



Summary of Discussion
Loxahatchee Groves Town Council
1st Budget Hearing & Town Council Regular Meeting
Tuesday, September 4, 2007
Loxahatchee Groves Water Control District Council Chambers
7:00 PM – 9:00 PM

Members Present:

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

Members Absent:

Dave Browning, Mayor

Others Attending:

Phyllis A. King, Transcriber, PKING Consulting
Matthew Lippman, Interim Town Clerk (NCS)
Dr. Irv Rosenbaum, Interim Town Manager (NCS)
David N. Tolces, Esq., Town Attorney
Members of the Public

A meeting of the Loxahatchee Town Council; "Council," "Board," or "Committee" was held at 7:00 p.m. on Tuesday, September 4, 2007 at the Loxahatchee Water Control District Council Chambers; 101 D. Road, Loxahatchee, FL.

1ST Budget Hearing:

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

Vice-Mayor Marge Herzog called the 1st Budget Hearing to order at 7:00 p.m. She then requested the roll call by Councilman Lipp. Upon completion of the roll, Vice-Mayor Herzog requested everyone stand for the Pledge of Allegiance and Invocation.

1ST BUDGET HEARING AGENDA:

5. Resolutions:

Resolution No. 2007-010 (1ST reading at Public Hearing)

Vice-Mayor Herzog recognized Town Clerk Lippman for the 1st reading of Resolution No. 2007-010. Town Clerk Lippman read Resolution No. 2007-010 into record and opened the floor to discussion.

Councilman Autrey asked to discuss how much the contingency should be and what it is used for. Dr. Rosenbaum advised that the contingency as a rule of thumb is 10%. He stated that it is used for things not funded in the budget.

Town Clerk Lippman advised that the 10% contingency for FY2007-2008 Budget is about \$120,000.

Councilman Autrey suggested leaving the millage at 1.5 mills.

Councilman Louda suggested revisiting funding for Law Enforcement at \$240,000 if it will end up with 20% contingency in first year. He stated that the Town could back away in the second year.

Town Clerk Lippman clarified that the Palm Beach Sheriff's Office (PBSO) contract has an addendum to be revisited in February 2008. Councilman Autrey stated that if a higher contingency is set than what is needed the millage could be rolled back.

Councilman Lipp stated that would be a discussion of putting a cushion for administration fees and collections.

Town Clerk Lippman stated that the County is providing a payment service for the SWA billing - This year is a 1-time deal in billing and collecting because it couldn't be put on the tax bill.

Councilman Lipp asked what the cost for collecting is if someone doesn't pay.

Councilman Lipp advised that he was inquiring about more than one bill. He stated that he was referring to about 160 people deciding not to pay.

Town Clerk Lippman stated that an analysis could be done.

Town Attorney Tolces: The concept is that there needs to be a certain amount paid by each resident to cover those individuals who don't pay. The base fee would be \$318 a year, but between administration and covering the accounts, as well as making sure that the contract amount is paid to the SWA, you may want to charge maybe 5% above that as part of the budget process. So instead of somebody paying \$318 a year, they'd pay \$335 per year. We would then have the ability; and it's in an Ordinance that's on your agenda for the regular meeting, to lien property and stop services if those individuals don't pay. At least the Town is collecting the funds that are necessary to satisfy the obligations under the Solid Waste Authority contract. That includes their figure that they normally use. That theory is incorporated into all their administration fees. We still owe them the \$318 per year.

A discussion ensued regarding Solid Waste fees. Dr. Rosenbaum stated that a plan would be provided. Town Clerk Lippman advised that the bill would be one bill with one price.

Vice-Mayor Herzog asked if there were further comments from Council members. There being no further discussion from the dais Vice-Mayor Herzog opened the floor to Public Comments.

There being no Public Comments regarding the millage Vice-Mayor Herzog opened for the Motion.

Councilman Lipp MOTIONED to approve the 1st reading of Resolution 2007-010 with correction to Millage rate to 1.5 Millage, SECONDED by Councilman Louda and the MOTION carried 3:1 (Councilman Autrey voted no).

