



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:

Dr. Irv Rosenbaum, Interim Town Manager (NCS)
Matthew Lippman, Interim Town Clerk (NCS)
Michelle Kantor, Interim Assistant Town Clerk (NCS)
David Tolces, Esq., Town Attorney
Members of the Public

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

Vice-Mayor Herzog called the meeting to order at 7:00 p.m. She then requested the roll call by Town Clerk Lippman. Town Clerk Lippman noted that Mayor Browning was absent. Upon completion of the roll, Vice-Mayor Herzog requested everyone stand for the Pledge of Allegiance and Invocation.

5. Approval of Agenda

Town Clerk Lippman asked if he could make 2 additions to the Agenda. He mentioned that Ken Johnson from the CERT team would like to do a mini presentation on PODS and Brad Avery from Waste Pro was here to update everyone on the recent Waste Pro complaints with the transition and their response to them.

Councilman Autrey MOTIONED to approve the Agenda with the 2 additions noted above, SECONDED by Councilman Louda and the MOTION passed unanimously 4-0, with Mayor Browning absent.

CONSENT AGENDA:

6. **Approval for holding the 10/28/08 Special Town Council Meeting** *(to discuss the Consolidation Study)*

Councilman Lipp asked if there will be any forms of Public Announcements, such as, billboards advertising this meeting.

Town Clerk Lippman responded yes.

Councilman Louda MOTIONED to approve the Consent Agenda with changes to the minutes as sent in earlier, SECONDED by Councilman Autrey and the MOTION passed unanimously 4-0, with Mayor Browning absent.

REGULAR AGENDA:

THE FOLLOWING 2 ITEMS WERE ADDED TO THE AGENDA-6(A) AND 6(B).

6(a) Ken Johnson-Founder of the CERT Team

Ken Johnson-15409 Collecting Canal Road- introduced himself and said my wife and I are the cofounders of the CERT Group here in Loxahatchee Groves. He said we are an all volunteer association and are here to exclusively aid the citizens of Loxahatchee Groves if we have a disaster and the responders can't get to us. He said we are a little over a year old and we have over 50 volunteers and 15 HAM operators. He said we as a group have volunteered to do this POD. He said if we needed medication we would distribute that but we also need volunteers to help us do that and you don't have to be a member of CERT to help us do that. He explained that POD stands for point of distribution and the Town Council had voted to have the Town act as a POD for the PBC Health Department and have signed a contract with them to be able to distribute the medication. He said there would be medical staff and security and we as volunteers would be doing the interviewing and paperwork. He then handed out a sign-up sheet to be a POD volunteer and said to note also on there if you are interested in joining the CERT team and are not already a member. He explained that CERT is a nationwide program in all 50 states. He stated that the training for the POD volunteer is coming up on Thursday, November 6, 2008 from 7:00-8:30pm at the Palms West Presbyterian Church. He said as

volunteers you and your family would receive the medications first so there is a little incentive for you to volunteer and to get the training and be on the call list.

Councilman Louda asked Mr. Johnson to tell the Public what CERT stands for.

Mr. Johnson responded that CERT stands for: Community Emergency Response Team and is trained by PBC Fire and Rescue and has to be activated by them.

Councilman Lipp said I have been a member of CERT from the beginning and Ken and Pat Johnson have done an excellent job. He said I think we have done an excellent job in getting to where we have gotten to and thankfully we haven't had any events this year. He mentioned that the Town needs 30 volunteers for the POD.

Mr. Johnson said tonight the main focus is getting some additional volunteers for this POD for distribution of medication in case there were to be a flu or terrorist outbreak that occurs. He explained these 30 people would work in shifts.

Councilman Autrey thanked Mr. Johnson for all his hard work.

Vice-Mayor Herzog moved to Item #6(b).

6(b) Waste Pro Question and Answer Session with Brad Avery and Other Representatives

Town Clerk Lippman said as you know as of October 1, 2008 Waste Pro took over the solid waste contract for the entire Community. He said Brad Avery is here tonight

Brad Avery, Waste-Pro- said we are into our 3rd week and it has been a challenge. He introduced Pete Riley the Customer Service Manager for Waste Pro.

Pete Reilly, Waste-Pro- said we are happy to be doing the job for you in Loxahatchee Groves and we are working real hard to solve the issues and yard waste seems to be the biggest issue. He said other than that we just want to do the right job for you. He said if you have any problems please call us and we want to hear your opinion on if we are hitting the marks we need to with the Solid Waste Collection.

Steven Tello-Waste-Pro-said Pete the General Manager has worked 21 days straight and has not taken a day off to handle all of the issues that have been thrown his way and our corporate office is very proud of him. He said I am very proud of Waste-Pro and the way this company runs. He said we just had a quick meeting with Frank Schiola and went over some of the issues with him, particularly yard waste. He said the way we wrapped up the meeting is tomorrow AM, Frank, Pete and I are meeting and going to go out and look at the problem spots in the area. He said he has told us of 10-15 spots.

Councilman Louda said a neighbor of mine on E Road said the driver came by and took 2 scoops of vegetative waste and this neighbor knows what a cubic yard is and the driver told him

that each scoop was a cubic yard. He said my neighbor says each scoop is closer to a ¼ of a cubic yard.

Mr. Avery said this is one problem we need to address in this area because you just came off of unlimited vegetation and went to a limit of 6 cubic yards. He said we are going to have some of the drivers carry cameras to take pictures so we can see who is telling the truth between the driver and the home owner. He said we will go through the dump tickets turned in by the drivers, so we will know if they are going out there and just skimming the piles.

Councilman Louda said where I put my waste there are 4 properties using the same spot. He asked should we have signage.

Mr. Avery said if it is a certain situation with that we can create a hot sheet for the driver so he knows there is a certain address with houses back there and they need to pick up the pile.

Councilman Louda said some properties use the same site

John Price, Senior Route Supervisor, Waste-Pro- said we are addressing this issue already and I have talked to some of the home owners where there are multiple houses that put vegetation in the same pile. He said you can't judge the amount the scoop can pick up because sometimes it could be up to 5 yards at one time.

Councilman Louda asked about construction debris and said he has had a pile out for over 10 days. He asked if the pickup on yard waste was every week or every other week.

