

TOWN OF LOXAHATCHEE GROVES
Minutes of Regular Meeting, June 5, 2007

MEMBERS PRESENT: Council Member Dave Autrey
Council Member Dave Browning
Council Member Marge Herzog
Council Member Dennis Lipp
Council Member Bill Louda

OTHERS PRESENT: David N. Tolces, Town Attorney, Nancy Handweg, Acting Town Clerk

The meeting was called to order by Mayor Browning at 7:00 p.m. Vice Mayor Marge Herzog called the roll and the following Town Council members were present: Bill Louda, Marge Herzog, Dave Browning, David Autrey and Dennis Lipp.

The Pledge of Allegiance was recited. Mayor David Browning provided the invocation.

Approval of the Agenda was requested at which time it was requested that it was agreed that item no. 5, Interlocal Agreement regarding use of Gas Tax Revenues be moved to item 1. Council Member Autrey requested that item no. 15, Discussion regarding Street Side Solicitations be moved to follow the presentation by Jupiter High School Students. Vice Mayor Marge Herzog moved to approve the agenda, seconded by Council Member Bill Louda. The motion was approved unanimously.

1. Interlocal Agreement with the Loxahatchee Groves Water Control District Regarding Use of Gas Tax Revenues. Town Attorney David Tolces presented an amended Interlocal Agreement, which has previously been approved by the Loxahatchee Groves Water Control District (LGWCD). The changes requested by LGWCD regarding were discussed by Town Council. John Ryan, LGWCD Board Member explained the reason the LGWCD requested the language regarding non-district roads. Council Member Dave Autrey made a motion to accept the Interlocal Agreement as amended, seconded by Council Member Bill Louda. Following discussion, the motion passed unanimously.

PRESENTATIONS:

2. Jupiter High School Students Presentation on Migrant Workers and Their Living Conditions. Madelyn Miller, a Teacher and Media Specialist, Zachary Chastain, and Brian Sink, TV Media Students from Jupiter High School showed their Grand Prize winning presentation which was prepared for a C-SPAN contest. The presentation was entitled "Creation of "El Sol" - the Jupiter Neighborhood Resource Center. This film focused on Jupiter's problems with undocumented workers and the creation of a Neighborhood Resource Center. The Center is staffed with volunteers and is funded by the Town and Catholic Charities. The Center keeps people off the street and provides a place for employers and workers to safely interact.

The Center also has begun to provide resources for the workers including English classes and computer classes. It provides a place for day laborers to go off the street and is a safer environment. The Center is located at Military Trail and Indiantown Road.

3. Discussion Concerning Street Side Solicitation Ordinance from the Town of Jupiter. The Town of Jupiter provided a copy of their ordinance for Council’s information. The Town Manager of Jupiter has offered to speak to the Town of Loxahatchee Groves regarding their Neighborhood Resources Center and the research done by other communities on the issues related to Street Side Solicitation. Motion by Council Member Bill Louda for a Workshop on August 28, 2007 to address the issue of Street Side Solicitation in Loxahatchee Groves, seconded by Vice Mayor Marge Herzog. It was requested that the Town Attorney invite Jupiter’s Town Manager to the workshop. Following discussion, the motion passed unanimously. Council Members are encouraged to fact find individually prior to this workshop.

4. Palms West Chamber Building Update Speakers – Jeanne Miranda and John Southard. Jeanne Miranda, Executive Director and John Southard, VP of Facilities from Palm West Chamber of Commerce provided an update of their requested expansion project. Palms West Chamber of Commerce would like to construct a new 3900 square foot building on the land where their existing building is. They hold a long term lease on this land from Palm Beach County. This new building would have room for both Chamber activities as well as a public room which could be used by the community. This building would have a Western theme. They provided copies to Council of the proposed plans for the new building. The have not yet submitted the plans to Palm Beach County and request that the Town of Loxahatchee Groves provide architectural review. The plans were designed using Rural Vista Guidelines. The Chamber is a gateway to the Western Communities and also a visitor center. The Chamber has offered the current Chamber building to the Town if the Town pays for the moving fees. They have raised \$200,000 of the \$500,000 they expect to need. During public comment, it was suggested that they consider changing their name to Loxahatchee Groves Chamber of Commerce. Presented for information only - no action needed.

