conservation land use category. He asked didn't we create one.

Town Attorney Tolces responded yes.

Councilman Louda said contingent with that, on environmental regulations, hopefully there are going to be some guidelines of what can and can't be set aside. He said in other words I don't want to see a whole big lot of princess palms set aside.

Councilman Lipp said the ULDC has that fairly specific with all that sort of language.

Councilman Louda said I just want to make sure that it gets into ours.

(B)Town Manager Dr. Rosenbaum said the financials have been given to you and asked if anyone had any questions.

Vice-Mayor Herzog commented it was nice to see all those revenues coming in.

Councilman Lipp asked are we down on the revenues because of the gas tax because it is 82% less than we budgeted for.

Vice-Mayor Herzog said people aren't spending.

Town Manager Dr. Rosenbaum said I think it is a result of when it comes in and stuff trickles in. He said if you remember last year we had a bubble at the end. He said you will see a little bit of a slow down like you see a slow down with everything else.

(C)Town Manager Dr. Rosenbaum said we have our speed enforcement report and I find it very interesting. He said just to give an example, 60 verbal warnings were given with 46 moving violations. He said this shows quite a bit of activity. He said from our point of view this seems to be working.

Councilman Autrey said the trend is going in the right direction.

Vice-Mayor Herzog commented tonight as I was coming here an officer pulled someone over on Collecting Canal.

Mayor Browning commented we need to do it inconsistently to where there is no pattern and there is surprise.

Councilman Louda said keep them guessing.

Clete Saunier, LGWCD Administrator- said I just want to say thank you very much for the enforcement. He said my workers have come back and said they feel safer and they have noticed a definite improvement in the speeding.

(D)Vice-Mayor Herzog referred to the calendar for the upcoming year and said on the left side the dates should all read 2009 not 2008 and asked Staff to change it to reflect that.

Mayor Browning moved to Item #16.

16. Public Comments

Mayor Browning called Clete Saunier and he said he waived his comment.

Ron Jarriel, 2800 161st Terrace North- said I just want to thank you and I enjoyed this meeting tonight. He said I think you accomplished a lot and did a good job. He said I would like fir you to think about and it may be out of the question, but I personally would like to hear the Public Comments last after we hear from the Attorneys and from the Council Members. He said if that is out of the question; that is fine, but just think about it. He said if that is possible in the future I would like to see it. He said the other thing is the traffic reports and I think that is great. He said we talk about Non-District Roads and I notice all that is on District Roads and that is all on the lettered roads. He said there are 2 roads in Loxahatchee that get abused by speeders and cut through and that is Tangerine Drive and North Road. He said if you could work it where you could do those 2 roads; they are the major roads where I know people speed. He said Indian Trails Water Control District and their Board allotted funds to get GPS for the fire trucks out in the acreage. He said you could have a whole new crew out here who may not know the area and I drove a tanker with a GPS and it was amazing how much it made my job easier. He said the County could do it for approximately \$261-\$300 bucks a piece and we only have 3 vehicles out here in Loxahatchee. He said in the future I don't know if maybe gas tax money could relate to that or something, but in the future if you could support the guys and get them the GPS for the vehicles it could make the response greater and make life a whole lot easier.

Councilman Louda asked Town Attorney Tolces is that something we could do with the gas tax money.

Town Attorney Tolces said I am not certain.

Councilman Autrey said you could do a general revenue.

Mayor Browning said it would be something to look into.

Vice-Mayor Herzog asked that is not something that would be budgeted with their equipment purchases.

William Parker, 15565 Collecting Canal Road- said I have been out her about 15 years and the roads have been dirt. He said the dust is getting worse because of the truck traffic and Mr. Jarriel all his things is OGEM everything and that corrects every problem in Loxahatchee. He said OGEM to me is costing me about \$15,000-\$16,000 dollars which I don't have. He said I exit off of Collecting Canal and I go South on D Road and I hardly go North on B Road and now they want me to pay all this money. He said if they had any foresight they would have done D or B instead of F Road and would have found out the stuff doesn't work. He said I am very much against this and I've talked to my neighbors on both sides and they are against this and the LGWCD says the petition showed everyone was in favor of it and I would like to know where they got this information.