Mr. Price responded it should be 1x per week and if it is too big for a rear load truck to pick up the debris, then sometimes we have issues with the drivers, but we are working on that too. He said if you have an issue like that in the future, make sure to call the office and we will send a clam truck to pick it up for you.

Town Clerk Lippman said I can assure you one of the reasons the 4 of them are here this evening is there have been mistakes made and issues and every one of these complaints has come in to my office and then I call Waste Pro. He said they are here tonight to band together for this unique situation and we want to make sure the residents know this is being taken care of.

Vice-Mayor Herzog asked was there a notice sent out to the nurseries because I notice their vegetation has not been picked up.

Town Clerk Lippman said we have a good working relationship and we understand what needs to happen and on our website is all the information for Waste Pro and we just need you to call them with any problem and we look forward to their response.

Councilman Louda asked if someone wants to do some enhanced vegetative removal or even construction can you supply 20 yard roll off dumpsters.

Mr. Price replied yes.

Councilman Autrey asked given that the vegetative waste is the issue and how does one estimate what 6 cubic yards is, can we have a box so people can eye it and send out a mailer with a picture so people will know if their waste would fit in that box.

Mr. Reilley said we brought out 8 extra trucks last week and 3 this week to try and make up for the past 3 weeks of waste.

Town Clerk Lippman said the phone number for Waste Pro's customer service is on our website and that is a direct line to Pete and we encourage you to call him with any problems you might have.

Mr. Avery said we do make mistakes but we want to fix them.

Mr. Reilley said the SWA Commercial had it best when it said 6 cubic yards is like 3 refrigerators.

Councilman Lipp had no comment and said we have said enough.

Vice-Mayor Herzog commented that the information is available in the newsletter as well and there are copies of that on the table in the back of the room.

Mr. Avery invited anyone who has an issue to step outside and he would discuss it with them.

Vice-Mayor Herzog moved to Item #7.

7. Time Extension (Acts 2 Worship Center, Inc): Approval

Title: Time Extension

Request: A three-year time extension, from June 15, 2008, to June 15, 2011 to commence development and a time extension to December 31, 2011 for Condition E.6.

General Location: 1,200 feet west of Folsom Road on the south side of Okeechobee Blvd.

Property Control Number: 41-41-43-17-01-633-0030

Town Clerk Lippman explained that this hearing is a standard administrative procedure from PBC to the Town.

Vice-Mayor Herzog asked if there were any comments from the Council.

There were no comments.

Vice-Mayor Herzog asked if there were any comments from the Public.

There were no comments.

Councilman Lipp MOTIONED to approve a three-year time extension from June 15, 2008, to June 15, 2011 to commence development and a time extension to December 31, 2011 for condition E6 for Acts 2 Worship, Inc., SECONDED by Councilman Louda and the MOTION passed unanimously 4-0, with Mayor Browning absent.

Vice-Mayor Herzog moved to Item #8.

8. Time Extension (First Holiness Church of the Living God, No. 3): Approval

Title: Time Extension

Request: A three-year time extension, from May 22, 2008, to May 22, 2011, to commence development.

General Location: 0.3 mile east of "F" Road on the south side of Okeechobee Boulevard.

Property Control Number: 41-41-43-17-01-633-0020

Town Clerk Lippman explained that just like the above Agenda Item, this hearing is a standard administrative procedure from PBC to the Town.

Vice-Mayor Herzog asked if there were any comments from the Council.

There were no comments.

Vice-Mayor Herzog asked if there were any comments from the Public.

There were no comments.

Councilman Louda MOTIONED to approve a three-year time extension from May 22, 2008, to May 22, 2011 to commence development for First Holiness Church of the Living God, No. 3, SECONDED by Councilman Lipp and the MOTION passed unanimously 4-0, with Mayor Browning absent.

Vice-Mayor Herzog moved to Item #9.

9. Ordinance 2008-007: LUPA repeal (*1st reading*)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, REPEALING THE TOWN OF LOXAHATCHEE GROVES ORDINANCE NO. 2007-009 WHICH ADOPTED THE AMENDMENT TO THE TOWN'S COMPREHENSIVE PLAN NO 08-01; PROVIDING FOR

CONFLICTS, PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Tolces read Ordinance 2008-007: LUPA repeal for the 1st reading. He said the 2nd reading and Public Hearing will be scheduled for November 4, 2008.

Councilman Autrey MOTIONED to approve Ordinance 2008-007: Lupa repeal, SECONDED by Councilman Louda and discussion was then opened:

Councilman Lipp asked if Town Staff could go over the time sequence of why we need to do this Ordinance for the Public.

Town Attorney Tolces responded that there was a challenge filed by Callery Judge Groves to the finding that the LUPA was found by DCA to be in compliance. He said in light of the fact that the Town already transmitted the Comprehensive Plan to DCA, it is anticipated that the Plan would be adopted in January 2009, which is when the final hearing for this would be scheduled. He said it was recommended that the Town consider appealing the LUPA that was previously approved and that way we can address all the issues in the ORC Report that is presented from DCA to the Town at the end of November 2008 and the Town will save time and money and end up in the same position it would have otherwise.

Councilman Louda said it is just a hard pill to swallow because we have wanted to go 1-5 for so long and for our intervener to the North put a monkey wrench in it and as our Attorney pointed out and to fight it as a separate issue makes no monetary or time sense and if there is anything we can intervene in let me know.

Vice-Mayor Herzog asked if there were any comments from the Public.

There were no comments.

The MOTION passed unanimously 4-0, with Mayor Browning absent.

Vice-Mayor Herzog moved to Item #10.

10. Emergency Debris Removal: Approval of contract with AshBritt as the primary firm

Town Clerk Lippman said in your Agenda Packet you have a copy of the standard contract that has already been transmitted to AshBritt and with your approval you will authorize the Mayor, myself and the Town Manager to execute this contract.

Councilman Autrey MOTIONED to approve the contract between AshBritt, Inc., and the Town of Loxahatchee Groves for Disaster Debris Removal Services, SECONDED by Councilman Louda and discussion was then opened:

Councilman Lipp said I was reading through here and I didn't see any reference to any coordination between AshBritt and Calvin-Giordano for Disaster Debris Monitoring Services. He said these things need to work together or we will wind up owing both companies with no reimbursement from FEMA.