RESOLUTIONS AN ORDINANCES:

None

PUBLIC HEARINGS:

None

REGULAR AGENDA:

5. Approval of Minutes for May 15, 2007 Regular Meeting. Vice Mayor Marge Herzog moved to approve the minutes for the May 15, 2007 regular meeting, seconded by Council Member Bill Louda. Corrections to the minutes were identified and the minutes, as amended were unanimously approved.

COUNCIL ITEMS:

6. Town Manager Proposal. Town Attorney David Tolces presented Council Members the proposal from New Community Strategies (NCS) for Town Management services at a cost of \$7,000 per month. Irving Rosenbaum, President of NCS spoke to the Council regarding the services that his company could provide. These services are detailed in the agreement. Motion by Council Member Bill Louda to approve the agreement, seconded by Council Member Dennis Lipp for discussion. The discussion of this agreement identified that the agreement could be canceled with 60 days notice so a term of agreement does not need to be identified in the agreement. The agreement provides for both a Town Clerk and Town Manager. All employee benefits and equipment will be provided by NCS. Normal fees and expenses, such as phones and computers will be included, but any extraordinary expense will come back to the Town for approval. The Council will designate which the priorities will be for these services and a detailed scope will be developed as it goes along, possibly in a workshop. NCS could be up and running within a few days of approval of the agreement. Council Member Louda amended the motion to approve the agreement between the Town of Loxahatchee Groves and New Community Strategies for clerical and other administrative services, to commence June 15, 2007 at a rate of \$7,000 per month, seconded by Council Member Dennis Lipp. This motion was unanimously approved.

7. Status of Interlocal Agreements with Palm Beach County. Town Attorney David Tolces provided updated on several Interlocal Agreements (ILAs).

A Planning Services. The Building Permit and Inspection Services ILA to provide Building Permit and Inspection Services and Inspection Services is on the agenda of the Palm Beach County Board of County Commissioners (BCC) for June 19, 2007. If approved, it will be effective immediately. The ILA for Zoning Services was reviewed. Palm Beach County will be providing a revised fee schedule. They will be charging higher rate for services than currently charged County residents in order to cover their administrative costs. This 42% increase will be passed along to the applicant. Once the revised fee schedule is received by the Town Attorney, he will forward it to Council Members. Motion to approve the ILA for Zoning Services between the Town of Loxahatchee Groves and Palm Beach County with the attached Fee Schedule by Council Member Vice Mayor Marge Herzog, seconded and passed unanimously. This could be considered by the BCC at the end of June

B Environmental Resource Management Department. Town Attorney Tolces advised that ERM is currently providing all of its services within the Town; however, if the Town desires to opt out of any of ERM's services, such as the non-native vegetation program, the Town must negotiate a memorandum of understanding with ERM to define the programs that the Town will operate on its own. Town Attorney Tolces will get copies of the ERM regulations to the Council Members.

C Code Enforcement. The ILA for Palm Beach County to administer Code Enforcement has been prepared but not yet sent to the County. The fees for code enforcement are not recovered by the Town or County as they are with building services. If the Town amends the Codes for our Town, they will then need to adopt one of three hearing methods: Code Enforcement Board; Special Master or Direct Citation. This method could be adopted by ordinance. Town Attorney David Tolces explained each method and stated that the Special

Master is the easiest to manage and the Town has control over the paperwork. This would happen when an ILA is signed. Town Attorney will send agreement to the County and will check with the Village of Wellington and provide samples to Council before the next regular meeting. This will be an agenda item for July.

8. Consideration of an Ordinance Related to Manure Dumping. Council Member Dennis Lipp provides copies of an ordinance regarding Solid Waste. This issue will need to be reviewed when the Town gets their own Contract with a waste hauler. Council Member Lipp requested the Council consider an ordinance regarding manure dumping. He passed out pictures of areas where manure is currently being dumped. There are currently three haulers registered with Wellington to dump at Tropical Bamboo, Duke Nursery or Wellington Ag (aka the Plant Factory). The trucks are required to have tall letters identifying their telephone numbers. If residents see illegal dumping they should call the Village of Wellington and report the offense. Illegal dumping comes with a hefty fine. The Town should consider their own ordinance regarding the manure and the phosphorus in the runoff. Council members and residents discussed the positive and negative aspects of horse manure. Motion by Council Member Bill Louda to discuss this subject at a workshop on the 2nd Tuesday of September. After further discussion, this item will be on the next agenda to set a date for a workshop.