Howard Voren, 1538 E Road- said yes Councilman Lipp, you are correct, the only place that superior position for the Town concerning the roads was written was in Alternative 3 and that is because it was not necessary in Alternative 1 or 2, and when I questioned the gentleman about its existence under Alternative #3, which was supposedly do nothing at all, and the Town taking a superior position concerning the roads would certainly be doing a hell of a lot. He said the gentleman mentioned that the Town had no choice but to do that because it had a fiduciary responsibility to do so, now by logical reasoning anyone should realize that would also place that same criteria under Alternative 4. He said the next comment I wanted to make was to Mr. Mayor who on a previous occasion mentioned that before the Revolutionary War over taxation without representation. He said I will call your attention that that was not over non-resident landowners. He said that was colonists that lived in the 13 original colonies who were being taxed. He said what is more applicable in this Town are the 100's of people who live on what we used to call Non-District Roads that pay taxes and get no representation. He said that is where the focus needs to be made.

Tony Lopes, 4451 148th Terrace North- said bringing up the 40th Street problem again up by North Road. He said there was a lot of consideration and a lot of people came out and looked at what the problem is going to be. He said the Town Clerk came out and requested that we get together with all parties involved, the County, LGWCD and the Town to solve this problem. He said I am a little scared that nothing is getting done, and I did bring this up at the LGWCD Meeting and all they were concerned about was finishing the canal. He said we have been using the right of way from C Road to D Road and now they want to shut it down. He said I also want to bring up after the meeting I was told the Town could take care of this since you make \$35,000 a month on fuel takes and he asked so is that true, are you going to be able to take care of my road because of that.

Mayor Browning said we are going to be looking into it.

Mr. Lopes said nothing is happening and yes, Clete did come out one time and explain it to me but I showed him we can't really get through this little stretch and my wife can't get my horse trailer through there. He said all we want to know is what is going to happen, and what the final part is going to be, and how the Town is going to help do the road. He said I have been told it is the Town's responsibility.

Town Attorney Tolces said we are looking into the matter. He said the project arises out of the County Utility Department. He said I did speak to the Attorney for the County Utility Department today and raised some issues with them and will be following up. He said it is a concern, and I am not sure what the Town's role in it is, if any, but that is something we are looking at. He said right now the Town Council hasn't authorized any action. He said we are still gathering the facts. He said and until we gather those facts and provide you and the residents with complete analysis of what is going on out there and what easements have been granted, and what land is out there to do any kind of work. He said it is premature for anyone to make any promises and we are trying to gather that information from the County and the LGWCD. He said that road has been out there for quite some while, and I would hope that there would be some alternative provided by some entity at some time

Councilman Autrey said I would like to talk about this issue. He said to me this is a mess. He said I have spoken with Tony and Morley and I understand there have been other property owners up there who have communicated to Matt that there is an issue. He said Mr. Lopes is going to be blocked out of his property.

Mr. Lopes said it will be a tiny squeeze. He said they want to finish the canal and then worry about the rest afterwards and we can't do that. He asked how come we have been using the right of way from C to D for 12 years and now they are going to shut that down. He said I don't think it will be 12 feet wide when it is all over with.

Town Attorney Tolces said I am trying to get the documents from the County because the County apparently did acquire an easement at some point in time. He said I did place a call to the LGWCD's attorneys today and they were out of the office, but I want to get some understanding from them as far as what the LGWCD's legal perspective is concerning the road and easements and the agreement they have with the County.

Mayor Browning asked so you are basically saying after the easement and the horse trail there won't be much left to ride on.