Resolution No. 2007-011 (1ST reading at Public Hearing)

Vice-Mayor Herzog recognized Town Clerk Lippman for the 1st reading of Resolution No. 2007-011. Town Clerk Lippman read Resolution No. 2007-011 into record and opened the floor to discussion.

Town Clerk Lippman outlined the Budget for Fiscal Year October 1, 2007 to September 30, 2008 and explained the itemization differences.

Vice-Mayor Herzog opened the floor for discussion from Council.

Discussion ensued regarding Law Enforcement contingency. Town Clerk Lippman stated that if they go to a higher amount it would be prorated at a higher value.

Dr. Rosenbaum suggested looking at the budget from a 2 to 3 year perspective which would help make the decisions. A discussion ensued between Councilman Louda and Councilman Lipp regarding Law Enforcement staff.

Vice-Mayor Herzog asked if there were further comments from Council members. There being no further discussion from the dais Vice-Mayor Herzog opened the floor to Public Comments. There being no Public Comments Vice-Mayor Herzog called for a Motion.

Councilman Lipp MOTIONED to approve the 1st reading of Resolution 2007-011, SECONDED by Councilman Louda; the MOTION passed 3:1 (Councilman Autrey voted no).

Town Attorney Tolces: I just need to make an announcement pursuant to State Statute with respect to the millage rate 1.5 which was adopted; we would normally have to announce the percentage of millage that is whether above or below the rollback rate. However, since you do not have a rollback rate that number is zero. But in order to comply with the statutes I needed to make that announcement as well as the fact that the second Public Hearing on the millage in the budget is scheduled for September 18, 2007 at 6:30 p.m. here at the Loxahatchee Groves Water Control District Headquarters.

6. Adjournment: There being no further discussion and no additional public comment regarding the Budget Hearing the meeting was adjourned at 7:30 p.m.

Regular Town Council Meeting

The following items are a continuation of a combined Budget Workshop / Regular Town Council Meeting Agenda.

7. – 8. Call to Order/Roll Call

Vice-Mayor Herzog called the meeting to order at 7:31 p.m. She then requested the roll call by Councilman Lipp. Upon completion of the roll the Vice-Mayor moved to Item 9 - Approval of Agenda.

CONSENT AGENDA:

9. Approval of Agenda

Councilman Louda MOTIONED to approve the Consent Agenda. Councilman Autrey SECONDED; Councilman Louda made a FRIENDLY AMENDMENT by MOTIONING to also move Agenda Item 20 up to be heard after Agenda Item 15, Councilman Lipp SECONDED and the motion carried unanimously.

Vice-Mayor Herzog moved on to Item 10 - Approval of Minutes from August 21, 2007 Town Council Meeting.

10. Approval of Minutes from August 21, 2007 Town Council Meeting

Town Clerk Lippman advised that NCS is organizing staff but the minutes should be available prior to the Town's next meeting.

Approval of Minutes from August 21, 2007 tabled.

11. Expenditure Report: (Town Clerk Lippman)

Vice-Mayor Herzog stated that the Expenditure Report is included in the Council packets. She then opened the floor to comments from the Council. There being none she moved on to Regular Agenda Item 12.

Councilman Louda MOTIONED to approve the Consent Agenda Item No. 11 Expenditure Report. Councilman Autrey SECONDED and the MOTION passed unanimously.

12. PBC Planning, Zoning, & Building Town Report (Town Clerk Lippman)

Town Clerk Lippman advised that there was **no report** this week due to no activity.

Vice-Mayor Herzog asked for further comment. There being no further comments from the Council she moved on to Regular Agenda Item 13.

Regular Agenda:

13. Presentations:

a. Don Kiselweski, Florida Power & Light Area Manager

Storm Security, Safety, & Preparation for our Community Presentation

Town Clerk Lippman introduced Mr. Don Kiselweski, Florida Power & Light Area Manager.

FP&L representatives presented to the Council and showed a PowerPoint presentation.

Questions posed and answers provided were as follows:

Councilman Autrey inquired about FPL's underground program.

Mr. Kiselweski: If an individual or Town wants to bury their lines they pay the cost differential from the overhead to the underground. We're encouraging communities by taking 25% off that amount.

Vice-Mayor Herzog asked if there were further questions from the Council.

