



Loxahatchee Groves Town Council

Regular Town Council Meeting

Tuesday, January 22, 2008

Loxahatchee Groves Water Control District Council Chambers

7:00PM– 10:00PM

Members Present:

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

Members Absent:

None

Others Attending:

Michelle Kantor (NCS)
Matthew Lippman, Interim Town Clerk (NCS)
Julie Klahr, Esq., Town Attorney
Members of the Public

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

Mayor Dave Browning called the meeting to order at 7:01 p.m. He then requested the roll call by Town Clerk Lippman. Upon completion of the roll, the Mayor requested everyone stand for the Pledge of Allegiance and Invocation.

5. Approval of Agenda

Mayor Browning said that a request had been made by Town Clerk Lippman to move Item #21 up to right after the Consent Agenda.

Councilman Autrey requested to add an Item #11(a) Simon Property to the Agenda.

Councilman Autrey MOTIONED to accept the agenda with additions and corrections noted, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

CONSENT AGENDA:

6. Approval of Minutes from:

- a. December 18, 2007 Town Council Meeting

Councilman Lipp noted that on Master Page 18 the word "well" should be added before water,

Vice-Mayor Herzog noted that on Master Page 6 the CEO name should be spelled Bland Eng.

Councilman Louda MOTIONED to approve the Consent Agenda with corrections to the minutes as noted, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.

7. Financial Report

8. PBC Planning, Zoning, & Building Town Report

9. PBC Fire-Rescue Response Time Reports (Oct, Nov & Dec 2007)

REGULAR AGENDA:

THIS ITEM WAS MOVED UP AT THE BEGINNING OF THE MEETING:

21. Update of Water Variance Request by LGWCD

Clete Saunier, LGWCD said he had met with SFWMD last Wednesday, January 16, 2008 and it was a positive meeting. He said that a variance would hinge on an emergency situation that would be defined hopefully between a ceiling elevation of canals and a floor elevation. He said LGWCD had been expecting a confirmation letter on the first comments letter we received and he feels SFWMD has a better understanding of the Groves and our particular situation. He said SFWMD wants to help us and we have to help them help us. He said we need their help with fire rescue situations.

Town Clerk Lippman said the most important thing is we are not in a panic mode right now, especially with the rain tonight. He said if for some reason we get dangerously low they will not let us go down and Clete can pick up the phone and make an emergency call. He said we as a Town have to decide what our long term plan to protect ourselves from a drought. He said there is a page on the Town's website dedicated to fire protection and awareness. He said the key is to educate the Public to protect themselves from forest fires because in the Groves we have a lot of brush. He said we need to conserve water and decide how we are going to do so. He said that we need to be proactive with what we are doing about water violations during the strictest phase of water restrictions. He said we need to look at nurseries because their restrictions are different.

Mr. Saunier said that based on the information SFWMD is looking for, they stressed they would need more time. He said if we put pressure on them then they will deny our request. He said we are extending the request until the March Board Meeting.

Vice-Mayor Herzog mentioned a gentleman named Scott who works for the Forestry Division's Fire Wise Program.

Town Clerk Lippman said that was some of the information he posted on the website.

Councilman Louda asked if SFWMD was looking at what the residents could do to be proactive against forest fire at their home sites.

Vice-Mayor Herzog said that if a resident can't do the work themselves due to a handicap that the Forestry Division will come and clear the land for them.

Councilman Autrey asked in addition to the website what are we going to do in terms of Public Education. He asked about a newsletter or a mailer.

Town Clerk Lippman said that a newsletter will go out in the next few months, we will hand out information at Council meetings, and we will have Code Enforcement's assistance in giving out door tags with information on them and will be looking for any violators.

Councilman Autrey said he would like to know if the LGWCD Board is looking at other things that can be done internally with the system.

Mr. Saunier said if you want to send Town Staff to our meeting, I'm sure the Board would entertain and discuss that.

Councilman Louda said he had a copy of grants from the Department of Agriculture and he handed this out. He mentioned a quick deadline of the end of February 2008. He said maybe we can put in a quick grant proposal for weirs or something.

Town Clerk Lippman said in researching there is money out there and we just need to figure out how we can get it. He said in dealing with water management there are plenty of grants.

