



*Minutes  
Loxahatchee Groves  
Regular Town Council Meeting  
March 3, 2009  
Location: LGWCD*

**Members Present:**

Dave Browning, Mayor  
Marge Herzog, Vice-Mayor  
Dave Autrey, Council Member  
Dennis C. Lipp, Council Member

**Members Absent:**

Dr. J. William Louda, Council Member

**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 7:00p.m. He then requested the roll call by Town Clerk Lippman. Town Clerk Lippman noted that Councilman Louda was absent. Upon completion of the roll, Mayor Browning requested everyone stand for the Pledge of Allegiance and Invocation.

**5. Approval of Agenda**

Town Clerk Lippman said I previously sent an email out to all 5 of you requesting to add 10(a) CERT Funding and 10(b) Permit for Special Event this weekend to the Agenda.

**Councilman Autrey made a MOTION to approve the amended Agenda, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 4-0 with Councilman Louda absent.**

**CONSENT AGENDA:**

- 6. 02-17-09 Town Council Meeting Minutes: Approval**
- 7. Proclamation: Declaration of April as Water Conservation Month**
- 8. P.O.D. (Point of Distribution) Agreement with PBC Health Department: Approval**
- 9. Town Attorney Invoice (February 2009): Approval**

**Vice-Mayor Herzog made a MOTION to approve the Consent Agenda, SECONDED by Councilman Autrey and the MOTION passed unanimously 4-0 with Councilman Louda absent.**

Mayor Browning moved to Item #10.

**REGULAR AGENDA:**

- 10. Short-listing of firms that submitted for RFQ 2009-001 (E.R.M. Regulations): Approval of list**

Town Clerk Lippman said we received the RFQ 's and we evaluated all the proposals and then the Council Members provided score sheets to the Town Office which I have with me this evening. He said from those we were able to develop the short list and will have you vote to confirm it and then I will communicate to those firms tomorrow for a presentation on March 17, 2009.

Town Clerk Lippman showed a slide presentation of the 5 firms selected for the short list and explained it was 5 instead of 4 because the 4th position was actually tied (see below).

Instructions: After reviewing all of the submittals for RFQ 2009-001, please rank the firms from 1-8 with 1 being your first choice and 8 being your last choice. The 4 firms with lowest totals will be put on the short list and will present to the Town Council on Tuesday, March 17, 2009

Firm Name	MH	DB	BL	DL	DA	TOTAL	AVG.
Gentile, Holloway, O'Mahoney & Assoc, Inc.	3	5	6	5	6	25	5
Seminole Bay Land Co.	8	2	8	6	8	32	6.4
The Mellgren Planning Group	2	1	2	1	4	10	2
Calvin, Giordano & Assoc	1	3	1	3	1	9	1.8
Miller Legg	7	6	7	2	2	24	4.8
Jon E. Schmidt & Assoc., Inc.	6	8	5	4	5	28	5.6
Crossroads Environmental	5	7	3	7	3	25	5
Land Planning Systems	4	4	4	8	7	27	5.4

**Based on the calculated results of the score sheets submitted by the Town Council members, the firms that will be short-listed for RFQ 2009-001 are:**

- Gentile, Holloway, O'Mahoney & Assoc, Inc.
- The Mellgren Planning Group
- Calvin, Giordano & Assoc
- Miller Legg
- Crossroads Environmental

X \_\_\_\_\_ (Matthew Lippman, Town Clerk) \_\_\_\_\_ Date

Councilman Lipp said I would like to open a discussion because we know about what this is going to cost and back during the summer, we all were asked to look at Article 14, Chapter C and D and this is what I came up with and I sent these in to the Town. He said the point is we are looking at spending another \$5000.00 and I think we have the horsepower within our Community between the nursery people and other folks where we can have Matthew facilitate meetings and of course we would have to have public input. He said but I think instead of looking forward to spending a lot of money, we know what we want here. He said I think as we look forward to getting this part of the ULDC done, particularly since it deals with our Community, is to go outside at people who don't even live here, I think we can find people within our own Town to get this done.

**Councilman Lipp made a MOTION to suspend RFQ 2009-001 and to find people within our own Town to get this done with the help of Town Management and the Town Attorney to write this part of the ULDC without spending the taxpayers' dollars, since there was no immediate SECOND, Mayor Browning passed the gavel to Vice-Mayor Herzog and then SECONDED the MOTION and discussion was then continued:**

Mayor Browning asked for Staff's input.

Town Clerk Lippman said I think to limit the amount of money spent on this is a smart move but this is a lot of work, it really is. He said if you want to go to the point of doing an addendum to this Agreement and putting a cap on the amount of money these people can propose, I would recommend that. He said I don't think we are equipped to handle this entire process, but I agree with the costing and if you are limited you can submit an addendum and I can pass that along to the submitters.

Councilman Autrey said trying to get things done by committee is very difficult and the public and Staff will have input that will be valuable. He said in reading through these proposals I was a little disappointed in that quite a few firms completely missed what I thought was a very large piece of this which was how are you going to make this work and run it day to day from an operational standpoint at the Town level. He said one of my concerns early on was how are we going to make this work in terms of administrating the program and that will be important input from Staff. He said I think if we did this it would only be fair to get a quote from NCS to see what they want to charge for additional Staff time. He said we have an agreement with them to do certain things and if we are going to start asking them to do more, I think it is only fair that they have an opportunity to be compensated for that and I'm not sure that we are really going to be that far ahead. He said I would prefer to let professionals do this with oversight from the Council, the public, and the residents and that is the reason I didn't SECOND the MOTION.

Vice-Mayor Herzog said the reason I didn't also is I felt if this material was available, it should have been presented at the time that the discussion of sending it out for proposals was presented. She said I think it is commendable that we have at least something to start with here that we can use as a basis, but when we have definite stuff to offer, it should all be on the table and shouldn't be thrown at us the night of the decision.

Councilman Lipp said this is something that we were all asked to do by Staff and the fact that Staff didn't compile thus and turn it over to us to look at prior to going out for these RFQ's I don't think should be placed on me. He said I think it is a function of Staff. He said we already know when we need to pay these guys more is when they have extra people working here is during hurricanes when we have someone working 24/7 at the EOC. He said I believe that we have competent people working for us.

Town Attorney Tolces said I was going to remind the Council how we got here was Council did provide some comments to Staff and myself and we did generate a revised version. He said I think there was a meeting where we did present that but as a final step we wanted to have a professional review it who had expertise in an environmental area. He said I am fully able to draft an Ordinance but my limitations come with the scientific and environmental knowledge of what you need to see in that Ordinance.

Councilman Lipp said I don't think I've seen that rework of this and asked have I.

Town Clerk Lippman said we had a meeting where we presented it back and 3 of the Council Members did provide us with feedback and Town Attorney Tolces did merge everything and present it to us and then once it was presented to us we decided to go out for RFQ's from professionals.

Councilman Lipp said I don't recall that at all and asked Town Clerk Lippman to copy him on that.

**The MOTION failed 1-3 with Mayor Browning, Vice-Mayor Herzog, and Councilman Autrey opposed and Councilman Louda absent.**

Mayor Browning asked what do we need to do to put a cap on this.