Councilman Louda inquired as to the size of the solar array.

Mr. Kiselweski: The array in Sarasota is by far much smaller than what we have out west.

Councilman Louda asked if FP&L was included in the discussion between DEP and South Florida Water Management.

Mr. Kiselweski: I'm not aware of it, but last time we were here, talking about franchise; you and I talked about it.

Councilman Louda asked how the cleaning was going.

Mr. Kiselweski: We have been doing the clearing in the area. I don't know if that's improved anybody's reliability; if you've noticed a difference or not. Hopefully, in the future when we have storms come through it'll be much improved.

Councilman Louda suggested that in gated communities the customers are contacted to arrange to get on their properties.

Mr. Kiselweski: We generally do notices when we're doing our trimmings. We put door hangers on; but indeed, if there are areas that were missed, certainly we can talk about those and come back.

Councilman Louda stated that he likes the automated status announcements from FP&L.

Vice-Mayor Herzog asked if there was any further discussion. She asked Mr. Kiselweski if there is a way to be more aggressive on the vegetation clearing in Loxahatchee Groves.

Mr. Kiselweski advised that the concerns would be addressed by the vegetation group; he suggested the Town follow-up with them.

Vice-Mayor opened the floor for public questions and comments.

A member of the public asked who decides how far to trim trees.

Mr. Kiselweski advised that Arborists are used to dictate how they should be trimmed.

Howard Voren - E Road suggested an alternative way to kill huge trees and make them more manageable for the owners.

Linda Isaacs asked if FP&L's vegetation program would help with clearing vegetation from the main telephone poles that intersect between the four properties in her backyard.

Mr. Kiselweski provided his business card so they can further discuss the concern.

Councilman Louda asked if FP&L is responsible for clearing the line leading to the house.

Mr. Kiselweski advised that FP&L is not responsible for this; he suggested using a certified tree contractor. He also advised that a meeting be set to address further concerns regarding vegetation.

Ken Johnson - Collecting Canal Road requested that a crew be sent out to the other end of Canal Road to clear vegetation.

Vice-Mayor Herzog asked for further comment from FP&L. There being no further questions or comments, Vice-Mayor Herzog moved on to Item 14 Ordinance No. 2007-005.

14. Ordinance No. 2007-005 (2nd reading of Public Hearing)

Town Clerk Lippman read Ordinance No. 2007-005 (2nd reading of public hearing) into record.

Councilman Autrey MOTIONED to approve the 2nd reading of Ordinance No. 2007-005, Councilman Louda SECONDED and the motion carried unanimously.

Vice-Mayor Herzog opened the floor for discussion from Council and subsequent Public Comment. There being none, Vice-Mayor Herzog requested the reading of Ordinance No. 2007-006 1st Reading.

Ordinance No. 2007-006 (1st reading)

Town Clerk Lippman read Ordinance No. 2007-006 (1st reading) into record. He stated that the Ordinance was a result of discussions from the Workshop meeting. He advised that if the Ordinance is passed the 2nd reading will take place at the Town's September 18, 2007 meeting.

Councilman Louda MOTIONED to approve the 1st reading of Ordinance No. 2007-006. Councilman Lipp SECONDED.

Discussion: Councilman Louda stated that the Code of Ethics doesn't reference that no Councilman should meet with anyone or any entity having something coming before the Town.

Town Attorney Tolces advised that this could be added.

Discussion ensued between Councilman Louda and Mr. Tolces regarding the Code of Ethics.

Town Clerk Lippman advised the Council to refer to the discussion from the Workshop. He then clarified what should be put in the Code of Ethics.

Town Attorney Tolces advised that it could be approved with an Amendment. He also stated that a provision would be added that says that Town Council Members are prohibited from meeting with any owners, representatives or agents associated with any land development projects including but not limited to rezoning, site plans, you know all those things. So long, as the application is in progress.

Councilman Autrey asked if a reimbursement policy needed to be included.

Town Clerk Lippman responded that it didn't need to be included due to the fact that Council has the authority to authorize the reimbursement.

Vice-Chair Herzog called the vote.

The MOTION passed unanimously. Ordinance No. 2007-006 1st reading Approved.