Town Attorney Tolces said we can come up with some language that they shall work with the Town's representative for Disaster Debris Monitoring Services.

Councilman Louda said I know we talked about the use of local contractors and asked if that was in the contract.

Town Clerk Lippman responded that is not something we can put in the contract but I spoke with AshBritt and we provided them a list of every single business within our municipality and they are going to start contacting them.

Councilman Louda said we might not totally be able to mandate that they will, but I would like to see something saying, if possible.

Town Attorney Tolces said we will put in language that the Town will encourage the contractor when possible to use local contractors.

Vice-Mayor Herzog commented that was in their response to our RFQ.

Town Attorney Tolces said their response to the questionnaire and their pricing list will also be attached to the final contract.

Councilman Lipp said under reference 1-4, it talks about contractors, so I think it is sort of put in there, but something I would like to see something preemptive so we all know who is on the list. He asked can you describe to me what would be a cause for dismissal.

Town Attorney Tolces responded it would be if there was some improper legal action by the contractor.

Councilman Lipp said in Section 1-6 it states that the contractor will not be paid for removal, transportation, storage, reduction, and/or disposal of any material when not previously instructed by the TOWN, and I get hung up on 2 negatives in 1 sentence.

Town Attorney Tolces responded it could be worded a little better so we will see what we can do.

Councilman Autrey said Councilman Louda brought up what I was going to bring up.

Vice-Mayor Herzog asked if there were comments from the Public.

Doreen Baxter, 13402 North Road- said one of my questions was answered but the other one is about Section 1-5 where it says, provide a copy of the CONTRACTOR'S General Operations Plan within fifteen (15) days following the execution of this Agreement by TOWN and she asked does it take 15 days before they could act on picking up the debris because that seems like a long time.

Town Clerk Lippman responded and said no they could act immediately if there was a disaster.

The MOTION with the request for the 2 changes passed unanimously 4-0, with Mayor Browning absent.

Town Clerk Lippman stated you have approved the execution of this agreement pending the 2 changes that have been stated this evening.

Vice-Mayor Herzog moved to Item #11.

11. Anonymous Code Enforcement Complaints: Discussion of extending prohibition of anonymous code enforcement complaints

Town Clerk Lippman said at the April 1, 2008 Meeting the Town Council did vote unanimously to stop taking anonymous complaints until October 31, 2008. He said we are discussing tonight to extend the prohibition past October 31, 2008. He showed on a slide an analysis he had done just to give you a little background. He said we were getting overwhelmed with almost 40 open cases at a time and the Council unanimously decided to pass that. He said you are now looking at 9 open cases. He said things have slowed down dramatically. He said please note that should the Town Council extend the prohibition of anonymous complaints, the consideration of cutting down on the hours for the Code Enforcement Officer can be explored. He said with the active open cases being only at 9, there is a chance to save money by cutting back the amount of time that the Code Enforcement Officer is working for the Town.

Councilman Autrey MOTIONED to approve the extension of prohibiting the acceptance of anonymous Code Enforcement complaints indefinitely, SECONDED by Councilman Louda and discussion was then opened:

Councilman Lipp said I appreciate Calvin-Giordano going back to the original contract without the Cost of Living increase but I believe the Mayor directed Staff to have an Agenda Item about going out for bid on certain items that were past a certain benchmark.

Town Clerk Lippman said I spoke with the Mayor about this and we are going to be coming back with a complete policy before the end of the year which you will adopt either by Resolution or Ordinance. He said if we do go out for bid before the end of the year, we will have a policy in place for the Council.

Councilman Louda asked of the anonymous complaints filed to open cases I would like to get a handle on if the anonymous complaints are for real or just for perceived violations.

Town Clerk Lippman said I pointed out here some of the anonymous violations were closed immediately.

Councilman Autrey said I think until we develop our own Land Development and Code Regulations this is a problem area and I don't think the Council is trying to stifle concerns, but we inherited the County Codes and I'm sure if you go through them I don't think too many of us would pass the test as well.

Town Attorney Tolces said we recognize that fact and during the last few Special Magistrate cases held, we have taken the policy set by Town Council and tried to work with the property owners and tried to make them understand they are in violation and encourage them to come into compliance and we are giving them a sufficient amount of time to do so, but at the same time, letting them know we are out there and aware that they are not a legally established use.

Town Clerk Lippman said I want to reiterate because there is a lot of misinformation out there as far as the Council policy for Code Enforcement, and the policy is that it is strictly a complaint driven process and we don't go out there looking for problems.

Councilman Autrey said I want to emphasize again that our Staff doesn't have the ability to pick and choose if someone comes in with a complaint and it is valid they have to follow through with it so it puts us in a very difficult situation.

Vice-Mayor Herzog asked for comments from the Public.

Elise Ryan, 3508 A Road- said I understand this is a very difficult situation and I don't pretend that I have the answers. She said I am concerned about the fact that we should not be focusing on the person who complained but rather what the complaint is about. She said if there is a reason someone might need to file an anonymous complaint, such as being afraid of their neighbor is they should be able to do it. She said I think the real problem is not the anonymous complaints, it is the fact that none of us are really comfortable with the way the codes are today. She said the main concern I had when this came on the Agenda is there didn't seem to be a date when it would end. She said there needs to be a time limit on it and I am not sure how much it will reduce your cost. She said I don't agree with this being a forever policy in Loxahatchee Groves. She said I think the Code Enforcement complaints are going down because some of the things reported at the beginning were things that needed to be corrected (some of them did and some of them didn't).

Councilman Autrey defined indefinitely as- till we develop our own regulations.

Town Clerk Lippman said the reason this is on the Agenda is with the new contract being approved and with the number of open cases only being at 9, I was going to recommend we cut the time in half. He said in response to the ULDC, you as the Council have been made aware if there is any change in the ULDC we will have to be prepared to take it on ourselves so you have directed us to put that off until at least the beginning of next year since we are not able to do that now, so you said to hold off for another year.

Ron Jarriel, 2800 161st Terrace North- asked if we cut the hours of the Code Enforcement officer do they still report to Calvin-Giordano or the County.

Town Clerk Lippman assured everyone that Ms. Tullos-Code Enforcement Officer also worked for Broward County as well so she has other opportunities to make money as well.