10. Ordinances:

2008-001: Solicitation of Employment

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LOXAHATCHEE GROVES, BY ENACTING A NEW ARTICLE TO BE ENTITLED "SOLICITATION OF EMPLOYMENT"; TO PROVIDE SPECIFIC CONTENT NEUTRAL TIME, PLACE, AND MANNER RESTRICTIONS ON THE STREET-SIDE SOLICITATION OF EMPLOYMENT FROM PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE CREATION OF A NEW CODE SECTION TO BE ENTITLED "DEFINITIONS"; PROVIDING FOR THE CREATION OF A NEW CODE SECTION TO BE ENTITLED "PROHIBITION OF SOLICITATION OF EMPLOYMENT IN COMMERCIAL PARKING AREAS AND CERTAIN MULTI-FAMILY RESIDENTIAL AREAS"; PROVIDING FOR THE CREATION OF NEW CODE SECTION TO BE ENTITLED "VIOLATION PENALTY"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Klahr conducted the 1st reading of Ordinance 2008-001.

Councilman Autrey MOTIONED to approve Ordinance 2008-001 Solicitation of Employment, SECONDED by Councilman Louda and discussion was then opened:

Councilman Louda said that some of the Council members had received some e-mail objections regarding legal status of the day laborers.

Councilman Lipp asked where to find Section 1-11 of the Town Code which was mentioned on Master Page 10, in Section 5.

Town Attorney Klahr said if that is in error it can be corrected between the 1st and 2nd readings.

Councilman Lipp said the primary reason we brought this up is safety. He said it is a better way to handle traffic management.

Vice-Mayor Herzog said that the workers also have the potential for them to be able to bank and have English classes if they want to.

Mayor Browning said the one thing he wanted to say is that like Councilman Lipp had pointed out we are dealing with a safety issue not a legal issue.

Councilman Louda said that it is not up to the Council to decide if the workers are legal or illegal and all we are doing is saying now there is only one spot to solicit work at.

The MOTION passed unanimously 5-0.

11. Resolutions:

2008-003: Highland Dunes

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, REQUESTING THAT THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY RESCIND THE APPROVAL OF RESOLUTION 2006-028 FOR ZONING APPLICATION PDD-2005-1174 (CONTROL NO. 2005-394), THE APPLICATION OF PALM BEACH AGGREGATES, INC. FOR THE APPROVAL OF THE HIGHLAND DUNES PUD, AND REQUEST FURTHER INVESTIGATION INTO THE METHOD AND MANNER IN WHICH THE RESOLUTION WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; REQUESTING REMOVAL OF THE CONDITION CONCERNING THE WIDENING OF SOUTHERN BOULEVARD TO SIX LANES; DIRECTING THE TOWN CLERK TO TRANSMIT THE RESOLUTION TO THE APPROPRIATE GOVERNMENT OFFICIALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Klahr conducted the 1st reading of Resolution 2008-003.

Councilman Louda MOTIONED to approve Resolution 2008-003 Highland Dunes, SECONDED by Vice-Mayor Herzog and discussion was then opened:

Councilman Lipp said if this amendment is approved that we add an amendment to it to hire a lobbyist.

Councilman Autrey said he thought we did this resolution at the request of Commissioner Santamaria.

Councilman Louda asked if Staff could do an RFP for the lobbyist.

Town Attorney Klahr made a recommendation that the Council authorize Staff to bring forward lobbyists for the commission to actually engage and that it could be done without an RFP.

Councilman Lipp said that to move ahead with the idea that Southern is going to be a 6 lane major highway his reservation is if we don't go after it tooth and nail then it is just a waste of time.

Town Clerk Lippman said at the last meeting Staff was asked to retain the services of a traffic engineer and Town Manager Dr. Rosenbaum has done so. He said that Staff can provide information and direction to hiring a lobbyist.

Councilman Louda said that he agrees and we should start thinking about 6 lanes and lobby for a skinny median.

Mayor Browning said you have to have some place to stop.

Vice-Mayor Herzog said when you look at the fact that this is going to be built anyway it will save us tax dollars for Dunes to pay for the construction of this.

Councilman Autrey said like he said at the last meeting, his concern is not that they are going to do this but how fast they are trying to do this.

Town Clerk Lippman said his understanding is they have to do this within a certain amount of time.

Councilman Louda said this Resolution pertains to Highland Dunes participation in this project.

Mayor Browning said the way they got approval should have been questioned.

Councilman Lipp said that on Page 2 of the Resolution it reads requests or recommends. He said he preferred just "requests."

The MOTION passed unanimously 5-0.

Town Clerk Lippman reviewed that the general consensus would be for Town Staff to find a lobbyist and come back with that information at the next Town Council Meeting.

COUNCILMAN AUTREY HAD REQUESTED THE ADDITION OF ITEM 11(a) SIMON PROPERIES TO THE AGENDA:

Councilman Autrey said that we need to make sure that we have the ability to comment as they move forward and try to get their development approval with the County. He said there is

language in the Charter that eliminates the Town's ability to approve or disapprove but it doesn't eliminate the right for us to comment on it.