Ordinance No. 2007-008 (1st reading)

Town Clerk Lippman read Ordinance No. 2007-008 into record.

Councilman Louda MOTIONED to approve the 1st reading of Ordinance No. 2007-008.
Councilman Autrey SECONDED.

Discussion: Councilman Lipp asked if arrangements for budget constraints should be added.

Town Clerk Lippman stated that the staff would maintain the payments.

Councilman Louda stated that it rolls into the regular property tax for subsequent years.

Town Attorney Tolces stated that due to the timing of the incorporation in the Town's creation the Council did not have the opportunity to have this assessment included on the tax bill.

Town Clerk Lippman asked how far the residents are able to spread the payments.

Dr Rosenbaum stated the quarterly.

Vice-Mayor Herzog asked if there were any further comments. There being none she opened the floor to public comment.

Ms. Isaacs - Marcello Blvd. asked if the residents are required to have Solid Waste services.

Town Clerk Lippman responded yes and informed that it's a Public Health issue.

Ken Johnson - Collecting Canal asked if the Solid Waste Services are for all landowners or just residential homeowners.

Town Attorney Tolces responded that it will be for primarily, residential owners but advised that if in the future the Town may decide to enter into a contract to the Solid Waste Hauling, to provide for residential and commercial.

Vice-Mayor Herzog opened for further Public comment. There being no further discussion or public comment Vice-Mayor Herzog called the vote.

The MOTION passed unanimously. The 1st reading of Ordinance No. 2007-008 Approved.

20. Solid Waste Services

a. Status of RFP process for 2008-2009 Solid Waste contracts

Town Clerk Lippman advised that the RFP was forwarded to Mr. Tolces' office for constructing and fine-tuning. He then requested feedback from the Council.

A discussion ensued regarding listing specific concerns in the RFP document.

Town Attorney Tolces: Most of the issues are service, frequency and, amount of bulk pickup. How often do you feel like bulk pickup is necessary? That would be like your furniture items, those big things that the claw truck may have to come by. Do you want to have to put garbage in containers or do you just want them to be left in bags on the side of the road. Different things like that, that you'd maybe see in your travels in other communities.

Councilman Autrey stated that the options needed to be known.

Town Clerk Lippman advised that options would be provided for the Council.

Councilman Lipp suggested that a community dumpster might be an item. Dr. Rosenbaum stated that a dumpster might become a community nuisance unless it could be controlled. A discussion ensued regarding illegal dumping.

Town Attorney Tolces advised that staff would work on putting options together for the Council.

Vice-Mayor Herzog explained a recycling program, which was instituted in New Jersey; she then opened the floor for Public Comment.

Mr. Voren - E Road stated that it's more a matter of education for the residences as to what particular day; they might be more conscientious as to when they put stuff out there.

Town Clerk Lippman advised that the Town's website will have this information.

Claus von Grote - Gruber Lane explained that the SWA near the Fairgrounds takes any kind of electronic Solid Waste items.

Councilman Autrey stated that during a meeting with Solid Waste, the option of piggy backing the unincorporated PBC area contract had been discussed.

Town Clerk Lippman stated that when the RFP is in place the staff would be looking into this option. He also advised that the first payment is due January 5, 2008 and will run through September. A total of \$400,000 is to be paid out for the Fiscal Year.

Vice-Mayor Herzog having no further comments moved on the Item 20b.

b. Comprehensive Plan Planning Firm RFP's

Town Clerk Lippman explained that a budget and service would be provided.

Vice-Mayor Herzog opened the floor for Council comments. There being none, Vice-Mayor Herzog opened for Public Comment.

Vice-Mayor Herzog inquired about the rate of success for the collection of non-ad valorem for the LGWCD.

Clete Saunier, District Administrator LGWCD, explained the fee collecting process as being a part of the normal Tax Bill.

Vice-Mayor Herzog opened the floor for Item 15 - Community Emergency Response Training (CERT).

15. Community Emergency Response Training (CERT)

Councilman Lipp introduced Ken Johnson.

Ken Johnson presented the history of Citizens Emergency Response Team (CERT) and asked for volunteers. He then introduced Rich Handweg.