Mr. Lopes said I guess there are other easements, but we've been using this roadway for 12 years and all of a sudden it looks like it is going to cost us a bunch of money. He said like I said I brought it up at the LGWCD Meeting and they didn't seem to be very much concerned about it. He said they talked about it a little bit and then just blew the issue. He said all they are worried about is getting the canal done that is what they are saying.

Councilman Lipp asked would a culvert across from your driveway work.

Mr. Lopes asked who would pay.

Councilman Lipp said we could come up with the money someplace, if you want to kick in, the Town could kick in.

Mr. Lopes said I don't know why we have to kick in, we have our easement.

Councilman Lipp responded the problem from what I've seen, is that you've been getting free access to your property. He said that is not your easement and it is not an egress easement. He said it is a LGWCD canal easement.

Councilman Lipp said when you look at the lane miles the Town has claimed for 40th, it does not include that portion from 140th to C or D. He said it is not lane miles that the Town is claiming for gas tax money. He said I understand what you are saying and I think there is a solution there and that solution is going to be a culvert.

Mr. Lopes said I don't think the residents should have to pay for a culvert. He said we used it for 12 years. He said when they put the project into consideration they didn't think of the citizens who live beside it and something that was supposed to take a year has taken 2 years.

Vice-Mayor Herzog said I think the Town Council's hands are kind of tied because the LGWCD and the County have the contract to finish that project. He said we could give our input and try to get a resolution for it, but the funding is all tied up with the LGWCD.

Mr. Lopes said I was approached after the LGWCD Meeting and told that for \$35,000 a month they can take care of your road.

Vice-Mayor Herzog said that is \$35,000 per District not per road.

Mr. Lopes said that is what I was told and the LGWCD doesn't have any consideration. He said I haven't heard anything back and it keeps getting blown out and blown out.

Town Attorney Tolces said unfortunately it is nothing we can just look at in an hour. We have to get the information from the County so we can correctly advise you as to what legal rights are involved.

Clete Saunier, LGWCD Administrator- said without getting into all the details, we have been in contact with Mr. Lopes on more than one occasion, and also with Mr. & Mrs. Liang. He said the situation is this, for years the landowners in that particular segment have benefited from using the LGWD's canal right of way as a road access that never existed. He said there is an existing dirt path that has been there for a number of years. He said because the North Road canal has not been maintained for a number of years, until recently, it has been allowed to continue to exist. He said it is a very segmented easement, and if you look at the Public Records, we have identified the actual 40th Street North easement is a 30 foot wide easement that is just adjacent to the canal right of way and most of the road is halfway off if not all the way off that right of way. He said now it is creating a 12 foot width from the right of way line to the canal drop off line and it will still be there. He said all of the landowners were notified by mail from me in a letter that we intend as soon as the County is done and out of the way, we are going to have scheduled Workshop Meetings with all those landowners to discuss continued access and at no time do we want to cut them off. He said Mr. Lopes has a special situation where he has an extremely large horse trailer that he is worried about getting access to and I discussed with him in detail with him for over an hour on what could be done temporarily until these Workshop Meetings occur. He said Mr. Lipp had suggested a bridge crossing and that was one option we had discussed with the Liangs. He said that would be one option across the canal, and another would be to dedicate a 30 foot road easement where it doesn't currently exist for 40th Street North and we do have funding that is available by the County for putting road base on top of the road once it is identified as an easement. He said there are alternatives and we are not closing our eyes on it and as a matter of fact, like we said in the letter, we fully intend to meet with all those landowners and discuss those alternatives.

Councilman Louda asked about a 30 foot easement and if it existed.

Mr. Saunier said there are hiatuses. He said the landowners have had free access to an illegal access along the right of way for years and something will have to change. He said we are not closing our eyes or ears to their access to their properties, but something is going to have to change. He said we got funding from the County in our agreement with them for an equestrian trail.

Vice-Mayor Herzog asked so would you be creating more lane miles then.