Councilman Autrey said to revisit why we are not redoing the ULCD is because we were recommended to do things in a certain order.

Town Attorney Tolces responded yes that right now you are doing the Comprehensive Plan and whatever you adopt has to be consistent with that. He said after your future land use map is approved then you can adopt your zoning codes on how someone can use their land.

The MOTION passed unanimously 4-0, with Mayor Browning absent.

Vice-Mayor Herzog moved to Item #12.

12. Variance Process for Legally Non-Conforming Businesses: Discussion

Town Clerk Lippman said to address any legally non-conforming businesses that may be operating in the Town of Loxahatchee Groves; the Town Council has directed Town Staff to explore a variance process. He said this variance process would allow for these businesses to apply for a variance to be "grandfathered" in which would allow them to be compliant. He said I provided you with a Memo from Kevin McGinnley and he brought up AG related businesses and this does not single out any type of businesses, but this is for any business in the Town who wishes to be part of this process and it is my understanding this process would not be forced upon anybody. He said this is a process where if you want to be a part of it you can come forward or if you've had a complaint against your business you can come forward.

Councilman Autrey said I suggested we do this because of the complaints. He said and now we are in a situation where someone who has been in business a long time and whether or not he has bothered someone or not. He said this is not to penalize people. He said this is for those who for many years have been here not bothering anybody and then they find out they are in violation. He explained this has happened, because the County who was doing the Code Enforcement before us didn't enforce it, and then a complaint was filed, which is Public Record,

and anyone can go to the Office and see who filed the complaint, now we are in a situation where we have someone who has been in business a long time and now is in a position where we need a mechanism where this is enforced.

Councilman Lipp asked Town Attorney Tolces to go over the definitions illegally non-conforming and legally non-conforming.

Town Attorney Tolces said one of the issues with non-conforming use is it is defined as a use that does not conform with the requirements of the specific zoning for the land use category it is located in. He said a simple example would be if you have a cement mixing plant that has been there for years and the property was rezoned Residential and is now not an allowed use. He said now because they followed the steps and then after the fact non-conformity was created then that would be considered a legal non-conforming use. He said under most codes they would be able to continue to operate, although there would be limitations likely on their ability to expand and enlarge their use. He said if a hurricane came through and blew out the whole mixing plant under most codes they wouldn't be able to rebuild. He said that is the concept with respect to a legal non-conforming use. He said the opposite of that and we are finding this in the Groves is an illegal non-conforming use where they just came and set up a business with no approvals and then the County came in and zoned it Residential because they never had any approvals. He said if you read the Code, the County or Town can cite them because it might have never been an allowable use. He said that is what we are finding out here, often in respect to these Code Enforcement cases is people are setting up these businesses, such as, a chipping and mulching business which is not authorized unless you go through a permitting process. He said in trying to develop this variance process we are struggling with the concept of how to make something legal that is illegal. He said you also need to recognize the fact that as you adopt your Comprehensive Plan and your Land Use Regulations, you are going to be allowing them to continue to operate notwithstanding what your Comprehensive Plan might have in it, as well as what your Land Development Regulations might allow. He said it is something we are looking at and it is not going to be easy. He said we are trying to come up with something that fits the Town and you can use in the future.

Councilman Lipp said you are right, as you look around most of the uses are illegally non-conforming so that creates the question how can we come up with something that allows these businesses to continue. He said I have in mind the mom and pop businesses that live here. He said so for the local landscaper, how is it legal where we could say to someone who is a resident living on the property that they can operate a landscaping business with certain restrictions.

Town Attorney Tolces said we can draft up the regulations that provide for a reasonable relationship between why you may allow for a homeowner to operate a business who is living on the property vs. a business located on a property where the business owner does not reside. He said you can come up with certain factual findings as to why the Town Council would legislate and find that such a use is appropriate for someone living on the property. He said I believe we can come up with some rational findings as to having an owner live on a property and operate a business but whatever we do it will be necessary for there to be some type of hearing process for the owner to come forward and present why they are entitled to receive that variance and it is going to have to be of high standard, otherwise you are going to cause difficulty for yourselves and future Town Council Members in trying to regulate your Land Development Regulations. He said the other issue you have is to the extent we are going to be making changes, the County might balk at that with our current agreement and we may have to discuss

with the County their willingness to work with us on this or we may have to ask our hired planner to review it separately.

Councilman Lipp said we are not cookie cutters. He said we have an awful lot of businesses out here. He asked what about all the AG businesses are they non-conforming. He said my response to that is if you are Bona Fide AG you are AG.

Town Attorney Tolces responded with respect to the AG Exemption there are different standards you have to comply with to qualify.

Councilman Lipp said one of the examples is the illegal rodeos that happen and asked should that be grandfathered in or not allowed at all.

Town Attorney Tolces responded there will be issues you will be hashing out at the beginning of next year and we will want the Public input.

Councilman Louda said getting to the point where we change things is good. He said it has to evolve and right now I would like to know how many of these violations, like the Choquette's, can be brought forward for something that is already on the books like going over to Note 28 which allows them to come forward for a Class A Conditional Use. He asked can we take their application and have it put through and converted off the books.

Town Attorney Tolces said they need to talk to the County who is doing the work for us and see what can be done. He said we always suggest they see what can be done because if they can come into compliance without much work, then by all means we want that. He said the quick answer is they could all come into compliance or stop operating. He said we currently have a Moratorium out there that is currently prohibiting any land use changes but we do have an exemption process with that so people that say that they can't apply for a land use change are not totally accurate because there is an exemption clause in the Ordinance.

Town Clerk Lippman answered Councilman Louda directly and said any business that has had Code Enforcement against them can come into compliance or stop operating. He said I know at least 2 of the 3 businesses I have explained that to. He said yes, the Moratorium does exist but I have never told any of them they can't petition the Council and they have all been educated to do that. He said some of the particular businesses challenge the fact that they shouldn't be in violation in the first place and they just go all the way to the end to see if they can win. He said they can petition the Council and the answers are out there.

Councilman Autrey asked the County has no history of any old Code Enforcement complaints and couldn't provide us with any.

Town Clerk Lippman responded, right.