Town Attorney Klahr said that Town Attorney Tolces has communicated with them and is trying to get additional information and he is not getting the type of answers that he would like. She said if the Commission would like us to draft a Resolution to bring some feed back to them it might give us some weight in this.

Councilman Autrey said from what he understood they have been exempted from the Sector Plan and he knows they are negotiating with the DCA for their project and what they can do with the zoning.

Councilman Lipp said that January 30, 2008 is the date for the 1st charette for the Western Communities overlay and he would bring something up at that.

Councilman Louda asked if Staff had heard anything in regards to a request for Commercial.

Councilman Autrey said we should find out where they are in the process and find out what they are doing.

Councilman Louda asked if since Florida is a Sunshine State we could request copies of all communication back and forth so far.

Town Attorney Klahr said absolutely.

Councilman Louda said we should do so then.

**12. (a) Appeal for exemption from Moratorium: (PUBLIC HEARING)
(Control No.2001-013) (First SDA Church)**

PROPOSED REQUEST TO THE TOWN: The applicant is requesting an exemption from the Town's moratorium in order to continue with their land development application for the property. The applicant would still be required to seek approval from the Town Council on the Final Site Plan.

If the exemption from the Moratorium is granted the applicant will request for final site plan approval for the First SDA Church (Control No. 2001-013) The subject property is located within the Town of Loxahatchee Groves and is located on the Southwest corner of Okeechobee Blvd and E Road.

Town Clerk Lippman said that the project had fulfilled the information request of Town Staff and submitted payment for advertising of the Public Hearing.

Chris Barry, Planner, Jon E. Schmidt and Associates, Inc., Land Planners & Landscape Architects introduced himself and explained the background of the project. He said on 6/18/07 the church had switched planners and hired his firm. He said on 10/18/07 the extension request was filed with PBC. He said if the Moratorium exemption is granted that on 2/20/08 the project will be submitted to PBC and that on 6/11/08 the project in expected to be certified by PBC DRO.

Town Clerk Lippman said that if the Council approved the exemption from the Moratorium that the project would still have to go before the Council for site plan review.

Councilman Lipp MOTIONED to approve the exemption from the Moratorium Ordinance for First SDA Church, SECONDED by Vice-Mayor Herzog and discussion was then opened:

Councilman Lipp asked if the applicant had the funds to do the project.

Mr. Barry said yes and they are ready to move forward with the project.

Councilman Autrey asked about the build out and what exactly they would be building.

Jon E. Schmidt, Jon E. Schmidt and Associates, Inc., said that the project is located on the corner of Okeechobee Boulevard and E Road. He said the first phase is 7000 square feet and the second phase is another 10,000 square feet. He said there would be no access on E Road once it was built to meet traffic corridor standards.

Councilman Autrey asked if the terms of the use of the facility were only Saturdays.

Mr. Barry responded that there would be no school or day care just a place of worship.

Councilman Lipp questioned the name of Royal Palm Beach and Mr. Schmidt said that was an old plan and they could get that changed.

Councilman Louda asked if the plan had changed or they were just looking for a time extension.

Mr. Schmidt said they were just looking for a time extension.

Mayor Browning said there were no comments from the Public.

The MOTION passed unanimously 5-0.

**(b) Appeal for exemption from Moratorium: (PUBLIC HEARING)
(Control No. 2003-00071) (Community of Hope Church)**

PROPOSED REQUEST TO THE TOWN: The applicant is requesting an exemption from the Town's moratorium in order to continue with their land development application for the property. The applicant would still be required to seek approval from the Town Council after it has received certification on the Conditional Use as well as the presentation of the Final Site Plan.

If the exemption from the Moratorium is granted the applicant will be seeking certification through the DRO a request for Conditional Use approval for Community of Hope Church (Control No. 2003-00071) The subject property is located within the Town of Loxahatchee Groves and is located 250 feet off of the Northwest corner of Okeechobee Blvd and E Road.

Chris Barry, Planner, Jon E. Schmidt and Associates, Inc., Land Planners & Landscape Architects introduced himself and explained the background of the project. He said on 7/10/07 the project was put on hold until the ILA was worked out between PBC and the Town. He said if the Moratorium exemption is granted that on 1/28/08 the project would be re-submitted to DRO and on 2/13/08 the project is expected to be certified by PBC DRO.

Vice-Mayor Herzog MOTIONED to approve the exemption from the Moratorium Ordinance for Community of Hope Church, SECONDED by Councilman Lipp and discussion was then opened:

Councilman Lipp asked how many total acres the project was and how many egress does the project have.

Mr. Barry responded 15 acres and 1 egress on Okeechobee Boulevard.

Councilman Autrey asked where the existing building is located on the map.

Town Clerk Lippman said that if this project is exempted there will be 2 opportunities for this project to be heard by us.