Rich Handweg - 19th Street advised that an Amateur Radio License Class is going to be offered due to CERT. He explained that the training will be offered every Monday night at 7:00 p.m. beginning on September 24.

Mr. Johnson thanked Palms West Presbyterian Church for allowing the CERT Team to hold their classes there and asked for questions or comments.

Councilman Autrey asked if there were physical requirements to volunteer for CERT.

Mr. Johnson replied no. He explained that individual capabilities are assessed prior to being assigned to help in particular capacities.

Councilman Autrey suggested requesting volunteers through the Town's Newsletter.

Discussion ensued between Mr. Johnson and Councilman Autrey regarding the organization of the volunteers.

Mr. Johnson stated that the CERT Team self activates when other disaster services are overwhelmed. He also advised that the CERT Team is not organized until training is complete.

Councilman Louda asked if anything could be done community-wide as a way people can communicate inexpensively.

Mr. Johnson suggested having more discussions on communication.

Councilman Lipp advised that some communities set aside funds for CERT supplies.

Mr. Johnson asked if there were any other questions. He then thanked everyone for their time.

Vice-Mayor Herzog informed that Item 16, Palm Beach Sector Plan Administrative Proceeding Update was opened for discussion.

16. Palm Beach Sector Plan Administrative Proceeding Update

Town Attorney Tolces provided the Council with an overview of Palm Beach Sector Plan Administrative Proceedings Update. He advised that Palm Beach County has agreed to continue meeting and there is a formal hearing scheduled for November. Mr. Tolces stated that everything is proceeding and traffic concerns are being addressed.

Vice-Mayor Herzog called for Council discussion or comments.

Councilman Louda asked Mr. Tolces if he got a feeling of how DCA felt about the plan overall.

Town Attorney Tolces advised no and informed that the two sides had not been in contact.

Councilman Louda stated that the ORC Report was written on the Sector Plan prior to May with changes.

Town Attorney Tolces stated that the County would say that it is a remedial amendment that's provided for in the process.

Councilman Lipp advised that Bob Dennis - Districts 10 and 11 Administrator would cover the Loxahatchee Groves Comprehensive Plan.

Vice-Mayor Herzog called for any public comments.

John Ryan - A Road asked Councilman Lipp if there were any opportunities for input related to Loxahatchee Groves during the meeting at Palm Beach County.

Councilman Lipp stated that representation was present in case the subject of E Road 140 came up.

Mr. Ryan asked if any insight was provided as to how they may or may not react to this Item in regards to a one in five change.

Town Attorney Tolces explained that the issue did not come up because it is not a part of the Sector Plan. He then provided an update on the request to process the Land Use Plan Amendment.

Vice-Mayor Herzog called for further public comment, there being none she moved on to Item 17, League of Cities Golf Tournament Fundraiser.

17. League of Cities Golf Tournament Fundraiser

Vice-Mayor Herzog advised that gifts and teams are needed.

Town Clerk Lippman asked for a flyer from League of Cities.

Mr. Saunier advised that it should be on the League of Cities website.

Vice-Mayor Herzog having no action further discussion moved on to Item 18, Traffic Control Devices (ILA with PBC or LGWCD).

18. Traffic Control Devices (ILA with PBC or LGWCD)

Town Attorney Tolces advised that they just need to draft an appropriate local agreement and they are looking for direction from the Town Council as far as how to proceed with this matter.

Town Clerk Lippman requested that Mr. Saunier provide an update.

Mr. Saunier provided an overview of the Interlocal Agreement between the Town and Palm Beach County. He offered to present an ILA between the Town and the LGWCD at the next Board meeting or perhaps October's Board meeting for their review and approval.

Town Clerk Lippman asked what the cost to the Town would be.

Mr. Saunier replied none from the WCD; however explained that the sign shop of PBC would be the resource for the cost of the signs and materials. Mr. Saunier also advised that the Town purchases the signs and the Water Control District supplies the resources, manpower, and equipment to install them and keep them intact.

Councilman Louda suggested that the ILA would read the Town pays for the signs and the WCD would do the work.

Town Clerk Lippman asked if every road in Loxahatchee boundaries would be covered.