Councilman Autrey said the reason I brought this up is one of my ideas is the guy who has been doing something for a long time and not bothering anyone and he goes to his neighbors and asks if he is bothering them and if not he gets them to agree and that would be a part of this process and that would give the person an opportunity to get the neighbors involved and they sign off on it. He said but we wouldn't know if someone had complained to the County about them before and we need to find this out.

Councilman Louda asked if any of these people have asked the County.

Town Attorney Tolces said I know Dennis Koehler is representing many of these property owners and I talk to him on a regular basis and I can ask him if he has any luck with the County requesting any conditional use approval.

Town Clerk Lippman said one of the advantages and I am asking for direction on this, is we have Kevin McGinnley and I feel comfortable that he can represent the Town well and he feels confident that if we meet with County Staff we will be able to work with them.

Councilman Lipp said I will volunteer to go with you on that. He said I know a few folks down there.

Vice-Mayor Herzog asked for comments from the Public.

Ron Jarriel, 2800 161st Terrace North- said if possible I would like to go with you down to the county because there are quite a few people out there who would like to start the process of filing a variance.

Town Clerk Lippman said what I would ask is that just Councilman Lipp, Town Manager Dr. Rosenbaum, and I go to the County and then I will set up a separate meeting with Mr. Jarriel.

GENERAL CONSENSUS WAS GIVEN FOR TOWN MANAGER DR. ROSENBAUM, TOWN CLERK LIPPMAN, AND COUNCILMAN LIPP TO MEET WITH PBC ABOUT THEIR ASSISTANCE WITH THIS VARIANCE PROCESS.

Elise Ryan, 3508 A Road- said I was really upset when I saw this process and the way it has been defined for you guys. She said one reason was I thought what we started out to do was to find a way to make businesses that were formally illegal legal and it looks like what we are trying to do is make legal businesses illegal. She said I am familiar with this process because I went through it for my nursery back in 1998 and it is very expensive. She said we are looking at businesses that are legal and putting people through a process is not what we want to do in the Groves. She said the thing that also concerned me is it talked strictly about AG and we have a lot of other businesses that are here today. She said these are mom and pop businesses and if you bring a bunch of consultants and attorneys out here they won't be able to survive. She said these people survived with the County and were left alone. She said I was very concerned about this and thought I might share what some of my own experiences were and it really needs to be simplified.

Councilman Autrey said I agree totally but what I don't get is we are trying to suspend anonymous Code Enforcement and these problems have been generated by the Public. He said we have got this situation and we have to work with what we have and I don't think any nurseries are on there, but we have complaints right now that we have to deal with.

Town Clerk Lippman said this is incorrect information this is AG designed-it is not. He said as I said I pointed out at the beginning there is misspeak in a Memo from Kevin Mc Ginnley the planner. He said this is strictly for all businesses in the Town. He said this is not a process that is being created to pick and choose businesses in the Town to reestablish themselves. He said we have generated complaints from the Public and we are now stuck in a quandary because we

can't turn a blind eye and we want to help them. He said we are suspending anonymous complaints and any other view of this is misinformation and is emotional and not necessary. He said no one else is being addressed in this process other than the people being complained on.

Councilman Louda said I didn't understand Mrs. Ryan's comment on making legal businesses illegal because if it was a legal business and there was a complaint it would be dismissed because the business was legal.

Cindy Corum, 2452 C Road- said I hear Town Clerk Lippman's disclaimer that we are not targeting AG so why is it written this way and why is it mentioned in here 4 times.

Town Clerk Lippman responded I said clearly on the record tonight this is not for AG businesses but businesses in general.

Howard Voren, 1538 E Road- said I sat there listening to Elise Ryan and you all need to know since none of you are involved in AG Business one of the biggest standing jokes at the PBC tax appraiser's office is all the hoops that PBC forces the AG businesses to go through that they legally can't make them do. He said all of that is illegal. He said with the Right to Farm Act you don't need a business permit you need a permit from the State of Florida. He said the bottom line is most all of what the County does is illegal and as long as people are willing to spend money and do it there will be someone to push them around.

Town Clerk Lippman said just to clarify we will bring back the next step in the process to you by the 2nd meeting in November 2008.

Town Attorney Tolces said there has been no process established. He said what you will have to do at some point in time is adopt an Ordinance and have 2 readings and Public Hearings for it.

Councilman Autrey said I just hope we make it simple.
Vice-Mayor Herzog moved to Item #13.

13. Gas Tax Revenue Expenditure Policy: Discussion

Town Clerk Lippman said in anticipating the monthly receipt of the increased 5 cent and 6 cent Local Option Gas Tax Revenues, Town Staff has prepared a preliminary budget for the expenditure for fiscal year 2008-2009. He said in addition, Town Staff has prepared information relating to the policy on determining "Emergency Repairs." He said the Town does not have an inter-local agreement with the LGWCD regarding the Local Option Gas Tax Revenues. He said it was agreed that the LGWCD would formally request the expenditure for any identified projects. He said the Town has received requests from the LGWCD for particular projects and I provided a list of these projects in the Agenda Packets. He said all of the roads are our roads in the Town, not Non-District and District. He said the reality of it is if we want to go and fix all of the Non-District Roads you are talking millions of dollars and I am recommending a policy on how we can identify roads needing emergency repairs.

Town Clerk Lippman said if a situation arises and it is an emergency we will get it done, like 24th Court North. He said the policy I came up with and you can consider this evening is a rating system and the purpose of this is if someone comes forward with an emergency on their road then we would go out, hopefully with Clete, and we would rate it and at that point if it fell into a Category 1 we would bring it to you as the Council to look at the situation and allocate the funds you deem appropriate. He said in addition the LGWCD has forwarded to the Town that they have come up with some items in order of importance they would like considered when you are determining how to spend the gas tax money. He said they have indicated they are not in favor of using any of the gas tax revenues for dust mitigation which is the next Item on the Agenda. He concluded by saying we just need some direction on this Item.

The policy Town Clerk Lippman proposed is as seen below:

Any immediate emergency repair that needs to be completed on a public road, not maintained by the L.G.W.C.D., relating to a threat to the health or safety of a resident, can be authorized by the Mayor and Town Manager. The Town will work with the L.G.W.C.D. for the actual emergency repair.