Mayor Browning said there were no comments from the Public.

The MOTION passed unanimously 5-0.

13. (a) Monitoring Time Extension: (PUBLIC HEARING)

(Control No.2001-013) (First SDA Church)

PROPERTY DESCRIPTION: The subject property is located within the Town of Loxahatchee Groves and is located on the Southwest corner of Okeechobee Blvd and E Road.

DEVELOPMENT APPROVAL BEING REVIEWED: The Time Extension for Control No. 2001-013 has expired. If a time extension is granted, this would allow the applicant to submit a complete building application which would allow for an additional 90 days for development of the entire project to commence, or entire phase if a phased project.

COUNTY STAFF RECOMMENDATION: Approval of a 90 day extension to commence development of project

Town Attorney Klahr said this item is a quasi judicial item and asked anyone who would be speaking on the Item to be sworn in.

Town Clerk Lippman said that since the exemption from the Moratorium had already been granted for this project, the time extension would allow them 90 days before they had to come back to the Council.

Councilman Louda MOTIONED to approve the time extension for First SDA Church for up to 180 days, SECONDED by Vice-Mayor Herzog and discussion was then opened:

Chris Barry, Planner, Jon E. Schmidt and Associates, Inc., Land Planners & Landscape Architects who represents the project said that 90 days would not be long enough because they still had to go through final site plan approval which will take 4-6 months. He said we would definitely be back before you in 90 days. He said he believed the County extension requested was for 1yr or 18 months.

Town Clerk Lippman said what you can do is just approve the time extension and I can work out the details after the meeting.

Town Attorney Klahr said for the record, under the code you can approve a time extension up to 24 months.

The MOTION passed unanimously 5-0.

(b) Monitoring Time Extension: (PUBLIC HEARING)

(Control No.2004-024) (Florida Conference Assoc of 7th Day Adventists)

PROPERTY DESCRIPTION: The property is approximately .5 miles South of Okeechobee Blvd on the west side of Folsom Road.

DEVELOPMENT APPROVAL BEING REVIEWED: Zoning Petition for Control No. 2004-024 is seeking a Class A Conditional Use to allow a church or place of worship and a private school. PBC Traffic Division has determined that if the development order is amended to delete the school, the project will meet the requirements. The pastor for the church has submitted a written request to have the school deleted. The deadline to commence development was October 28, 2007.

COUNTY STAFF RECOMMENDATION: Adoption of a resolution to approve a development order amendment to delete the private school and approval of a two-year time extension, from October 28, 2007, to October 28, 2009 to commence development

Councilman Louda MOTIONED to approve the time extension for Florida Conference

Association of 7th Day Adventists, SECONDED by Vice-Mayor Herzog and discussion was then opened:

Town Attorney Klahr said this item is a quasi judicial item and asked anyone who would be speaking on the Item to be sworn in.

Town Clerk Lippman said with this project there are 2 issues. First, he said there has been no activity on this project for 3 years. Second, they are also asking us to pass a Resolution to remove the private school from the property.

Barris Reed, Royal Palm Beach, said the reason the project is at this point is that we have required a permit for each process. He said we are ready to move forward at this point and we have sought out our method of construction.

Mayor Browning asked if this will remove the private school from the site.

Mr. Reed said he has no idea where the private school came from. He said all they have is a fellowship hall and a sanctuary.

Vice-Mayor Herzog asked where the project is located.

Mr. Reed responded at the corner of E Road and Okeechobee Boulevard. He said the name of the church is Royal Palm Beach.

Town Clerk Lippman said that we are trying to confirm the initial submittal of the size of the church is what they turned in and not something different.

Councilman Lipp said he needed clarification for voting.

Town Clerk Lippman said we just need to vote on the time extension at this point. He said the issue of the school was being handled in the staff report.

Vice-Mayor Herzog said there was some confusion. She said on Page 137 the property is identified with a different name.

Mr. Reed said that there are 2 different congregations.

Town Clerk Lippman asked Mr. Reed to clarify for the record the address of the project requesting the time extension. He said he sees the new location is on the letter dated 12/31/07 and is the Southeast corner of Okeechobee Boulevard and E Road.

The MOTION passed unanimously 5-0.

14. Solid Waste Hauling Company's Interviews:

a. Southern Waste Systems

Andrew Plucinski, introduced himself and said he worked for Southern Waste Systems and Sun Recycling. He said the company operates a fleet of over 60 vehicles on a daily basis. He mentioned their customer service location is in Lantana and the hours are Monday-Friday from 7AM-6PM and on Saturdays from 7AM-1PM. He said they specialize in hurricane disaster recovery and the Town would have priority for that if they were a customer. He said their vehicles are well maintained and washed daily and they have their own maintenance fleet as well as tires and anything else they might need.