Town Clerk Lippman said I would suggest at this point should you want to put a limitation cap on the proposal, recognize the fact that some of the services people offer may change. He said if you feel it is relevant that these people come in with a certain amount, I would recommend making a motion and seconding putting a limitation cap on the proposal and should they exceed the cap they would not be eligible for retaining by the Town, should you choose to do so.

Town Attorney Tolces said you have already gone out for RFQ which is a request for qualifications, and under that process, you are typically just looking at the qualifications and then you can negotiate the price with the #1 ranking firm. He said and if you can't reach agreement then you would go to the #2 firm. He said I'm sure everyone knows that you are concerned about the amount of money that will be expended. He said but it may be premature to look at that now but that is of course your discretion.

Town Clerk Lippman said I do agree and I think if you don't come up with an exact dollar amount we should draft an addendum. He said during these hard economic times to let the most efficient proposals move forward. He said remember too, they are going to submit prices for their presentation. He said if you feel the services offered are not worth the time you can deny all of them and go out for bid again or just do it yourself. He said I will draft an addendum and forward it to the Council for your approval.

**Vice-Mayor Herzog made a MOTION to approve the short list of the 5 firms for RFQ 2009-001, SECONDED by Councilman Autrey and the MOTION passed unanimously 4-0 with Councilman Louda absent.**

Mayor Browning moved to Item #10(a).

## **ADDITION OF AGENDA ITEM 10(a) CERT FUNDING**

### **10(a) CERT FUNDING**

Town Clerk Lippman said the reason why this handout was presented to you this evening is the CERT group, which is a voluntary group and not funded by the Town, is now actively involved in supporting the Town with our responsibility of running a Point of Distribution for the PBC Health Department, and we as a Town Management firm have the responsibility to manage the POD but the actual work and the workload and set up and organization is done by CERT. He said with that we are requesting to you to honor the funding request by CERT and these materials would be purchased by the Town, owned by the Town, stored by the Town and used by CERT in an emergency situation.

Councilman Lipp stated for full disclosure, I am a member of CERT and asked Town Attorney Tolces if he could take part in this vote.

Town Attorney Tolces responded yes.

**Vice-Mayor Herzog made a MOTION to approve the expenditure of \$2072.28 by the Town for CERT operational supplies SECONDED by Councilman Autrey and discussion was then opened:**

Councilman Autrey asked what is the balance on the \$1500.00 we agreed would be our donation cap.

Town Clerk Lippman said \$1250.00 but this is not considered a donation but an other operating expense on the financial statement.

Councilman Autrey asked where are you going to store this material.

Town Clerk Lippman responded one of 2 places, there will either be a designated storage facility on the Johnson's property or in the Town Office which is secured with an alarm system.

Vice-Mayor Herzog asked in the future will this be a line item on our Budget.

Town Clerk Lippman said we are hoping that once they are funded we wouldn't need to do that and we are hoping to get some grant money as well for them, on behalf of the time. He said I think in the future there should be a line item in the Budget for Emergency Disaster Expenses and anything in particular CERT needs that would go through the Town.

Vice-Mayor Herzog said because some of the things that they asked for are consumable that would need to be replaced.

Town Clerk Lippman said absolutely, and hopefully we won't have to use them but in the event we do have to use them, because they are helping the Town I think it is prudent to supply them.

Vice-Mayor Herzog said I would like to see built into the future a line item.

Town Clerk Lippman said yes, and I will instruct the Johnson's around Budget time to be proactive and be specific as to what they need and to keep it as little as possible.

Councilman Lipp said I know the CERT Team is in the process of getting their own 501 C 3 so they will be able to go out to local merchants and give them a tax advantage for donating supplies and things like that. He said so the CERT Team is not going to be solely dependent on the Town for donations and I think our aim is to be self sufficient, but there are certain things like the fire extinguishers we have all been buying our own and they can go pretty quickly.

Vice-Mayor Herzog said when I have been at the Emergency Management Meetings our CERT Team has been praised as being one of the best in PBC, so congratulations to the Johnson's for making it happen.

**Ken Johnson, CERT Team Founder-** said congratulations to the entire team.

Mayor Browning said this benefits our entire Community so I think we should support this.

**The MOTION passed unanimously 4-0 with Councilman Louda absent.**

Mayor Browning moved to Item #10(b).

***ADDITION OF AGENDA ITEM 10(b) Permit for Special Event this Weekend***

***10(b) PERMIT FOR SPECIAL EVENT THIS WEEKEND***

Town Clerk Lippman said there is a Special Event Permit to be approved by our Town. He said the process is the resident who wishes to hold a Special Event goes to the County and they approve and then it comes to the Town for the Code Enforcement Officer to go and inspect the premises, sign off on this, and then the Special Event will occur. He said you will notice that the time request on this was very short.

**Vice-Mayor Herzog made a MOTION to approve the Special Permit for the Portuguese American Culture Society, SECONDED by Councilman Autrey and discussion was then opened:**

Vice-Mayor Herzog asked was it lack of publicity that they didn't know they needed this and didn't come forward sooner.

Town Clerk Lippman responded I think this is an educational process and I don't think a lot of people in the Town know the process to get Special Permits and I will make sure to put the process on the Town's website.

Councilman Autrey asked what is the event.

Town Clerk Lippman responded it is an annual 2-day festival for the Portuguese American Culture Society.

Councilman Autrey asked do they have traffic control.

Town Clerk Lippman responded in this particular case they are not going to be bringing in any more people than will fit in the parking lot so they are not required to.

**The MOTION passed unanimously 4-0 with Councilman Louda absent.**

Mayor Browning moved to Item #11.

### **11. Comprehensive Plan Update**

Town Clerk Lippman said I provided you with an email as far as the process that we are left to endure at this point and giving you the different possibilities of what could and could not happen. He said in addition, Shelley Eichner and Jeff Maxwell upon the Town Council's approval went to Tallahassee and hand delivered the Comprehensive Plan as well as had a 2 hour meeting with the reviewer and you have a copy of the email that does summarize that meeting. He said I think the important thing here is for them to take the message that we have been trying to express. He said we are not a large Town, we are not extending much, and the residents just want a financial break to split up the Town and we are taking what is existing in Palm Beach and make it our own. He said so Shelley and Jeff just had to really point out the obvious and now at this point it is out of our hands. He said we are in a little bit of a defense posture with a few of the letters that have come through. He said on April 12, 2009 we will find out from DCA if we are in compliance and if we are in compliance then on May 3, 2009, should no one intervene it will become adopted.

Councilman Autrey noted Shelley Eichner is sitting here and said I would appreciate hearing from her.

**Shelley Eichner, Calvin-Giordano-** said we met with Richard Post who is the plan reviewer and the meeting had been originally scheduled with Bob Dennis who is his Senior Supervisor. She said unfortunately Mr. Dennis couldn't make the meeting and that was a great disappointment but we met with Mr. Post and we brought another map that was an analysis that showed to do the 1-5 they are scattered throughout the Town so they are evenly distributed. She said my main goal is to stress to them we are not doing a LUPA and we are not a private developer, that we are a newly incorporating Town creating a Plan and I think that finally did sink in. She said the folks from Lewis, Longman, and Walker, the representatives for Callery Judge have already been in touch with them and they already have a copy of that letter.

Vice-Mayor Herzog asked did you leave the maps with them.