Mr. Saunier said well if the Town so desires to create and take those easements. He said if the landowners want to have a continuous road easement along there that meets up with each end of it, then that would have to be dedicated to the Public. He said and you would have to decide if you wanted to claim responsibility of it and then you could add those lane miles.

Town Attorney Tolces said if Clete could provide me with copies of those 30 foot easements. He said I see in the construction plans it does refer to them, but there is no book and pages to when and where those were actually dedicated.

Mr. Saunier said the construction drawings from the County's Utility Project should show that.

Town Attorney Tolces said I pulled some of those and they refer to a 30 foot easement, but it doesn't indicate to whom it is dedicated to and if there was an original dedication.

Mr. Saunier said it is in addition to.

Councilman Louda said well if that is there then it comes down to moving the fence.

Mr. Saunier said but it is not there where Mr. Lopes' property is.

Town Attorney Tolces said I need to talk with the LGWCD Attorney's and the Attorney for the County to get an understanding as far as what they have looked at with respect to the road.

Councilman Louda said to me a little section of base rock to upgrade is cheaper than putting in a culvert.

Mayor Browning moved to Item #17.

17. Town Clerk Comments

Town Manager Dr. Rosenbaum commented I haven't heard from Matthew again but I imagine tonight is going to be his big night.

Vice-Mayor Herzog said the Public might not know what you are referring to.

Town Manager Dr. Rosenbaum announced Matthew's wife went into labor tonight.

Town Manager Dr. Rosenbaum commented our company will get back to you at the next meeting regarding the franchise agreement with PBC. He said we are still working on the utilities and that will be a little bit complicated of an Agenda Item probably at the next meeting.

Mayor Browning moved to Item #18.

18. Town Attorney Comments

Town Attorney Tolces commented I did talk to the PBC attorneys about the franchise agreement as well and we are just checking on a couple of issues that were raised by the Council, and we are hoping to get those responses so we can bring the agreement back to you. He said I am processing and concluding regarding the LUPA and then that matter will likely be closed by DCA. He said other than that, Happy Thanksgiving to everyone.

Mayor Browning moved to Item #19.

19. Council Member Comments

Councilman Louda commented it went well and I am glad we are getting started with trying to work cooperative down the road and I hope it works out. He said in the future I would like to see that we get the Agenda Packet by close of business on Friday. He said I myself need the weekend.

Vice-Mayor Herzog commented I was glad to see the support of so many Agenda Items and the cooperation by everyone also. Thank you.

Councilman Autrey said I can't believe we got all this way without even talking about E Road/140th. He said I wish Matthew the best and good job.

Councilman Louda said follow up on what you just made a comment on-the Public might not know.

Councilman Lipp said today was the swearing in of the newly elected PBC Commission and I was there on behalf of the Town to congratulate the 5 members elected and I called Representative Shelley Vana and told the County Commission that they have a nice person to start working with. He said so that was a good thing. He said one of the things that disturbed me tonight was the whole implementing our vision for the whole Southern Boulevard area. He said it may need a Workshop but I think it is something we can certainly work toward. He said we spent an awful lot of time on that and then to start out with our first Commercial property, an MUPD.

Mayor Browning said as you know we mentioned E Road/140th is no longer a fight, it is off, done, gone. He said this Saturday I am involved in a Salsa Fest, so I am making salsa. He said they gave me 4 extra tickets here and asked who in here would use 4 tickets to the Salsa Fest. He said if you want them, come up and get them. Thank you all for coming.

Mayor Browning gave the tickets to Cindy Corum.

20. Adjournment

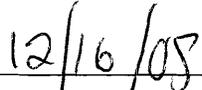
Councilman Autrey MOTIONED to adjourn the meeting, SECONDED by Councilman Louda and the Motion passed unanimously 5-0.

There being no further discussion and no additional public comment the meeting was adjourned at 9:37p.m.


MAYOR DAVE BROWNING

ATTEST:


Matthew Lippman, Town Clerk


Date Approved