Council Questions:

Councilman Louda asked if in the price proposal the vegetation limit was unlimited.

Mr. Plucinski said his company follows SWA and theirs is unlimited. He said there are certain size restrictions but the amount is unlimited and there are 3 collection days scheduled for it, Monday-Wednesday- and Friday.

Vice-Mayor Herzog asked how you differentiate the residential from commercial. She said it is sometimes hard in the Groves to know what is what.

Mr. Plucinski responded that obviously nurseries are commercial. He said the residential is simple to look at by the cans used.

Vice-Mayor Herzog mentioned that her concern was with some of the nurseries that appear to be bringing their stuff from outside the community. She questioned how they bill those people.

Mr. Plucinski said that is a Code Enforcement issue we would work out with the Town.

Vice-Mayor Herzog asked if recycling is on one of the collection days.

Mr. Plucinski said yes it would be Wednesdays for one part of the Town and Saturdays for the other part of the Town. He said it is a slower route and couldn't be done all in one day.

b. Veolia es Solid Waste Southeast Inc.

Joe Sandora, Veolia es Southeast Inc. (Onyx), introduced himself and said that he is probably recognized from being the Town's current hauler. He said his company is very diversified. He said they decided to put all their different divisions under one name and that is where the new name came from. He said they believed in giving back to the community. He talked about programs with other local municipalities they had participated in.

Council Questions:

Councilman Louda asked if in the price proposal the vegetation limit was unlimited.

Mr. Sandora said yes it would be kept the same as it is now.

Vice-Mayor Herzog asked if the schedule would remain the same.

Mr. Sandora replied yes except for one change.

c. Waste Pro

Russell Matthew, Waste Pro, introduced himself and said his company currently services 600,000 homes in Florida. He said they were recently awarded Section 8 of the County which is the unincorporated areas. He said the Groves falls close to that area. He said they are planning on bringing in all new equipment and we are more than capable in providing the residents of the Groves the service they deserve.

Council Questions:

Councilman Louda asked if in the price proposal the vegetation limit was unlimited.

Mr. Matthew responded that they would mirror the SWA contract which they changed this year which says 6 cubic yards a week maximum.

Vice-Mayor Herzog asked what days would be recycling.

Mr. Matthew responded one of the 2 service days.

Councilman Lipp asked what the service days would be.

Mr. Matthew responded that he didn't have that answer right now.

Vice-Mayor Herzog asked about hurricanes and debris pick up. She questioned if they would only pick up 6 cubic yards at a time and then leave the rest.

Town Clerk Lippman said it is his understanding that this is a separate contract to be negotiated after this one.

DECISION PROCESS:

Town Clerk Lippman said the goal tonight is to authorize Staff to negotiate a contract with one of the 3 firms here tonight, if there is any aspect of any of the offers on the table that you want to address, direct Staff to negotiate this in the contract.

Councilman Louda said the no bid received from Republic Services addressed the roll on service. He said if we award a contract we have to use the roll on service provided to the Town.

Town Attorney Klahr said that type of roll off would have to abide by the Contract.

Councilman Lipp noted that 6 cubic yards is not much and Southern Waste Systems and Veolia both offer unlimited vegetation pick up.

Town Clerk Lippman said what Waste Pro did is mirror what they did in Section 8 of the County. He said if you choose Waste Pro you could direct Staff to negotiate a contract with unlimited vegetation but it would change the rates.

Mayor Browning said we wanted to piggy back with whoever was doing the rest of the unincorporated area of the County.

Town Attorney recommended a ranking system that way if negotiations were to go bad with the 1st ranked firm Staff could move on to the 2nd.

Councilman Louda MOTIONED to authorize Town Staff to negotiate a contract with Waste Pro with unlimited vegetation and if that falls through, then to negotiate a contract with Southern Waste Systems and see if they will lower their prices, SECONDED by Councilman Autrey and discussion was then continued:

Councilman Autrey said his only thought would be the smaller property owners who don't generate as much vegetation, yet would get stuck with a bigger bill to accommodate the larger properties.

Mayor Browning said that his thoughts on the 6 cubic yards are that you can put it out in loads. He said hurricane time is a different issue. He said he agreed with Councilman Autrey on not burdening the smaller property owners.

Town Clerk Lippman said we will present Waste Pro with both options: one with unlimited vegetation and one with the 6 cubic yards.

Councilman Louda stated the bid prices for the Public. He said Waste Pro was \$354/yr, Southern Waste Systems was \$488/yr, and Veolia was \$834/yr.

The Mayor asked for comments from the Public.

Howard Voren, 1508 E Road, Loxahatchee Groves, said that the 6 cubic yards might not be a problem if they pay attention to certain customers on specific streets. He said communal dump areas would have to be designated and recognized by the people and they could pick up from these knowing the vegetation came from multiple residences.