Mr. Saunier stated that it covers every road in the Town's boundary that is deemed to need a certain sign. He explained that only the Town Council has the authority to say where signs will be placed.

Discussion ensued between Town Clerk Lippman and Mr. Saunier regarding coverage's for signs on sub-roads.

Councilman Louda inquired if stop signs can be put along Okeechobee.

Mr. Saunier stated the Okeechobee Blvd. is a County road and in that Agreement with the County the County's Road and Bridge Department would be contacted.

Discussion ensued regarding street signs on Okeechobee.

John Ryan - A Road referenced the ILA regarding termination of the Agreement and what should happen with the excess signs.

Mr. Saunier stated that he does not believe the County is going to come over and demand the return street named signs which they have no place to put other than within the Town's District.

Councilman Autrey inquired on the process for requested sign replacement or repair.

Town Attorney Tolces advised that someone would call the Town's office, advise that there's a sign down.

Discussion ensued between Councilman Louda, Mr. Tolces, and Mr. Saunier regarding the process for replacing signs.

Town Attorney Tolces asked how it is handled when a request is made for a sign that is not already there; e.g. if somebody wants a stop sign, yield sign, or a speed limit sign. Who will look at that issue to see if a sign is necessary or warranted?

Mr. Saunier stated that this is directed back to the County Engineers office and the County Engineer has to render a decision.

Town Attorney Tolces suggested the Council consider retaining an entity to be available upon request to go out and study a certain situation.

Town Clerk Lippman requested a motion for the ILA.

Councilman Louda MOTIONED to proceed forward with an Interlocal Agreement between the Town of Loxahatchee Groves and the Loxahatchee Groves Water Control District to provide signage maintenance and support services, Councilman Lipp SECONDED and the MOTION passed unanimously.

Vice-Mayor Herzog having no further comments moved on the Item 19, Town Work Plan.

19. Town Work Plan

a. Comprehensive Plan Facilitator RFP's

b. Comprehensive Plan planning Firm RFP's

Town Clerk Lippman advised that there is a Facilitator RFP in Council's packets. He explained that some things would be switched out but the process of choosing one will remain the same; so they're looking for feedback from Council members.

Dr. Rosenbaum stated that the Comprehensive Plan Facilitator should be brought in from the outside.

Town Clerk Lippman provided background on research completed and suggested that the Council look at someone who can provide the most objective point of view. Town Clerk Lippman advised that staff would place ads in the newspaper.

Councilman Louda suggested Trade Journals be used to advertise as well.

Discussion ensued between Dr. Rosenbaum and Councilman Louda and it was determined that Trade Journals would not be an appropriate direction.

Councilman Autrey questioned when the Scope of Services would be put out.

Town Clerk Lippman referred Council to the timeline on page 5 of the RFP.

Dr. Rosenbaum advised of the 3-part process and informed that the background documents are provided on page 2.

Councilman Louda stated that the 3-part process evolved out of the process and he stated that it is not something that was put into the RFP.

Dr. Rosenbaum informed the Council that given the character of the community and all the different things. Taking a futuristic look at the community would be included.

Councilman Autrey referenced the Palm Coast document as being very supportive and impressive.

Dr. Rosenbaum suggested telling potential bidders specifically what they are bidding on in the RFP's.

Councilman Louda suggested tabling RFP time requirements to 2 to 3 days after the next Council meeting.

Town Clerk Lippman suggest changing the date to September 24.

Town Attorney Tolces suggested that it be an item on the next regular meeting agenda.

Town Clerk Lippman advised that the missing elements of this RFP will be in place by next meeting for the Council to approve and six days later staff would be ready to put the RFP out if it is the will of the Council to do so.

Dr. Rosenbaum advised that the staff would do the research.

Discussion ensued regarding obtaining input via email and not rushing the process.

Vice-Mayor Herzog asked for further comment. There being none she opened the floor to public comment. There being none, Vice-Mayor Herzog moved on to agenda Item 21 - Code Enforcement Update.

21. Code Enforcement Update

Town Clerk Lippman advised that there was no report this week due to no activity. He advised that a Special Magistrate process has been developed.

Councilman Autrey asked if the Council would have the opportunity to meet the Code Enforcement Officer.