Ms. Eichner responded absolutely.

Councilman Lipp asked what is the next date we will have something.

Town Clerk Lippman responded April 12, 2009 would be the date for them to issue the notice of compliance and should we receive the notice, May 3, 2009 would be the last day any affected party could intervene.

Ms. Eichner said they were pleased that the issues with the LGWCD have been worked out and we did include the letter from the LGWCD that they have agreed we worked everything out and pointed out the changes.

Councilman Lipp asked is the transmitted Plan on the website.

Town Clerk Lippman responded yes it is sir.

Mayor Browning moved to Item #12.

**12. Intergovernmental Coordination Meeting: Discussion of Agenda items for 3-13-09 meeting**

Town Clerk Lippman announced the next IGC Meeting is on Friday, March 13, 2009 and our representative for that committee, Councilman Louda, is not here tonight. He said should the Council have any items they would like to add to a Future Agenda now would be the appropriate time.

Mayor Browning asked if any of the Council Members had anything to submit for that Agenda.

Vice-Mayor Herzog asked on the 40th Street project, will you be discussing the gates at Sunsport instead of the piles of rock or is it just a general discussion.

Town Clerk Lippman responded if there is something specific in that you would like us to cover, just email it to be and I will make sure that Councilman Louda is aware of it.

Mayor Browning moved to Item #13.

**13. PBC Water Resource Task Force Meeting Summary: *Councilman Dave Autrey***

Town Clerk Lippman said Councilman Autrey had the opportunity to participate in the first Water Task Force Meeting; he was our appointed representative and I will turn it over to him to go over the issues that were discussed.

Councilman Autrey said Jeff Koons started this and it has been actually going on for quite awhile. He said they are working with a number of utilities in Broward County and the concept

is the way I understood it, is all of South Florida has a water issue and it's not so much that we don't have enough water but we don't have water storage so in times it is in plenty it all goes out to tide. He said so what they are looking to get into is using C-51 canal, which is near the reservoir which is essentially a pit, and storing water out there. He said as I understand it, the utilities in Fort Lauderdale are actually offering to fund the construction of this, with the idea that the water that would be stored there would be for PBC but that would free up water at the South end of PBC for the utilities in Broward to have access to. He said it is in its infancy and is very well represented by many different disciplines. He said there are about 16 people who sit on the committee and then there is a working group made up of professional engineers and hydrologists. He said my recommendation for the Town since we are a member of the LOC is that we definitely want to pay attention to what they are doing. He said I think there is an opportunity here for Loxahatchee Groves to be engaged in the conversation to the extent that we are in my mind a water provider, our elevation is a little higher than Wellington and Royal Palm Beach and further south and we lose a lot of water during the rainy season. He said if they are going to take that water and pump it into the reservoir and essentially that is the way I look at it, then we should try and get some credit for that so when we need to draw water we can have some credit for that. He said the meetings are going to be held once a month and the LOC has appointed a representative.

Vice-Mayor Herzog said there was another woman who was leaving and they appointed Councilman Lipp as the representative to take over. She said and Councilman Autrey's place will be taken over by a lady from Lake Worth.

Town Clerk Lippman said so we will now have Town representation with Councilman Lipp.

Councilman Autrey said this is a good thing what they are doing. He said it is in its infancy but it isn't. He said it was apparent to me they have the plans moving right along for this task force. He said they have been doing the same type of thing in Broward for about 7 months so PBC is a little bit behind but SFWMD is involved and they are looking at the whole water problem globally if you will.

Town Clerk Lippman said I received an email from Vice-Mayor Herzog that Commissioner Koons wanted to know the result of the meeting Councilman Louda and I participated in and I will get him a response to that.

Mayor Browning asked would the location of this pit be out by the other ones.

Councilman Autrey said it is right next door and that particular area is very unique. He said the C-51 reservoir will be literally right next to the existing one.

Vice-Mayor Herzog said the only concern I have with the proposal is Councilman Louda always talks about the salt intrusion into that water and what is going to happen when we have to draw from it and send it back through the C-51 and pump it back into our area and there may be too much salt.

Councilman Autrey said that was actually brought up and this may not be in agreement with what Councilman Louda thinks, but the pits are not impervious and there is a little communication with the ground water and what happens is it just migrates back and forth it doesn't continue to seep through. He said they did admit there is a little bit but it didn't seem to be an issue at all. He said I'm sure Councilman Louda will have a comment on that.

Mayor Browning asked for comments from the Public.

**Ken Johnson, 15409 Collecting Canal Road-** asked if this problem is as great as I think it is, and apparently it must be pretty great from what Councilman Autrey says, what would prevent us from creating our own reservoir. He said we have a 97 acre piece of property in Loxahatchee Groves and you could use eminent domain to obtain it and put in a reservoir with a riding trail around it and kill two birds with one stone.

Mayor Browning responded so noted.

Mayor Browning moved to Item #14.

#### **14. Abandoned Property/Nuisance Abatement Ordinance: *Discussion***

Town Attorney Tolces said our office has provided you with a brief Memorandum and several Ordinances of how a municipality may deal with nuisances and abandoned property. He said we had a discussion at the last Town Council Meeting and it was requested that we come back with some other Ordinances that other communities use especially in this day where there are so many properties being maintained and acquired by lenders. He said these Ordinances primarily do 2 things, one is they provide notice to the property owner that there is some type of misuse existing on that property, usually that deals with overgrown grass or an abandoned vehicle or maybe the structure is in a state of disrepair and needs to be secured. He said and I think many of those issues are existing in the Town currently. He said the examples of Ordinances from Tamarac and Coral Springs also provide for a registration process that requires a lender who is in the process of acquiring a piece of property through the foreclosure process to actually register with the municipality, pay a registration fee, and has a direct obligation to maintain the property in a safe and secure manner. He said those programs are currently ongoing in those 2 cities, as well as, other cities throughout the State of Florida and the whole Country. He said you currently have on the Town's Code of Ordinances a process where- by if there are abandoned vehicles we provide notice and go through the Code Enforcement to attempt to remedy those issues. He said but this actually deals with going onto private property and filing notice and giving the property owner time to secure it and also to file a lien against that property owner for the cost of the Town's expense.

Vice-Mayor Herzog said I see that there are a lot of necessary parts that we could pull a little from here, a little from there, but to take anyone of these entirely would be a little bit more than we are looking for.

Councilman Autrey said well this started with a drainage issue and none of these have anything to do with drainage.

Town Attorney Tolces said with respect to the drainage issue we could add that as one of the potential nuisances or property management issues.

Councilman Autrey said I am just hoping that sometime this year the Town will get into the Land Development Regulations and the Code of Ordinances which is going to address this. He said

and really what we've got right now and what brought this up is a drainage issue. He said I am also somewhat fearful that whatever the Town Council did could be abused when you get into nuisances and with garbage and trash, and we've had experience with Code Enforcement already with neighbors using it as a weapon and we need to go through the process on what do we want when it comes to Code Enforcement. He said I know it was a big issue and it is a big issue and it has turned into a political issue. He said so I guess my thought is does this get us to the heart of this particular issue which is a drainage problem. He said and from what Town Attorney Tolces told me there is really nothing he could find that deals specifically with drainage per say.