Mayor Browning said they would make sure they knew of these areas.

The MOTION passed unanimously 5-0.

15. Water & Sewage Requests:

a. Thomas Wozniak II

Councilman Lipp asked if any future requests could be part of the Consent Agenda.

Town Clerk Lippman responded yes.

Councilman Louda MOTIONED to approve the Thomas Wozniak II water hook up request, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.

b. Approval of letter of “no objection” for request for water/sewage:

i. Acts 2

ii. First Holiness

Town Clerk Lippman explained that we would allow Palm Beach Utilities to be the future provider.

Councilman Louda MOTIONED to authorize Town Staff to draft the 2 letters of “No Objection,” SECONDED by Councilman Lipp and the MOTION passed unanimously 5-0.

Vice-Mayor Herzog questioned if we were keeping a log of all past agreements so we can get the hookup fees credited back to the Town.

TOWN CLERK LIPPMAN REQUESTED TO MOVE UP ITEM #20.

20. Approval of additional services agreement for Code Enforcement

Town Clerk Lippman listed 3 reasons why we need the additional services: 1) the case log is getting heavier and is requiring more research 2) with the new water restrictions we need to proactively seek out water violations 3) we need to educate about the new water restrictions. He said we would go from \$18,000 year to \$48,000 year which would still be under the budget of \$50,000 year.

Vice-Mayor Herzog MOTIONED to approve the additional services agreement for Code Enforcement and to have it executed for legal review, SECONDED by Councilman Louda and discussion was then opened:

Town Attorney Klahr said she would recommend that if the agreement is authorized to be executed subject for a legal review so it won't have to come back.

Councilman Louda asked if we were running into any specifics.

Town Clerk Lippman responded it was proactive and reactive. He said that in light of what SFWMD asked us to do as a Town we need to educate and stop the misuse of water. He said we also have 8 cases coming up to go before the Special Magistrate and Mr. Licitra's case log is requiring a lot of attention.

Councilman Louda said it sounds like it has gotten where we had planned it to go.

Councilman Autrey said you are budgeting 12 hrs a week and how long will he need to budget for Special Magistrate meetings. He asked if Town Staff was keeping track of his time. He also commented that in terms of water enforcement, it needs to be done on a spot basis.

Town Clerk Lippman ensured that it will be very random and unpredictable. He said again we are just trying to educate the Public.

Councilman Lipp asked if there is any cost recover in going through all this.

Town Attorney Klahr said the purpose of Code Enforcement is not revenue but enforcement and will help bring compliance. She said there is some revenue generated through Code Enforcement but that is not the purpose.

Councilman Autrey asked if Code Enforcement is still a complaint driven only process and if the only issue he would be proactive about would be water.

Vice-Mayor Herzog asked if Code Enforcement would be proactive on illegal dumping.

Councilman Louda said they should include that in the Waste Contract.

Councilman Autrey said he was going to bring that up also.

The MOTION passed unanimously 5-0.

16. Discussion of FPL Power Plant use of Reclaimed Water as a water source

Councilman Louda said he is heavily involved in what is going on at the FP& L energy center. He said he would like to suggest we put a Resolution through requesting that the County not allow selling reclaimed water to the FP & L plant. He said the reclaimed water will be evaporated and there are better things to do with it. He said it is very good for irrigation, the plants grow and take the nutrients out.

Town Manager Dr. Rosenbaum said reclaimed water is economically viable. He said we have some potential here and we can get some sort of allocation. He said he thinks being in water restriction mode people will pay for this. He said being in a drought we are going to have to change the way we think. He said he thinks it is economically viable and he will work with County Utilities and bring that information back to you at the next meeting.

Councilman Louda said he would like the Council to look this over for the future. He then handed out information on the topic.

Councilman Louda MOTIONED to authorize Town Staff to work with the County and see their response to redistribution of reclaimed water as a resource rather than a problem, and to have a Resolution drawn to reconsider the use of the reclaimed water for that purpose, SECONDED by Councilman Autrey and discussion was then opened:

Donald Kiselweski, Area Manager FP & L, said he will start with Units 1 & 2 of the West County Energy Section are under construction and we have a permit from SFWMD to draw water up from them and we are in the process of permitting a 3rd unit and they said we could have additional mega watts providing we use reclaimed water. They have a facility out by the Turnpike where they are currently deep well injecting it. He said Councilman Louda is correct through our process a portion will be evaporated and then deep well injected. He said we will be deep well injecting less than the County currently is at their existing site. He said if you wish to talk to them about whether there is an opportunity for you to draw off of the pipeline being built at no cost to the County of reclaimed water, that would be a separate conversation with them.