9. Discussion Concerning Land Planning Issues. Town Attorney David Tolces advised that the Town has the responsibility and ability to develop a Comp Plan. Mr. Tolces provided to Council Members a memorandum regarding the Town's ability to enact a moratorium on amendments to the comprehensive plan, the zoning map and land development code. Motion by Council Member Bill Louda for the Town Attorney to draft an ordinance in related to a moratorium in consultation with New Community Strategies, assuming that they have the expertise. This motion was seconded by Vice Mayor Marge Herzog and passed unanimously.

Town Attorney David Tolces advised that he had received a request to attend a meeting at Palm Beach Planning on June 7, 2007 relating to the Gulfstream Natural Gas Pipeline that may be constructed within a portion of the Town. They would like to construct temporary offices and a staging area on vacant property within the Town. Council approved Mr. Tolces' attendance. He will be accompanied by Council Member Bill Louda.

10. Discussion Concerning the Placement of Utility Lines Underground. Council Member Dennis Lipp led a discussion concerning the possibility of requiring all new construction to use underground utility lines. Although the cost is much higher for this, the Town is an area which is one of the last to have power restored after a storm and is subject to loss due to our heavy tree canopy. Council Member Louda was concerned that the salt in our water could cause corrosion on the main runs. This item can be considered in the future. The Town Attorney advised that the Florida Public Service Commission is finalizing the rule of what they can charge. He will provide this information when available.

11. Discussion Concerning Town Property Inventory Resolution. Town Attorney David Tolces advised the Town is obligated to adopt a resolution by July 1, 2007 containing a

list of those municipally owned properties that are appropriate for affordable housing. A resolution will be presented to the Town Council at the June 19, 2007 regular meeting.

12. Environmental Issues

- a. **Florida Power and Light Plant at 20 Mile Bend.** No discussion at this time.
- b. **Cast Netting in Canals.** Council Member Bill Louda suggested an ordinance outlawing Cast Netting.
- c. **Hurricane Preparedness & Reports Concerning Meetings with Commissioner Santamaria the Solid Waste Authority.** Council Member Bill Louda suggested that residents need to have a minimum of three days supply of food and extra supplies. The Town should consider setting up a Community Emergency Response Team. To form a CERT, you must have 15 members. Training for where to go and what to get is provided. The team works within the community to identify needs and resources. Council Member Autrey stated that a Council Member needs to be identified as the liaison during a storm for the League of Cities. Inasmuch as Vice Mayor is currently the League liaison, should also full that role during a storm. Mayor Dave Browning stated that due to the nature of our community, the Town is probably better prepared with equipment than other communities.

13. Discussion Concerning the Participation by Citizens Who are Unable to Attend Council Meetings. Council members discussed ways to get citizen's comments into the record when they cannot attend a Town Council meeting. Suggestions included a comment card with a limited word count that is read into the record or items sent to Council members to be read into the record. For information only – no action needed.

14. Discussion concerning the Palm Beach County Gang Violence Symposium. Council Member Bill Louda attended the Palm Beach County Gang Violence Symposium. The County state that at least one gang is in our Town. Residents are encouraged to report to the County any gang activity or symbols noticed. The County is forming a task force to study this issue. Vice Mayor Marge Herzog indicated that the County will be in attendance at the August meeting of the Loxahatchee Groves Landowner's Association.

15. Discussion Related to Council Members Appearing at Meeting on Behalf of the Town. Vice Mayor Herzog requested clarification from the Town Attorney of how they should request another Council Member to attend a meeting on their behalf, should they be unable to attend. Mr. Tolces advised that if they advised him what meeting they could attend, he could broadcast the information to the other Council Members. Additionally, once the Town has an office established, if two Council members wish to attend the same community event, this notice can be published. Chief Bice of the Palm Beach County Fire Rescue indicated an interest in meeting with one of the Council Members. Council Member David Autrey volunteered to meet with him. Additionally, it is requested that the Fire Station 21 Battalion Chief be invited to a future Town Council meeting.