Town Attorney Tolces said per say, I am not saying that you can't make a finding that the drainage issues associated with the property, whether it is a culvert or something someone has done on the property that results in adverse impacts on drainage that we can include that in an Ordinance.

Councilman Autrey said my thinking is we should approach this from a public safety and health standpoint, in other words, if someone has a culvert that isn't functioning and flooding, that is a safety issue clearly and it can turn into a health issue, so if the Council makes a finding that it is an emergency and we just need to fix the problem, what do we have to do to make that work in terms of a mechanism, what needs to happen. He asked do we have to have an Ordinance to support that.

Town Attorney Tolces said what I would suggest is we draft an Ordinance that provides for the abatement of nuisances and we currently have rubbish and garbage and we can add to that drainage, something that causes flooding to adjacent properties. He said if you don't want it to go through the Code Enforcement process but you want to provide a mechanism where the Council could direct Staff to go fix the problem as opposed to just placing a lien on someone's property the Council would be able to direct Staff to look into it and to provide notice to the property owner to have a hearing and if nobody shows than the Council could go ahead and direct Staff to fix that problem.

Councilman Autrey said my thinking is it is an emergency and we have a flood and we don't have time for a hearing, I mean something has to happen today. He said the situation that Don Widing brought to us in their minds is an emergency and it needs to be fixed and asked what tools can the Council get to do that.

Town Attorney Tolces said I think the Council already has tools it's possession to do that, the problem is I could not guarantee that you would be able to recover whatever funds the Town spent fixing the problem from the property owner. He said but if you are looking to place a lien on somebody's property to recover those costs-that is going to be a different story. He said if the Town Council wants to go out and fix something that is an emergency-you can certainly provide for that.

Councilman Lipp said I think Councilman Autrey brings up some really good points and when I first read these things I was wondering what planet you thought we lived on here.

Town Attorney Tolces responded and I realize we are unique.

Councilman Lipp said what I would like to do is hang on to what Councilman Autrey was saying and we know a lot of where the emergency situations happen and I would like to be proactive

and fix these things before the rainy season starts. He said we have the situation on 24th Court North, 22nd Court North-where we know that there are flood problems. He said I think we are in the process now for getting bids in for the culvert on Marcella.

Town Clerk Lippman said Town Attorney Tolces and I are working on the legal process of getting in with the bank and stuff and we should have a report to you by the next meeting.

Councilman Lipp said a lot of what we are talking about is people getting flooded during these big rain events. He said I would like to get some feedback from the Council and Staff is this something we can do. He said if you can figure it in to emergency situations and how the Town can fix those.

Town Attorney Tolces responded if the Council wants to undertake a public improvement project to fix a culvert issue, they can certainly do that and direct Staff to go ahead and retain an engineer to do the study to see what needs to be done and then the Town Council can go out for bids and procure a contractor to fix the problem is something that you as a municipality and you as a Town Council are fully authorized to do, you just need to decide what project you want to do and direct Staff to start the process. He said you can do that aside from the nuisance abatement process.

Vice-Mayor Herzog said I think the thing that I am hearing is how do we get reimbursed for it from a private property owner like Marcella, it is a private property issue though it is a public concern.

Town Attorney Tolces said you could either undertake it as a public project and fund that through the gas tax revenue or you could do it as a special assessment project and have the property owners pay for their share of it.

Vice-Mayor Herzog asked so we may wind up supporting this private project through Town funds.

Town Attorney Tolces said but that private project may ultimately turn into a public project depending on how you structure it.

Town Clerk Lippman said I agree that we definitely have a drainage issue in this community but I do want to point out that we are wetlands and we are prone to flooding. He said we have to make a conscious decision between proactive and reactive and understand the costs of it and the Staff time. He said I am concerned that we don't have the financial fire power to take on this big undertaking. He said there are some projects that have been prioritized and are clearly an issue that we need to take care of but to proactively go and solve the drainage issues I don't think we have the funds and the Staff to do so.

Mayor Browning said I think there is a difference between this property on Marcella and where there was already existing drainage and then all of a sudden a landowner lets his culvert goes into disrepair where it affects other residents where there was drainage before. He said I think we are looking at things that are public health and hazards. He said I guess I don't understand why the person who is causing the problem can't be charged through the Town.

Town Clerk Lippman responded they can just by proper noticing.

Town Attorney Tolces said you need to adopt an Ordinance to provide for the mechanism for you to go and provide notice to the property owner who is causing the problem and then give them the opportunity to be heard and if they are going to fix the problem in a timely manner and if not then the Town will go in and repair it and place a lien on their property for the cost of the Town incurred and that doesn't necessarily mean that the Town will get its money back either, and especially with this property because it is a pending foreclosure suit in PBC and I don't know if it is set for any kind of hearing and I haven't been able to reach the particular attorney who is handling this property.

Mayor Browning said my thought if it is an emergency and they can't deal with it you go and bring a back hoe in it and handle it.

Town Clerk Lippman said but to get them to reimburse you is where this mechanism comes into play.

Councilman Lipp asked would it be appropriate to have a Flood Abatement Ordinance.

Town Attorney Tolces responded we can have an Ordinance dealing with culverts and drainage facilities that are in a state of disrepair and as a result are causing flooding or hazardous conditions for adjacent properties and adjacent right of way and if it is not repaired it would come to the Town Council for direction to have it repaired.

Councilman Lipp said the thing is this has come before the LGWCD and if somebody is a resident of a back 5 person the people who live between them and the canal can't block them from draining their property. He said we went through this with someone on a back 5 and the front 5 filled in their culvert because they wanted more pasture or something and this came before the LGWCD Board and they told them to hire an attorney and I would like to be able to provide some relief instead of always telling someone to go hire an attorney. He said but somebody lives 100 yards away from the nearest drainage facility and their property floods every time we have a rain storm, those folks get a lot of water during a rain and there is no way to get it to the C road canal. He said I would like to get a consensus from the Council.

Councilman Autrey said to add on to what Councilman Lipp is saying, is to me the title of this would be Emergency Situation Abatement Ordinance and if the Council makes a decision, is that really an emergency and if it is then you go through the decision process on how you would abate the emergency. He said if the decision body decides it is not really, truly an emergency then we should have the ability to work with the homeowner either through a special assessment or Irv we've talked about this before, a funding mechanism to assist them to fix it. He said if it is truly an emergency we fix the problem and then we get into a cost recovery mode, and if you have to put a lien on the property at least we solved the problem. He said to me is a nuisance that is an emergency.

Councilman Lipp said like on 24th Court North last year instead of lowering the damn we raised the land because there was too much water for the land that existed. He said so I think Councilman Autrey has a good idea but let's be proactive with these things and we know there is an issue with a property owner who is next to the canal and they are not allowing the residents who live behind them to drain and I'm sure that Mr. Saunier and others on the LGWCD know where these properties are. He said that would be my thought is let's be proactive on these sites and let's get them taken care of before the next hurricane season.

Town Clerk Lippman said I agree with Councilman Lipp and am looking for direction is how involved do we get and how do we know where to go and where not to go.

Councilman Lipp said what I feel is they are all Town roads and the drainage outlet to the LGWCD canal is where the problem is and I know the situation on 24th and 22nd and Marcella and I'm sure if we asked Mr. Saunier if he knew of any other ones he could list them. He said and before we go out and spend any money to try and correct it let's go out to those who are affected by it.