Town Clerk Lippman stated that the Code Enforcement Officer would be presenting the finalized format to the Council at the next meeting.

Councilman Louda referred to an email question regarding code violations. Town Clerk Lippman explained that the letter was a 30-day notice. He stated that there is no violation until after the 30 days.

Vice-Mayor Herzog asked if the public knew where to respond.

Town Clerk Lippman described the notice and violation process.

Vice-Mayor Herzog asked if the Council would have some guidelines to follow advising the Council of what they can do if someone continues to violate.

Town Clerk Lippman advised that instructions would be provided to Council.

Town Attorney Tolces advised that there is a non-interference clause under the Charter which the Council must adhere to. He then instructed Council to direct complaints to the Town Manager.

Councilman Louda asked if Code Enforcement is required to give a report to the Council.

Town Clerk Lippman stated that the letter received was driven by Code Enforcement.

Councilman Louda asked if they could attend to field questions.

Town Clerk Lippman stated yes, they could attend.

Councilman Louda inquired as to the difference between a Courtesy Letter and a Courtesy Notice.

Town Clerk Lippman provided information to detail the differences between the letter and the notice.

Discussion ensued between Councilman Louda and Town Clerk Lippman regarding the courtesy letter entry.

Vice-Mayor Herzog inquired as to how the Code Enforcement Officer would be identified.

Town Clerk Lippman stated that the Code Enforcement Officer has identification and clothing stating where he works. He advised that once the flow chart and information is provided the Code Enforcement Officer would make a monthly appearance.

Town Attorney Tolces advised that caution be taken with potentially making the Code Enforcement Report into a question and answer session. He stated that questions on the process could be answered.

Discussion ensued regarding the types of questions allowed.

Town Clerk Lippman provided an example from a previous meeting with Code Enforcement.

Vice-Mayor Herzog asked if the Code Enforcement Officer wears a Uniform.

Town Clerk Lippman advised that a button down shirt with the name - Code Enforcement is worn.

Councilman Louda asked if the Code Enforcement Officer went out on a particular complaint; would he look for other violations or ignore them and stick specifically to the complaint at hand.

Town Clerk Lippman advised that a specific complaint will be addressed and they are not required to search the premises for any more violations; but they can do so.

Vice-Mayor Herzog opened the floor for public comment.

Todd McClendon - D Road discussed a hypothetical situation that if he received a certified letter giving him 30 days to correct a tall grass issue; which they discussed in the Workshop meeting a few weeks ago. He stated that during the meeting, it was addressed and they were informed that the tall grass issue would not be enforced right now.

Town Clerk Lippman advised that the Town Attorney has it.

Mr. McClendon stated that a week after the inspection he received a certified letter in the mail saying he has 30 days to correct it.

Town Attorney Tolces explained that a notice of violation would have a date for the hearing and a fine. He also stated that residents still have an obligation to comply with codes that are out there.

Town Clerk Lippman explained that it is required by Code Enforcement Agency to send certified mail to show proof of receipt by the resident.

Mr. McClendon - D Road asked if your grass is too high could you be fined 60 days from that point.

Town Attorney Tolces stated that the process would come down from a Special Magistrate.

Discussion ensued regarding the education process for the Town's people.

Councilman Autrey stated that the concern is someone wishing to cause havoc.

Town Clerk Lippman advised that every citizen complaint must be fielded, but may not result in a violation.

Councilman Autrey stated that the code needs to be sorted out.

Town Attorney Tolces advised that the Council is not the mediator of private property disputes as Town staff has been entrusted to handle the matters.

Town Clerk Lippman advised that a memo was drafted based upon the Ordinance Workshop; to direct staff of what to address immediately.

Councilman Lipp stated that he was under the impression that a workshop would be arranged for items 1-10.

Town Clerk Lippman explained that the order needs to be those items which are of priority to the Council.

Councilman Autrey asked what happens if the issue is in the ULDC and not in the Code of Ordinances.

Town Attorney Tolces advised that the Council is subject to enforce it.

Todd McClendon - D Road suggested addressing the Codes with urgency. He suggested looking at violation notices over a month and addressing those receiving the most violations first.

Town Clerk Lippman stated that it's a good idea.