Councilman Lipp said that would be something for Town Manager Dr. Rosenbaum to find out if we could use the water for fire protection.

Councilman Louda said when he brought this forward he was looking at maybe bringing it into the Groves for individual AG use. He said maybe the County should come forward, maybe through a grant program to do what.

Vice-Mayor Herzog asked if he knew where the County pipes would be going.

Mr. Kiselweski said this has not been decided yet.

Mayor Browning asked if they heard what we are looking for as far as redirecting the reclaimed water.

Mr. Kiselweski responded

Vice-Mayor Herzog said if the County is encouraging this she doesn't see why we should be fighting it.

The MOTION failed 4-1 with Councilman Louda being the only one for the motion.

17. Logo Agreement with Darlene Crawford on behalf of Catrina Crawford

Town Clerk Lippman said he was looking for direction to sign the ILA between Darlene Crawford (mother of Catrina Crawford) and the Town.

Councilman Autrey MOTIONED to authorize Town Staff to approve the agreement with Darlene Crawford on behalf of Catrina Crawford for use of the Town Logo, SECONDED by Councilman Lipp and the MOTION passed unanimously 5-0.

18. Approval of Contract with Analytica for Strategic Planning & Visioning

Town Manager Dr. Rosenbaum said that he spoke with Dr. Marlowe today and that they would get together tomorrow and identify the public participation process.

Vice-Mayor Herzog asked what the new fee was.

Town Manager Dr. Rosenbaum responded \$25,000.

This item was **tabled** until the next Town Council Meeting on February 5, 2008.

19. Approval of Contract with Calvin-Giordano for Engineering & Platting Services

Town Clerk Lippman said he was looking for authorization for the Town Attorney.

Councilman Lipp MOTIONED to authorize Town Staff to approve the contract with Calvin-Giordano for Engineering & Platting Services, SECONDED by Councilman Autrey and the MOTION passed unanimously 5-0.

22. Scheduling Special Meeting for Comprehensive Planning Firm Interviews Items at the Request of the Public

Town Clerk Lippman said he recommended we have an extra meeting dedicated only to this process. He said there were two dates to choose from 1) February 7, 2008-Thursday and 2) February 12, 2008-Tuesday. He said it would be easier for Town Staff to go with the first date of February 7, 2008-Thursday.

Councilman Lipp noted he could not make it if it was on February 12, 2008-Tuesday.

Councilman Lipp MOTIONED to schedule a separate meeting for Comprehensive Planning Firm Interviews on Thursday, February 7, 2008 at 7PM, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

23. Public Comments

Scott Maxwell, Lake Worth spoke about illegal immigration and said if we allow communities to put day laborer centers in it makes it difficult for those of us who are passionate about this issue. He said there are things we could do to help you if you have problems with crime. He said he didn't know how far the Town had gone with this issue but it seemed to him that there has not been much discussion on this. He said this issue had put the Town on the radar screen and unfortunately not for good things.

Brett Ashely, 1686 D Rd Loxahatchee Groves said he was a past resident and business owner in the Groves and wanted to address his concern for Article 4 of the ULDC that does not address certain items. There is not an inclusion or exclusion for irrigation trucks to be parked at landscaping companies.

Mayor Browning said that sprinklers go more with landscaped contractors and that is not a permitted use in the Groves.

Councilman Lipp said he agreed with him but this is one of those things we haven't gone through yet.

Councilman Autrey said that it is his understanding that if it is used for a particular nursery it is allowed.

Councilman Lipp said that if someone is running an irrigation business that is not an approved use right now.

Mayor Browning said that the Moratorium is in effect and zoning can't change. He said we will have to deal with that in the future. He said as for what the land use is, grandfathered in to him means that it was legal at some time in the past but is not legal now. He pointed out that these land uses were never legal in the Groves.

Mr. Ashley asked if someone was in violation how that would be handled.

Town Attorney Klahr suggested he meet with Town Staff.

David Caulkett, Pompano Beach, Vice President of Florida for Immigrations Enforcement introduced himself and said he advocates removal of incentives for illegal immigration and any illegal aliens. He said his website is www.flimen.org. He referred to the Buena Fae Day Labor Center as "Loxahatchee Groves Illegal Alien Hiring Hall." He said if the Buena Fae Day Labor Center is approved the Town is saying that the Federal Laws don't matter. He said there are 643,000 increased illegal aliens in Florida and he said ignoring the laws will enable these aliens to bring the rest of their families to the Groves. He said it is unfair that employers violate the laws and hire these people. He said illegal workers are taking too many construction jobs and are driving down the wages. He said these are not jobs that Americans won't do. He said virtually every Municipality who has that has officially sanctioned such a law has been a lightning rod of controversy for years. He said the Buena Fae Labor Center will make the situation worse.