****The rating criteria that will be utilized is identified in the Dirt Road Rating System***

- Upon the written request of a resident on a public road not maintained by the L.G.W.C.D., the Town will evaluate and rate their dirt road. The Town will request that the district engineer work with town management to survey the road and rate it as well. Should the district choose not to participate, the town will retain and utilize an engineer to perform this service.
- The town will provide a written response to the resident which will include the rating report.
- If the road that has been rated received a rating of “1”, then the request is eligible to be heard by the Town Council.
- Once heard by the Town Council, they can request that Town staff provide a cost estimate for road repair that was identified in the rating report.
- Once the estimate is compiled, the Town Council will then review the estimate and either approve or deny the request for the emergency repair.

Councilman Lipp said there is a lot of chatter in the Community on if we are allowed to even get the gas tax money. He then referred to and quoted from a Memo dated 7/1/08. He asked has anything come to light since this memo was written that would change how you feel about this.

Town Attorney Tolces said no, in fact it just so happens that I provided the Town Council with a supplement Memo this evening in response to the newsletter sent out by the LGWCD in September and I happened to attach the July1, 2008 Memo to reinforce what I previously stated.

Councilman Lipp asked if the Town's acceptance of the gas tax revenue is challenged and it winds up in court, do you think the Town will prevail. He then asked does your firm hold us harmless, meaning the Town for your decision.

Town Attorney Tolces responded no.

Councilman Lipp said if you think we don't deserve the gas tax money, take it up with Tallahassee. He said it has been established we do have maintenance responsibilities and moving forward I feel comfortable spending the money.

Town Attorney Tolces said our opinion has not changed and it is consistent with Florida Rule.

Vice-Mayor Herzog added it is also consistent with the League of Cities and PBC Attorneys and they agree.

Town Clerk Lippman responded that is correct.

Town Attorney Tolces said I suggest us bringing back a Resolution if you agree with this rating system so it can become a formal document.

Councilman Lipp said relating to Town Clerk Lippman's Emergency Road Repair policy, most of the Public roads that are not maintained by the LGWCD are ingress/egress easements on your surveys and when the County provided grants for OGEM stabilization for Compton and Marcella the LGWCD needed the landowners to grant transportation easement to the LGWCD before they did improvement. He then handed out copies of Statute 95.361. He asked Town Attorney Tolces if the Public roads in the Town in his opinion fulfill the spirit of this Statute and does he think we need to go out and get transportation easements dedicated to the Town in order to improve a road we don't own.

Town Attorney Tolces responded no I don't, and it is my understanding that when the County and the LGWCD were dealing with this issue, the County simply requested the LGWCD provide some proof that these roads were Public and the LGWCD went out and obtained these easements and that is what they felt was necessary.

Councilman Lipp listed the roads Compton, Bryan, Marcella, and Gruber Lane and said these could be considered Public thoroughfares, but other roads that just lead into a home and meet right back out of a home, like Sally's Alley and Rackley. He asked does that constitute a Public road even if it is just serving the residents on that road.

Town Attorney Tolces responded there is no obstruction to the public traveling on it.

Councilman Lipp referred to Section 2 of Florida Statute 95.361.

Councilman Louda said it is probably not legal, but I look at a Public road as any road that leads to a mailbox.

Town Attorney Tolces said it is not that simple, but that may be a fact that is used in determining whether a road is Public or not.

Town Clerk Lippman said just to clarify when the Town submitted the roads to DOT for gas tax revenues the information was provided by the LGWCD based on the Property Tax Appraiser information and a survey done in 1992.

Councilman Louda said those are the Public roads then.

Vice-Mayor Herzog asked for comments from the Public.

Darlene Crawford, 3057 E Road- said I think you were kind of answering my question which is how you define a road vs. a driveway. She said we have to have a definition somewhere out there, something written.

Town Attorney Tolces said the legal opinion is pursuant to Florida Statute. He said that is how we are addressing the situation and will continue to.

Ms. Crawford asked so the Town is not going to come up with its own definition.

Town Attorney Tolces responded no it is not necessary.

Rita Blalock, 2486 Thomas Court- said I submitted pictures since they are worth 1000 words and I live on Thomas Court which intersects with 24th Court North and we are getting interruption in our garbage and recycle pick-up and people are getting stuck in the mud. She said there is concern if fire rescue needs to get down that road. She said we are asking for some assistance with the gas tax revenue.

Town Clerk Lippman said I had the opportunity to meet with Rita and I would suggest not saying yes or no to this but if you want to direct Town Staff to go out and assess the situation and bring information back at the next meeting we would be happy to do so.

Councilman Lipp said Ron Jarriel and I were out there and there are 2 issues here, one with the road being fixed and 2 with the drainage.

Town Clerk Lippman said if we get direction we will come back to you with some of the information provided by Clete and the residents. He said we will also do our own assessment on this.

Councilman Lipp said I thought I saw a quote for \$24,000 come through for that and asked if that was correct.

Town Clerk Lippman responded no.

Councilman Louda said I would like to see Clete come up with a drainage problem solution because on the 6 cent tax it says we can use that money for drainage.

Town Clerk Lippman said I caution you, you are very limited on the funds you can provide for these situations.

Vice-Mayor Herzog said we have to be in terms of liability so be careful.

Gail Warner, 14768 24th Road North- said I want to thank you all for the fill you did bring in and we spent at least \$1600 ourselves on the road and even more through the years we have done maintenance ourselves. She said Rita said most of it but I wanted to add that I can't take walks like I usually do and I have slipped and fallen before in the mud and puddles and my niece and daughter in law got their cars stuck in the mud. She said it's been really tough because it takes so long to drain and we still have 3-4 ruts in the road left even though you did take care of the one big place that was really bad.

Lung, Chiu, 3270 B Road- said we have a similar situation on 40th Street and currently we have at least 2 big pot holes and we need some sort of fill because the roads are undriveable. He said I hope that you could at least put fill to cover them up and hopefully you will give it some thought.

Town Clerk Lippman said this is why we are talking about it this evening. He said to be realistic it is hard to look at the residents with road problems and say we can't help them, but we do only have limited funds so we have to be careful.