Mayor Browning asked do we need 2 different ones.

Town Manager Dr. Rosenbaum said we also need a funding mechanism particularly for emergencies.

Town Attorney Tolces said we could draft an Ordinance that provides for a mechanism for emergency drainage repairs and a process for abatement of other drainage issues and both would provide a mechanism where the Town could ultimately have a lien placed on the property if they could prove the property was creating the issue. He said that would be just directly in respect to the emergency issues with respect to specific properties who are not in an emergency situation but we know that something will happen in the future and we can try to draft something up that meets both of these conditions.

Town Manager Dr. Rosenbaum said we'll work on the public improvement.

Mayor Browning said the one thing I want to be careful of is we are talking of going from 10 acre parcels to 5 acre parcels and anytime someone buys a back 5 they say I need better drainage and then we wind up fighting with every property out there.

Town Attorney Tolces said I know people don't like to have to hire attorney's but a lot of times there are issues that can only be addressed in a court of law where someone has adversely impacted another person's property and unfortunately the Town can't solve every single problem.

Mayor Browning said and I agree.

Councilman Autrey said well if your neighbor's house is on fire, the fire department is going to come out and put out that fire so it doesn't catch on to your house and at the same time if your neighbor's property is flooding and you don't fix that problem, it could flood other people's. He said to me someone has an obligation for people's health and safety.

Town Attorney Tolces said but there is no lien placed on that person's property from the cause of the fire.

Councilman Autrey said I understand and that is why I said this is for an emergency and someone needs to make that hard decision on if this is an emergency.

Mayor Browning asked for comments from the Public.

**Ron Jarriel, 2800 161st Terrace North-** said one thing you can think about is no different from the courtesy grading is we've come up with a petition-a guideline and you can do the same thing

with drainage. He said but the existing problems with drainage that have already been brought to your attention then that needs to be taken care of and as the Mayor said they already had good drainage at one time and now the culvert has collapsed, that should be simple but as far as the LGWCD or Town Staff going out looking for drainage problems I think it's the taxpayers and citizens that need to come to us with a petition saying we've had this problem, can you help us, but I think the citizens need to get involved.

**Ken Johnson, 15409 Collecting Canal Road-** said I think in terms of the emergency aspect that Councilman Autrey talked about, yes I think that is needed but I think that should only be in the case of a person's personal residence that is flooded. He said just because they have water in their driveway, no, but if their property and home they live in is going to be flooded I'd say yes that is an emergency but otherwise water is water and it will dry up eventually.

**Ryan Liang, 4245 148th Terrace-** said if we act proactively to try to address some of these drainage issues I think when we approach these property owners, they are going to get very upset that we are going to try and make them fix these issues and I think one thing we can do is try and find a company and get a group rate so their cost would be much lower and they would be more willing to fix their drainage issues sooner than later.

Mayor Browning asked so you are going to come back with some suggestions.

**GENERAL CONSENSUS WAS GIVEN TO DIRECT STAFF TO DRAFT AN EMERGENCY SITUATION ABATEMENT ORDINANCE.**

Mayor Browning moved to Item #15.

**15. Alternative Water Source Meeting with PBC Fire Rescue Report: *Councilman Bill Louda***

Town Clerk Lippman said we provided you with a report and some suggestions from Councilman Louda so what we are asking for in his absence he is looking for the Town to meet with PBC Water and to investigate the willingness of them to bring grey water. He said grey water is coming through Okeechobee regardless of if we want it or not, but the discussion there as you see through the diagram that he gave us, is the fire department is going to go back and look at a few different scenarios. He said number one what can we do at a minimum to help them out and protect the community and suppress fires a little better than we are right now, he said number two would be to run grey water lines through strategic areas in the community that would be hooked up to fire hydrants strategically placed and the goal is to have the County do this for us. He said what Councilman Louda is asking is as a result of the meeting to take it to the next level and investigate with PBC.

Vice-Mayor Herzog said this grey water would benefit the power plant so my initial suggestion is perhaps the power plant could be asked as a courtesy to us allowing that line to go through our Town.

Town Clerk Lippman said we are still a while away from this and I think that the homework assignment we all had is one, from the fire departments perspective they are going to give us a layout on what they recommend, and two, we are going to go to PBC Water Utilities and find out

if they want to participate at all and three, once we get from the fire department what their options are then we have to figure out the money and who is going to pay for it. He said we are going to get together in the next few months and see where we stand.

Councilman Lipp asked how many folks in Loxahatchee Groves, not businesses, but residents have tapped into County Water.

Town Clerk Lippman said I would have to look at that, there are at least 2 dozen, about 8 along North Road and the majority of people right now are on Okeechobee and Southern.

Vice-Mayor Herzog asked what size pipe are you talking about if we were going to make the loops.

Town Clerk Lippman said that is way over my head.

**Patrick Figurella, Calvin-Giordano-** said I would have to do some calculations but I would guess for loops of that length probably about 12 inches.

Councilman Autrey said we are going to go to PBC and we are going to ask them to put water lines on every road at their expense, and this is the same utility that is in the business of selling water, but with grey water they wouldn't sell it to us, so how many people here want to bet money that PBC is going to say, oh what a great idea. He said I think what we are really talking about here and where this is going to lead and I'm glad that this isn't going to be made on my watch, is if we are going to actively pursue putting water lines it is inevitably going to lead to the decision to run regular potable water down through the Groves and a lot of people are going to freak out.

Town Clerk Lippman said that was discussed.

Councilman Autrey said just the common sense of it all. He said I think eventually that is where this is going to lead and for some people this is going to be a really gut wrenching process.

Town Clerk Lippman said I agree with you but I think again this is just an exploratory phase and we recognize the fact that there are some serious issues involved with this proposal.

Councilman Autrey said the reason this conversation was started was for fire suppression.

Town Clerk Lippman responded that is correct.

Vice-Mayor Herzog said and grey water is not drinkable.

Councilman Lipp said and you can't put it in the canals either. He then asked Mr. Figurella part of this report was talking about the fact that the tanker trucks only have a 10 foot lift capacity and I have no idea what that is.

Mr. Figurella responded that is a 10 foot lift capacity, that is how high or how deep they can suck water from.

Councilman Lipp said the other option is putting in gasoline or diesel pumps and asked Ron Jarriel how many gallons are in a tanker.

**Ron Jarriel, 2800 161st Terrace North-** responded 3000 gallons and it takes about less than 3 minutes to fill it up.

Councilman Lipp asked what size pump do you have to have to pump out of a 50 foot well.

Mr. Figurella responded a fairly good size one and you probably want it to be electric with a physical back up. He said and these things were discussed at the meeting.

Mayor Browning said my thought is we are probably the best it's ever been, we've got water hydrants now down North Road and we've got them down Okeechobee and along Southern. He said I know one time the LGWCD looked at putting an electric hook up and it was very costly.

Mayor Browning asked for comments from the Public.

**Ryan Liang, 4245 148th Terrace North-** said one thing I think we should consider is we are looking for ways to be green and I know we've mentioned that our green canopy has diminished and a lot of our vegetation has diminished. He said if this grey water line comes through, it would greatly benefit the residents to use the grey water for irrigation because it is an unlimited use and we could water as much as we want without any water restrictions. He said we could use the water unlimited so that is something we should think about.