Councilman Louda asked if he had read the Ordinance. He mentioned that nowhere in the Ordinance the Town is sanctioning Buena Fae. He said it states that no one may solicit on our roads anymore. He said they came to us for this.

Mr. Caulkett said Buena Fae's website states the Town went to them for it. He said in general it is 81% illegal. He asked if the Council was rezoning to accommodate the projects second driveway.

Mayor Browning said this has to do with safety.

John Oliver, Bridges Across America, said he was concerned with immigration of the citizens of Florida. He said a lot of what he had come to say had already been said. He said that a lot had been left off on how this impacts US citizens. He said we have a lot of poor people who cannot go to college. He said the illegal immigrants prevent poor people from moving up the economic ladder. He said they hired a lobbyist to go to Tallahassee with all this information. He said that we need to go to their countries and help them economically not have them come here to us.

Jim Frogner, 1402 W. Trammell Street, said he was a private zoning consultant who had a lot of clients in the Groves. He said he would like to suggest that the Council look at code revision rather than strictly code enforcement. He said he represents clients that are coming up to go in front of the Special Magistrate. He said he has met with Code Enforcement Officer-Ted Licitra and Town Clerk-Matthew Lippman and would like to encourage the Council to change some of the codes. He said in looking at Resolution 2007-017 pens and cages and he said he has probably issued 15 licenses over the years for these. He said he knows that the nurseries could use some relief from the codes. He said the codes were written 20 years ago by city slickers and

Councilman Louda said that will be part of the Comprehensive Planning.

Mayor Browning said-it is coming.

Maureen Lefkowitz, 3485 D Road, Loxahatchee Groves, asked when we will have meetings on the Comprehensive Planning. She also asked what was with the 50 foot setback Ordinance that had been put on hold.

Town Clerk Lippman responded that the Resolution stated there is conflict between the ULDC and the Code of Ordinances in relation to setbacks. He said the actual changing the ULDC will be part of the Comprehensive Plan and Visioning and Strategic Planning process. He said the meetings will start at the beginning of February and will be advertised. He said the process will last between 3-4 months.

Councilman Autrey said we need to make sure we tell folks that it could be 2 years before all this is done. He said after the Comprehensive Plan we need another year to develop the Land Development and Codes.

Ms. Lefkowitz asked if people building things now would be grandfathered in.

Mayor Browning said if they are illegal then no.

Town Clerk Lippman said we have adopted the Code of Ordinances from PBC and if it is a direct violation of this then we will site them but if they are not in violation we would have to address that. He said there is no Ordinance on hold right now.

Town Attorney Klahr said the process the Town is taking to bring everything to compliance and conformity and until it gets to that stage where the appropriate regulations are put in place they can't move forward on any conflicting issues. She said it is going to take some time but it is moving forward.

John Ryan, 3508 A Road, Loxahatchee Groves, said the Town and LGWCD had conversations with PBC Water Utilities on how we are relating to them in terms of hook ups. He said that the background of this involved the County putting the lines in and saying the Groves would be subject to the 10% override. He asked if we are setting precedence to approving that.

Town Manager Dr. Rosenbaum said they are claiming the 10% on what was there before and anything new is coming off the larger system. He said he would double check on that.

Mr. Ryan said when we became a Town and had franchise rights I thought we could formally object to it.

Town Manager Dr. Rosenbaum said right now the flat rate is passed on to the customer.

Mr. Ryan asked if the 10% was embodied in the fixed rate.

Councilman Louda said the way he understood it is any water going through the pipes in Royal Palm Beach gets this.

Mayor Browning said by doing that they gave up the right to provide water for this.

Councilman Autrey said he agrees with Mr. Ryan that we need to see about this.

24. Town Clerk Comments

Town Clerk Lippman said he had no comments.

25. Town Attorney Comments

Town Attorney Klahr said that Town Attorney Tolces would be back at the next meeting.

26. Council Member Comments

Councilman Louda said that he would like to publically turn in his complimentary copy of tickets for the South Florida Fair because during his campaign he had stated he wouldn't take any freebies. He mentioned he would like the tickets to go to an underprivileged family.

Vice-Mayor Herzog said that she would like to compliment Town Staff on the amount of work they are doing.

Councilman Autrey had no comments.

Councilman Lipp said he appreciated the folks coming in from outside the Town and dealing with the illegal immigration and it is up to the Federal Government to get this solved and that Loxahatchee Groves is just trying to protect our citizens from getting killed.

27. Adjournment

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

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


MAYOR DAVE BROWNING

ATTEST:


Matthew Lippman, Town Clerk

02-05-08
Date Approved