Mr. Jarriel said as Town Clerk Lippman says we need to be realistic and 24th Circle North to fix would cost \$79,000. He said I want to clarify LGWCD went over there and did a temporary fix on the 1st part of the road but you still have a problem over there. He said we also sent a quick fix estimate for \$6000 to bring up the road to grade where people won't get stuck and if you have \$16,000 in the fund right now there is no reason to wait until your next meeting. He said we put OGEM down on the North side of C Road and when we get to 24th Court North we would put a culvert in like F Road and then it would be up to the residents to get their connection to the culvert. He said drainage is not the problem the road is.

Town Clerk Lippman said Clete recommended in order to fix this you have to fix the drainage as well.

Mr. Jarriel said I am telling you the drainage is not the priority. He said the drainage is secondary to the road you keep putting off and you have the funds to do.

John Ryan, 3508 A Road- (had turned in a comment card but said his comments had already been addressed)

Vice-Mayor Herzog had Town Clerk Lippman read the names of the 3 individuals who submitted letters for the record.

Tony Lopes, 4451 148th Terrace– asked that 3 letters, one from John & Jeffrey Steele, one from Philomena Liang, and one from himself be included in the record. He then said we have a lot of problems, especially drainage by whoever controls the canal. He said my biggest problem is between C and D Roads with the canal and with the County working on the canal and they left us with mud. He said we are not really aware of what they are doing on that road. He said they are widening it and going to put a horse trail in and I am worried about getting my equipment in and out of my driveway and I have spoken to Clete about it. He said he probably thinks I am a complainer but I live back there and pay my taxes and I would like to see it get taken care of. He said we would like to see something done.

Councilman Louda said I suggest we send a letter to the County and copy the LGWCD and the LGWCD is where you should be talking to. He said we can send a letter of support but it is the LGWCD. He said they put the water pipe through.

Mr. Lopes said I have spoken to Clete and the LGWCD and they are responsible for the canal, but the Town is responsible for the road and to widen the easement right away so if the Town thinks the County will take care of the road, they are not.

Mr. Lopes said if they do the canal first, we won't be able to get in and out. He said we are in mud and they left all the muck from the bottom of the canal on the road and we have some huge water holes back there.

Councilman Autrey asked what road is it.

Mr. Lopes responded 40th Road North.

Town Clerk Lippman said Councilman Louda is correct and the appropriate response right now is the LGWCD is managing the contract with the County on the construction and maintenance of this. He said I will compile the information into a letter and forward it to the LGWCD first and then cc the County.

Councilman Louda said whoever told you to come to the Town for that particular problem misguided you as far as I know the Town is not responsible for that road at all.

Mr. Lopes said the County is responsible for one part and the Town of Loxahatchee Groves the other part. He said the LGWCD is responsible for the canals. He said PBC told me that the Town is responsible for the repair of the road.

Vice-Mayor Herzog said we need to allow our Staff to address this.

Town Attorney Tolces said we try and take the comments in 3 minutes and we will look at this issue and go from there.

Town Clerk Lippman said we are here to respond to residents and this is the 1st we are hearing of this situation. He said we assure them we will look into it with the both County and the LGWCD to get to the bottom of it and solve the situation.

Councilman Lipp suggested putting Beavin Beaudet's name on there as the person to go to on this. He said this is a Non-District road so it becomes a road of the Town.

Town Attorney Tolces said they are all Public roads.

Mr. Lopes said Clete says there is a Plan and it will just take some time.

Councilman Autrey said the reason why I am for the MREG is because we have for many many years this goofy construct of Non-District and District roads and yet we all pay taxes. He said and you've run into it-it is not my problem and that is one of the worst things to hear as a tax payer. He said we are in the position to do something and hopefully we can, but we need to do it comprehensively because this money is going to come in monthly and we don't have enough to do all of these projects, this is just the tip of the iceberg. He said we need to have an

opportunity to look at these issues and maybe there are some short term fixes we can do to solve some issues short-term, some band aids if you will, but we have to look at how to fund this because this gas tax money is very limited, and I have pointed out many times if we took all the money for road improvements it would be a 40year project. He said we have the study under way and hopefully it will be done in a few months.

Mr. Lopes asked in terms of drainage, why the elevation of the canals has to be so high during a storm.

Councilman Louda replied the LGWCD.

Town Clerk Lippman said we are aware of the situation and I will work with Councilman Autrey and we do hear it and we will attempt to represent him, his road, and his property.

Councilman Lipp said one of the things is LGWCD has is a mechanism for creating a taxing unit like they did for the bridge with the Lefkowitz's and the McClendon's and I think these issues need to be addressed but I don't think the gas tax money should bear all the burden. He said I think if we are going to improve the neighborhood we can use a portion of the gas tax money but we need to work with the LGWCD to set up a separate taxing unit and get it fixed properly and then the LGWCD would have some ownership.

Councilman Louda said I would agree with emergency help on the part of the road that is away from the active project, because that active project where the pipe is going through and the LGWCD is working, that is the LGWCD and County, they are doing it and they should fix it. He said but if you have a problem outside that area, I am fine with a little fill, and am okay with that and then once we get a policy we can look at it.

Town Attorney Tolces said we will prepare a Resolution for you to adopt this as a formal policy and Town Staff will look at these issues and report back to you.

Councilman Louda said you might want to add something about standing water on here.

Town Clerk Lippman said you have to be really careful here because of the limited funds and if a road situation can't be fixed unless the drainage is fixed, we have indicated the drainage is the property owner's responsibility. He said there is even debate this evening on 24th Court North where Clete and the residents say it is the drainage, but Mr. Jarriel says it is not. He said

Vice-Mayor Herzog said I believe where Tony lives the canal is all filled in and trees are growing in it and that is causing some of the issue too.

Councilman Louda said since the drainage is paid on a per acre basis I would hope the Town and LGWCD could come together and come up with something.

Councilman Lipp said I would like the opportunity to send you my comments on this by email.

Vice-Mayor Herzog said I like the rating.

Town Clerk Lippman said the Town Attorney and I will come back with a Resolution which allows us to adopt these as well. He said I request you give me some direction with the

proposed Budget I have in front of you. He said as of right now we have \$16,500 in the account with more coming in and you need to give us the starting point.

Councilman Autrey said I would like to get some feedback on the cost of the grading so we can get some bang for our buck.

Town Clerk Lippman said this is my beginning point on how I feel the money should be spent and part of this if you look, there is maintenance and grading needed on Public Roads not maintained by the LGWCD.