Discussion ensued as to how to manage the process.

Howard Voren - E Road stated that certain areas need to be handled expeditiously. He then advised that the letter does not give the intended impression of being a Courtesy Notice.

Town Attorney Tolces explained that this Code Enforcement process is not unique to Loxahatchee Groves. He stated that staff would readdress the language in the letter. He also advised that there is indeed a difference between the Courtesy Notice and Notice of Violation.

Vice-Mayor Herzog asked if the Courtesy Notice identified what would happen if the resident does not correct the issue.

Town Attorney Tolces stated he was not sure as he would need to review the letter to ensure accurate communication.

Howard Voren - E Road addressing Town Clerk Lippman expressed concern and frustration of being confused by his prior explanation of the process.

Town Attorney Tolces advised Mr. Voren that the rules of the meeting are to direct comments directly to the Council only, not to staff. He again advised that the issues would be addressed.

Todd McClendon - D Road stated that the letter needs to be more specific.

Ms. Isaacs - Marcella Blvd. commended the Council on their efforts. She then expressed dissatisfaction with the protocols of the meeting (e.g. the inability to address staff directly); advising that she is becoming angrier by the week that the Council has given so much power to staff. She stated that she hopes that the Council gets stronger and takes on more of their own powers and not give so much away to the staff.

There being no further discussion, Vice-Mayor Herzog opened the floor to Public Comments.

Items at the Request of the Public

Individuals wishing to make a five-minute presentation must complete the necessary form and submit to the Town Clerk prior to 8:45 p.m.

22. Public Comments

Reverend Calvin Lyerla- Worship Center - 13000 Okeechobee Blvd stated that his organization would like to offer their partnership to the Council in working on some alternative locations, meeting spot, or gathering point for the Solicitation of Day Workers.

Councilman Lipp advised that the decision should be driven by the individuals and they, if need be, obtain guidance from the Town Council.

Rev. Lyerla advised that they are stating they want to be that party.

Councilman Louda advised that the meeting would be with Corn Maya and Catholic Charities.

Reverend Lyerla responded that they would like to be official endorsement by the Town.

Vice-Mayor Herzog inquired as to whether Acts 2 Worship Center has a Pregnancy Intervention Program.

Reverend Lyerla – replied no but advised that they operate a non-profit charitable arm separate from the Church.

Vice-Mayor Herzog called for further comments. There being none, Vice-Mayor Herzog opened the floor to Town Clerk Comments.

23. Town Clerk Comments:

Town Clerk Lippman provided an update on the website and newsletter. He stated that the next meeting will be held on September 18, 2007 at 6:30 p.m. and the Regular Town Council meeting is at 7:00 p.m. He advised that the feedback from Solid Waste has been received and will be provided to the Council at the next meeting. He then informed that the Solicitation of Day Workers response has been great.

24. Council Member Comments:

Councilman Lipp thanked Calvin Giordano and everyone for coming out and providing support.

Councilman Autrey inquired on the request for the Mayor to contact the Sheriff. He then asked if the Vice-Mayor could make the contact.

Town Clerk Lippman stated that contact was made with the Sheriff and he is frustrated with the process. He also advised that Dr. Rosenbaum has agreed to speak with him.

Councilman Autrey stated that due to the daily balance the contingency would be high.

Dr. Rosenbaum stated that cash flow is very important. He advised that those tax dollars come in increments. He also stated that sometimes the different cycles are late; they come in later in the year. \$100,000 is quite adequate but under different circumstances, he advised the Council that they may need that cash flow.

Councilman Autrey asked if this is ever reflected in the budget.

Dr. Rosenbaum responded that it is not reflected in the budget and advised the process for including it in the budget.

Councilman Louda advised that he is concerned because of what the State went through.

Councilman Autrey advised that the budget was very conservative.

Vice-Mayor Herzog thanked Reverend Lyerla and Acts 2 Worship Center; and the Staff for the great work and support.

25. Town Attorney Comments:

None

26. Adjournment:

There being no further discussion and no additional Public Comment the meeting was adjourned at 10:07 p.m.

MAYOR DAVE BROWNING

ATTEST:

Matthew Lippman, Town Clerk

Date Approved