**Ron Jarriel, 2800 161st Terrace North-** said I think our biggest thing is we need to educate ourselves on the possibility. He said I've been told by people that work at the PBC public utilities that when the County came through Loxahatchee with the water mains and sewer mains, basically when they come through an unincorporated area, which now we are incorporated, they are obligated and get funds through grant money. He said in other words, if the people request water service from PBC they are obligated to run lines. He said I think to kill 2 birds with one stone we should have PBC run water lines up the canal from the existing water source, so that if we wanted to use it in the future, we could. He said they said what it takes is basically for the people of Loxahatchee to request that and they will get their money either through the County or through grant funds and if people request that, they are still not obligated to hook up to the water supply. He said instead of running grey water lines up and down the canals we need to just go ahead and think about the future and run positive county water lines. He said the second thing would be the grey water lines and with it coming through Okeechobee Boulevard the only thing would be to have the valves at each canal and the only time they would be opened would be in an emergency situation and so far we haven't seen that in Loxahatchee.

Councilman Lipp said you can't put it into the canals.

Mr. Jarriel said if it nourished golf courses and they are putting it in the Glades, to me it has already been proven that it won't kill the animals or stuff but that would take more research. He said when it comes to an emergency situation what is more important, people's homes or people's fishes. He said the other thing is on the North end of Loxahatchee there are 2 huge lakes. He said one supports a farm on the north end and is between 3-5 acres minimum and they used to use it for mining shell rock till they were stopped from the county and when you talk about wells and stuff the Liang's have a 12 inch well that keeps their stuff full. He said and if you ever look at Villa and Sons they probably got about a 6 inch well and we could use these 2 lakes and if you want to invest some money put 2 12 inch wells down and keep the lakes full and have Loxahatchee work off gravitational feed. He said in other words release the water

from the lakes into the canals. He said along Okeechobee and Southern we have the best water supply we've ever had in fighting fires and the distance is not that long in other words, by the time a tanker can get to a fire hydrant, he only has to hook up one hose and in a few minutes it is full.

**Clete Saunier, LGWCD Administrator-** said I did read Dr. Louda's report here on the meeting and he did point very briefly to that (quote) "However, running grey-water directly into surface water bodies is against Federal and State Law." He said everybody says well it is against State Law, I think in South Florida we are in a very interesting ecosystem here and we've had systems in place for some time here now that the water utilities has put into place at Loxahatchee in which they use secondary grey water that is flowing through their system and the wildlife is flourishing. He said I think a cost effective solution to our fires suppression needs could be direct taps into our canal system along Okeechobee Boulevard that would maintain a water level in our canals sufficient for fire-fighting purposes, only again for emergency situations. He said or at least look into investigating what are the environmental effects of that vs.- a wobbling fire that destroys all the wildlife in the Groves, or the septic systems throughout the Groves there are how many different septic well fields that are directly feeding into the ground level from human pollutants. He said just because Federal and State Law says that we can't, maybe look at researching is it really that restrictive because I think everyone is just glossing it over saying we can't. He said it would only be used if certain conditions exist and a Memorandum would exist between the Town and SFWMD and PBC.

Councilman Lipp asked could you add that suggestion specifically to investigate to the IGC Agenda, or is it just a Town issue.

Town Manager Dr. Rosenbaum responded that is an appropriate topic.

Town Clerk Lippman said I think it is appropriate, and what will happen is in the next 2 weeks, Councilman Louda, myself, and Mr. Figurella will request any information you want us to cover.

Councilman Lipp said I think what Clete had just offered in public comment on this issue is worth investigating. He said Loxahatchee is a good example and that is using grey water and the biologists as I understand say their biggest problem is going in and pulling out the weeds.

Vice-Mayor Herzog said and this is exactly one of the things that Jeff Koons is looking for. He said when we talked together we were talking about is needing the water in the canal for the fire suppression and if we could combine what Clete and Ron were saying and use that grey water plus, plus, plus.

Mayor Browning moved to Item #16.

## **16. Fireworks Regulations Meeting Report: *Councilman Bill Louda***

Town Attorney Tolces said I attended a meeting with Councilman Louda at the Palm Beach County Fire Rescue Headquarters and Paul Reillo was there also. He said we discussed what we have already been through with the existing Moratorium and everyone agreed that we need to put pressure on the State to release that Moratorium and you've done your part so far by

adopting that Resolution which has been transmitted to other municipalities, to the Governor, and to the Speaker of the House and we did get a letter from Palm Beach Shores that they too have adopted a similar Resolution. He said so there has been some movement made and it may not necessarily occur this session but the process is incremental so I think the first step has been well taken. He said suggestions as a result of the meeting where to around those certain holiday times like July 4th and New Years that we work with PBSO in using the signs on the side of the road and doing some type sort of educational campaign regarding the illegal use of fireworks and possibly through the Town's newsletter to educate residents that they shouldn't be using fireworks at all. He said the other suggestion was to retain additional deputies to police any places that may be selling fireworks within the Town.

Councilman Autrey suggested we could take big ads in the Crier to educate people that fireworks are a huge problem. He mentioned signage as well.

Town Attorney Tolces said and the Town's website as well.

Councilman Autrey said I think just trying to educate people who don't know that this does cause a problem for animals and we also have an extreme fire situation. He said here we are in a no ban period and there is not one single sign telling people this. He said we should have signs out telling people this is an extreme danger.

Town Clerk Lippman said we received a response from the Governor's Office and they appreciate it.

Vice-Mayor Herzog and Mayor Browning both said to try the education first before hiring additional PBSO enforcement.

**Vice-Mayor Herzog MOTIONED to direct Staff to provide education to the Community relating to the laws pertaining to fireworks, and to provide public education with signage and other mailed materials, SECONDED by Councilman Autrey and discussion was then continued:**

Councilman Lipp said I think we should do a mailer specifically about that item around holiday periods, such as, July 4th and New Years, and highlight Mr. Reillo's concern and certainly the horse community.

Town Clerk Lippman said I would ask especially for this Budget cycle because will have July 4th in there, is that to send a one page mailer out to the residents would be about \$450.00 and if you want to do anything beyond that, such as, banners or signs in the Community, put a dollar amount on it around \$500.00 to \$1000.00, so I have a little room to know what I have to work with when the time comes.

Vice-Mayor Herzog said you could have a 4x4 vinyl sign created for about \$100.00.

Mayor Browning said start with the mailers is what I would say. He said we need to start somewhere.

Town Clerk Lippman said for July 4th we will put out a one page mailer and see how effective that is.

Vice-Mayor Herzog said I would like to see a couple of signs as well.

Town Clerk Lippman said I would recommend spending up to \$750.00.

Vice-Mayor Herzog said your mailer could even be a 2 sided thing.

Town Clerk Lippman said I would just rather do a 1 page mailer and spend the additional money on signs and banners.

Mayor Browning asked for comments from the Public.

**Ilene Rindom, 14285 Collecting Canal Road-** asked when there is not a fire hazard, how are you going to start defining what is allowed and what is not allowed.

Councilman Autrey asked there currently are laws, aren't there.

Town Attorney Tolces responded if they make a sound they are illegal but it is just a matter of educating people.