16. Discussion Concerning Need for Public Meeting Concerning Proposed USPS Facility. Council Member Bill Louda advised the Town that Ken Griffin of the USPS had requested a public meeting. They wish to move forward with the proposed site on Okeechobee Blvd. Town Attorney David Tolces has not yet researched this, but feels that the Town would probably not be able to stop them if they wish to proceed with the new post office. Discussion at this meeting indicated those present were not in favor of this move due to increased traffic on Okeechobee. Motion by Council Member David Autrey to authorize the Mayor to send a letter to the USPS suggesting that Southern Boulevard would be a better location, with a copy to Acts II Church. Additionally the letter would request that we retain the 33470 zip code and assign another zip code to the remainder of the area. This motion was seconded by Council Member Bill Louda and passed unanimously.

17. Discussion Concerning E-Road/140th Avenue and Palm Beach County Comprehensive Plan Amendment 07-02. It is understood by Council Member Bill Louda that removing the E Road/140th Avenue Thoroughfare will be on the Land Use Advisory Board (LUAB) agenda for June 8, 2007, June 22, 2007 and July 13, 2007 and on the agenda for the Palm Beach County Board of County Commissioners (BCC) on July 23, 2007 if approved by the LUAB. Council authorized Council Member Bill Louda to attend the hearing to support the Town's Resolution opposing the Thoroughfare. Town Attorney David Tolces will copy the LUAB and BCC staff with the prior Resolution sent by the Town.

18. Discussion Concerning Limitations/Restrictions on Ability of Sex Offenders to Live in Certain Areas. Council Member Bill Louda advised that as other areas of Palm Beach County begin to limit the areas in which registered sex offenders can live, it may encourage them to live in the Town of Loxahatchee Groves. Residents are advised to be aware that the list of where registered sex offenders live is published and they are encouraged to keep up to date with that list. It was suggested by Resident Sharon Browning that the Town's Webmaster, Don Williams, add the link to the Town website. Town Attorney David Tolces advised that cities can adopt an ordinance regarding this matter. He will provide samples of other similar ordinances.

19. Authorize Town Expenditures. Council Members reviewed an invoice from Goren, Cherof, Doody & Ezol, P.A. for legal services from April 23, 2007 to May 30, 2007. Motion by Council Member Bill Louda to authorize payment of this invoice, seconded by Vice Mayor Marge Herzog. Motion passes unanimously.

20. Agenda for June 19, 2007 Meeting. Items currently on the agenda for June 19, 2007 include scheduling a date for the Horse Manure Workshop; the ILA with Palm Beach County for Code Enforcement; and the Resolution on Municipally Owned Property that is appropriate for affordable housing.

PUBLIC COMMENTS. Gabino Romero from the Centro Cultural Latinoamericano stated that his organization would like to assist in solving the issue of day laborers gathering on Okeechobee. He was encouraged to attend the workshop. It was also noted that County Commissioner Jess Santamaria and the local churches should be invited to this workshop.

COUNCIL MEMBER COMMENTS.

Council Member Dennis Lipp: The Town should consider an ordinance against littering which would come with a significant fine. This would encourage residents to police others who litter. After discussion, it was determined that a Deputy Sheriff would need to witness the littering to enforce. Town Attorney David Tolces will provide copies of the current codes to the Council Members. This item will be added to the June 19, 2007 agenda.

Council Member David Autrey queried the status of the Okeechobee Boulevard traffic calming. The Town is waiting for the results of the County's plan for roundabouts and the cost of such a project. This item will be added to the June 19, 2007 agenda. He provided the keys for the Town office to Vice Mayor Marge Herzog.

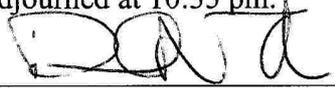
Mayor David Browning advised that he had previously resigned as an officer of the Loxahatchee Groves Landowner's Association.

Vice Mayor Marge Herzog advised that the Florida League of Cities has used pictures of local property on their publication. She has received letters from residents concerned about paying double taxes to the Town and the LGWCD, and about LGWCD trucks sitting around with the workers inactive.

Council Member Bill Louda received a letter from ERM which indicated that the deep water wells have been removed from the permit application.

TOWN ATTORNEY COMMENTS. Town Attorney David Tolces indicated that the Town has received their Tax Exemption certificate. He also congratulated Vice Mayor Herzog on being appointed as a Director for the League of Cities. Additionally, Mr. Tolces indicated that the Town could consider resetting the March 2008 election to coincide with the Presidential Primary election. This would save the Town costs in running their election.

On motion by Council Member Dennis Lipp and seconded by Council Member Bill Louda, the meeting was adjourned at 10:35 pm.

Submitted by  6/20/07
David Tolces
Town Attorney