Town Clerk Lippman said we are not changing any laws. He said all we are doing is summarizing the existing laws that are out there and making recommendations to have a safe community-that is all we are doing.

**Ron Jarriel, 2800 161st Terrace North-** said believe it or not people are educated on when we have burn bans and stuff. He said usually on the 6 o'clock news, the 10 o'clock news and the 11 o'clock news and the news media works well with the fire department. He said there is nothing wrong with signs but the dates on them have to be changed and you will find that the Forestry Division usually has a sign in front that has what the burn conditions are. He said ours is kind of centrally located in Loxahatchee, which they may have state funds where they could put up a sign to benefit the public. He said but you have patriotic people out here and crazy people out here who are going to light fireworks and for us to waste our tax dollars trying to educate them is wrong. He said and usually if the fire service gets the call on a fire we're notified probably before the responder that it was caused by fireworks and we have the police respond with us and if we have a problem then the police take care of the problem and we put the fire out. He said I think you are opening a can of worms when you start getting too involved in this. He said we have what you call Fire Prevention Week where we educate the public and we do it at the fair and in October.

**The Motion passed unanimously 4-0, with Councilman Louda absent.**

Mayor Browning moved to Item #17a.

## 17. Administration Update

### a. March 10, 2009 Municipal Election

Town Clerk Lippman said please get out and vote. He said we do have notification of the ballot that we placed in the newspaper for advertisement and I want to point out that it is important to connect the arrow all the way between the person's name and the arrow. He said I am going to put this on the website so people can see exactly what the ballot will look like on Election Day and how to mark it.

Councilman Autrey asked is this any different from the last election.

Town Clerk Lippman said no but I just wanted to point that out. He said on Election Day I will be available to all of the precinct employees to oversee the operation and Sharyn Browning will be the precinct clerk. He said we will be operating from 7a.m. to 7p.m. He said after that we will be delivering the stuff to the Supervisor of Elections and after that we are hoping that by Friday, March 13, 2009 we will have the official results from the election. He said if we have the results before the Tuesday, March 17, 2009 Town Council Meeting all 5 Council Members will sit on the dais and meet as the Town Canvassing Board to certify the results. He said once that is done any Council Member's that are no longer serving will step off the dais and any new Council Member's will be sworn in and take their seats on the dais.

Councilman Lipp asked do you plan on having a PBSO officer there.

Town Clerk Lippman responded a PBSO officer will be there from 6p.m.-9p.m. because when we wrap up we want the officer there to secure the premises and to escort us to the Supervisor of Elections Office.

Vice-Mayor Herzog said I've had some people ask about early voting and I didn't see anything on that.

Town Clerk Lippman responded early voting is handled by the County and there is information on the website about that.

**Sharyn Browning, Precinct Clerk-** said encourage people to bring their ID. She said we have to see it to verify the picture and signature or their vote will be provisional.

Vice-Mayor Herzog asked when will the absentee ballots be figured in.

Town Clerk Lippman responded what will happen is the night of the election you will have the unofficial results which will have the absentee ballots and the early votes counted in. He said you just won't have the provisional ballots.

Mayor Browning moved to Item #17b.

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

Town Clerk Lippman said I have been in contact with Jeff Maxwell and the final MREG report will be available no later than March 6, 2009 and will be available on the website along with the SR80 Southern Boulevard Corridor Study results at the same time.

Mayor Browning asked for comments from the Public.

**Lois Clarc, 2454 E Road-** said I just wanted to ask the Town if they could get involved with dust control on our roads. She said I know there is this Master Plan but it will take a lot of time to do the paving and in the mean time the last few years have become intolerable. She said Wellington just put down something called dust kill and saddle trail, so we do have somebody to talk to about a product that is supposed to be wonderful. She asked does anybody here have the authority to check it out.

Town Clerk Lippman said we do have all the information that was previously gathered back in September, and we did have authorization to move forward with that. He said I will get with Clete and work out a rotation program on that. He said I will go forward with the previous vote on sampling some of the products.

Ms. Clarc asked are you going to sample different products, because the last time I spoke with Mr. Saunier he said nothing.

Town Clerk Lippman said the Town Staff did receive authority from the Town Council to move forward and spend some funds to testing some of these products and we will coordinate that with the LGWCD.

Vice-Mayor Herzog asked was dust kill one of the items.

Town Clerk Lippman responded I can't recall, I will look at the list that was compiled and if dust kill wasn't on it, there was a reason why. He said I will reintroduce that at the next meeting.

**Joyce Batcheler, 760 E Road-** said my train of thought is right along with Lois's here and I know it is not a short term plan, it is a long term study and it will be decided by all of you who vote whether we have dirt roads or paved roads, but we need something now. She said I have been here 17 years now and I bought into dirt roads but what we have on our roads now is not dirt. She said these clouds of dust that fall over us everyday are hazardous. She said I have asthma and this certainly don't help. She said this isn't about some dust settling on your car or some furniture, this is about breathing. She said I am at the point of contacting EPA, OSHA, Senators, Congressman, anyone who would take a look at what is on our roads now to determine if this is really a health hazard. She said I bought into dirt roads but these aren't dirt roads. She said I won't even go into the equestrian area but it would be nice if we could use the canal easements to ride on because we can't ride on these roads anymore.

Mayor Browning moved to Item #17c.

**c. RFQ 2009-002 (Land Development Regulations): Issuing Wed., 3-4-09 and due by Wed., 4-15-09**

Town Clerk Lippman said this is a reminder that tomorrow we will be issuing RFQ 2009-02 to amend and rewrite the additional LDR's and you will notice there is a pretty lengthy time to respond and they are due by Wednesday, March 15, 2009 to the Town Office. He said we recognize that it will take about 8-10 months to do this process and that is why we recommended to the Town to start it and were given the authorization to do so.

Mayor Browning moved to Item #18.

**18. Public Comments**

**Ken Johnson, 15409 Collecting Canal-** said going back to Item 15 about alternate water supplies, I believe the LWCD has 2 tanker trucks. He said if they had valves on them that were adaptable to fit and compatible with the Fire Department and at the end of the work day if they filled those trucks daily and had them readily available in case of a major fire that broke out, and asked could they not be an additional source of water in case a fire broke out.

Mayor Browning responded we will look into it.

**Mike O'Dell-representing Loxahatchee Equestrian Partners-** said commenting on the Memorandum you were given tonight regarding the Moratorium Exemption Ordinance. He said we were in support of the Ordinance you had passed and it gave us some opportunities to move forward with our process, but this Memorandum tonight looks like you altered that process, where with the mechanism we understood we could go ahead and process our application but it appears we cannot do that and I am looking for some clarification. He said it appears from this point we can't move forward and asked is that correct.

Town Attorney Tolces responded we are going to bring this back to the next Town Council Meeting but based on the existing ILA with the County in order to process a LUPA the Town needs to set up its own process.

Mr. O'Dell asked so there will be a discussion at the next meeting on how to move forward with the process or is this going to be a discussion on the process.

Town Attorney Tolces responded there will be commenting on both but in order to move forward we need to get direction from the Council.

Mr. O'Dell asked can we assume we can continue with our process and continue preparing our application or should we cease at this time.

Town Attorney Tolces responded I don't want to give you any direction at this time.

Mr. O'Dell asked so it will be on your next Agenda.

Town Attorney Tolces responded yes.

Councilman Autrey said on the Agenda Memo for Administrative Update we have in it the RFQ for LDR's. He said in order for the Town to process applications, we have to have at some point a planning entity, be it contracted or whatever. He asked and so from reading this Memo, it sounds like until we have someone in place we need someone to process it, right.

Councilman Autrey asked so what you are saying is the next meeting the Council will decide whether or not to start that soon or to wait for the LDR's.

Town Clerk Lippman responded I do want to clarify that the Moratorium Exemption Ordinance brought forward the ability for property owners to pursue a process they couldn't before. He said they can still do that and there is no issue with conditional use approvals, zoning changes or special permits, which some of our Code Enforcement cases need to have in order to comply. He said when you get to the LUPA area that is where we need some direction from the Council. He said that specific area not only applies to Mr. O'Dell's property, but to some of those Code Enforcement cases that want to come into compliance. He said this Memorandum sets the table for direction for the next meeting strictly with the Land Use Changes being part of it.

Councilman Autrey said in this situation it is a Land Use change.

Town Attorney Tolces responded said there are various changes they will have to propose with respect to the Comprehensive Plan that the Town has submitted.

Town Clerk Lippman responded that is where it gets tricky.

Councilman Autrey said so it is a timing thing.

Mr. O'Dell said we would appreciate it. He said if there is a mean for us to keep moving forward we would like to continue on with our process.

Mayor Browning moved to Item #19.

## **19. Town Clerk Comments**

Town Clerk Lippman said at the next meeting there will be discussion to get direction on the Moratorium Exemption Ordinance on the specific part that addresses Land Use Changes and the Memorandum I handed out should outline where we are at this point with that. He said I provided you with an email memorandum that was provided to me by Jeff Maxwell, Calvin-Giordano, and back on Thursday, February 19, 2009 we attended an MPO meeting in which the PB MPO made a short list of projects to pursue. He said these projects were a list of items in which FDOT and the County would look at to determine whether they met federal requirements for funding. He said somewhere in between that meeting and about 7 days later FDOT made a ruling for PBC that there was unfair communication to the municipalities and have now allowed all municipalities to resubmit their projects, due by the end of next week, so that opportunity came. He said the federal guidelines and standards that we have to adhere to are very strict. He said the two projects that we submitted were roundabouts on Okeechobee and stabilization on Okeechobee. He said the roundabouts would require some acquisition of right of way and that is

not meeting federal standards, the right of way had to be already acquired before applying for the funding. He said the stabilization has certain warrants that are assigned to it which means it has to meet certain levels of traffic counts and the federal standards were not met. He said so this Memo serves two purposes, one is to let you know how the process went and how we got to where we are and that we are going to remove our request for funding due to us not meeting the federal standards, however, we are going to recommend to submit to be a part of the PBC LAP process in which we will take advantage of and not have to be certified as a LAP community, but PBC planning has a funding package where you can become a part of their process and their certification and follow their guidelines. He said as you can see on the Memorandum that starts this summer, and we would encourage us to become a part of that. He said we will bring back what the cost will be for that. He said if we want to move forward on Okeechobee, which we believe we have every right to and the data reflects it would be, this is a more appropriate process for the Town. He said the only funding available to us from PBC would be for roads and the only roads that are eligible are Folsom and Okeechobee and because of the results of the MREG and the information that was shared with us, it was the strong desire of the Council to pursue the safety concerns on Okeechobee. He said this is where the idea of the roundabouts and stabilization came into play. He said we are going to go after the LAP funding through the County and pursue that.

Mayor Browning moved to Item #20.

## **20. Town Attorney Comments**

Town Attorney Tolces said the session has started in Tallahassee. He said we are keeping track of Bills to be filed and I have been reviewing Bill that does a lot to revise the planning process in the State of Florida and it is entitled The Community Renewal Act and in effort to assist with stimulating the economy they are considering changing the process that developers would process LUPA's and we'll be watching that and it is very likely this Bill will pass and be one of the first Bills signed by the Governor during this session and it might have an impact on this Town sometime in the future. He said and also some Bills dealing with salaries and not that it affects this Town but it is interesting. He said there is some property tax legislation coming forward as well. He said so as we uncover these Bills, we will forward them to you for your review and I would be happy to answer any questions on these.

Vice-Mayor Herzog commented keep an eye on Senate Bill 630 that is suspending the collection of impact fees.

Town Attorney Tolces responded will do.

Mayor Browning moved to Item #21.

## **21. Council Member Comments**

Vice-Mayor Herzog said I attended the Ethics Meeting and they summed it up with the four speakers by agreeing that you are safe if you practice what you learned in kindergarten. She

said at the Board Meeting for The League of Cities they talked about the stimulus and shortlist which would be out. She said they also said to turn in verification of the lane mile maps to the County.

Town Clerk Lippman responded that was taken care of.

Vice-Mayor Herzog said and they mentioned watching Senate Bill 360 which was just mentioned and said the merits are it addresses things that are not working but the drawback is it impacts the impacts of no DRI or traffic concurrency and it needs reform not total renewal. She said at the general meeting for the League of Cities there was a panel that discussed the stimulus plan and they encouraged the applicants to be persistent. She said do lots of follow up and don't assume that just because you turned in your paperwork you are okay. She said I attended a PBSO meeting of all of the elected officials from the Western Communities and the issue of the meeting was the day laborer problems and it is an issue with our Town, Royal Palm Beach, and the Acreage and they were going to set up a committee and see if there was a way to resolve this without one municipality having to pick up the tab, such as us hiring a new officer to get out there and patrol it. She said the LGLA had a great turn out for the forum. She said I do encourage civil behavior during the campaign and let's get out and vote on Tuesday, March 10, 2009. She said also the Town will be celebrating our 2nd Anniversary and this will be on March 27, 2009 and the LGLA is hosting a band called the Chili Chicks. and Claus and Diane have the fliers in the back if you would like to pick one up.

Councilman Autrey said I have no comments just Good Job.

Councilman Lipp said just to tag on what Vice-Mayor Herzog said about the campaign, I think everyone needs to respect each other and this is a matter of free speech and the local destruction of private property is not free speech, that is a crime. He said well run meeting tonight and I appreciate the getting things done before 10.

Mayor Browning said I want to congratulate you and Clete did a good job on getting those projects in. He said I want to say we need to encourage everybody to be civil. He said the golden rule is in effect-you want to treat others as you want to be treated and if you see someone doing something, stop and say something, and call Matthew or me.

Mayor Browning moved to Item #22.

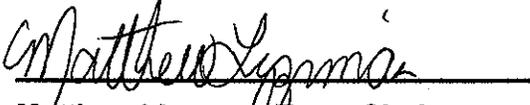
**22. Adjournment**

**Councilman Autrey MOTIONED to adjourn the meeting, SECONDED by Vice-Mayor Herzog and the Motion passed unanimously 4-0, with Councilman Louda absent.**

There being no further discussion and no additional public comment the meeting was adjourned at 9:03 p.m.

  
MAYOR DAVE BROWNING

**ATTEST:**

  
Matthew Lippman, Town Clerk

4/7/09  
Date Approved