Vice-Mayor Herzog said I agree with some of the residents here who have said they have paid for years and gotten no service.

Town Clerk Lippman said we have an opportunity to use the gas tax revenue for maintenance on these roads.

Councilman Lipp said looking at the LGWCD Budget, there is a line item that jumps out at me where we can help and that is road material. He said we could make a commitment as part of the policy that when the LGWCD uses road material send the Town an invoice.

Town Attorney Tolces said that agreement we spent many weeks trying to negotiate would have allowed us to do that but right now we don't have that situation.

Councilman Lipp asked couldn't we make that decision on our own.

Town Attorney Tolces said I would recommend you have some sort of system in place for the submittal of invoices and such.

Philomena Liang, 4245 148th Terrace North -said I just want to reiterate what Tony, my neighbor, said, he is right; the road is causing problems for us getting in and out. He said the roads are very undriveable between C and D.

Vice-Mayor Herzog said there are big potholes there.

Town Clerk Lippman said the Town Attorney and I have direction and I assure you we will move as fast as possible to get the problems removed.

Councilman Autrey asked in order to move quickly, should we consider getting our own engineer on some of these issues.

Town Clerk Lippman said in this situation where I am going to need an engineer to go with me on these roads, each of you has said at some point in time to use Clete first because the Town is paying for him but if he chooses not to work with us on this, I need to have the flexibility.

Councilman Lipp said I think we need to stick with one and if it becomes documented that we are not able to work together and you can't get the cooperation, you can document and build a book that there is a lack of cooperation coming from this office.

Town Clerk Lippman said the primary idea and goal is to go directly to Clete.

Councilman Autrey said my point is we need to have flexibility.

Vice-Mayor Herzog moved to Item #14.

14. Dust Mitigation: Options and Discussion

Town Clerk Lippman said the original discussion the Mayor came to me about was to look into dust abatement for some short term issues for dust mitigation and Councilman Louda recommended a few products to look into for this. He reminded that the extra speed enforcement control had been approved with the Budget. He said he had received information on both of the recommended products and it was in the packets tonight. He said once you decide I will meet with Clete on how to go about this.

Councilman Louda said I proposed to fund this project using the LGWCD to test 3 products, actually 2 new products but put head to head with Calcium Chloride. He said I suggested testing Dust-Kill and Gorilla Snot. He said at first look, but this would of course rely upon the expertise of the District, I would suggest south B and south D roads and using about 1/3 mile for each test strip. He said this should not start until we are officially in the dry season. He said perhaps we (the LGWCD and the Town) could approach the manufacturer's/distributers with the fact that this is test and the winner may receive a contract. He said I am not proposing this as a fix all for all time but rather a potential interim cure while our community evolves.

Councilman Lipp said I have lived here since 1984 and we tried this 3x with Calcium Chloride and the first time was a trial and the second and third times it was washed away with rain. He said I get real heartburn spending \$120,000, which is what the LGWCD spent the last time it did this with a grant from the Count, and with a big rainstorm it is gone. He said with the products there is a time where you can't drive on the roads. He said I think dust abatement is a good idea and handed out information he had gotten from Clete about it. He quoted an article that said "a single vehicle traveling an unpaved road once a day for a year will produce one ton of dust per mile, according to an Iowa study. This translates to losing 100 tons of fine particles a year for each mile of road with an average of 100 vehicles a day." He said I think dust mitigation is a good idea if they can give us the test strips for free but I would like to see Magnesium Chloride instead of Calcium Chloride.

Councilman Louda noted that is much more expensive.

Councilman Lipp responded that is probably why it works better.

Councilman Lipp asked what is the cost per gallon for the Gorilla Snot product.

Town Clerk Lippman said I know the cost of the Calcium Chloride last year was \$1.35 per gallon.

Councilman Lipp read the figures per acre on dirt roads for Gorilla Snot.

Councilman Autrey addressed Councilman Lipp and said the Town roads which we may have jurisdiction over I think would be better spent with a car with a light on top and to

reduce the speed limit to 25mph and if we just slow the traffic down, you won't see a whole lot of dust.

Town Clerk Lippman said \$3.50 a gallon because it would be diluted.

Councilman Lipp asked is it from Arizona.

Town Attorney Tolces clarified they would charge \$575.00 to ship it.

Town Clerk Lippman said obviously we know these items are going to be more expensive than Calcium Chloride which is why we want to test them.

Councilman Louda said this is just a proposal to check into.

Vice-Mayor Herzog asked for comments from the Public.

Ron Jarriel, 2800 161st Terrace North- said for the first time I have to agree with Councilman Autrey and if we use PBSO it will be a whole lot cheaper and it will make our area safer because whether or not we have Calcium Chloride down or not people will be speeding and people will be in danger. He said it has been over 2 years that we priced the District Roads. He said we are trying to get \$6000.00 from you and that is hard to get for 24th Court North. He said how are you going to come up with \$90,000 for Calcium Chloride. He said if they do it for free then next year we have a contract with them. He said last year they said it wasn't going to rain and it was one of our wettest seasons ever. He said one of our worst complaints was the damage to the cars. He said PBSO is safer for the people and a whole lot cheaper.

Vice-Mayor Herzog mentioned several times tonight the comment can't get \$6000 came up and asked Town Clerk Lippman to comment on this.

Town Clerk Lippman responded there is a conflict between what Clete, Ron, and the residents are reporting and we need to pursue it and make a decision in 2 weeks.

Councilman Lipp asked could you include Ron Jarriel in the meeting with you and Clete.

Town Clerk Lippman responded I respect Ron greatly for what he does in the Community but we have a LGWCD Engineer who knows these roads.

Vice-Mayor Herzog said and then it would be Clete's responsibility to call Ron in.

Town Clerk Lippman said I need to deal with one person to make the decision to move on.

Councilman Louda asked if you and Clete decide this is an emergency situation, doesn't it need to go back to us or could it go to the Town Manager and the Mayor to authorize.

Town Attorney Tolces said I would feel more comfortable when we bring the Resolution back at the November 4, 2008 meeting which is 2 weeks away.

Mr. Lopes said the chemicals we are using on the road from what I understood were not supposed to destroy the cars. He asked who do I go after for my horse trailer being destroyed by chemicals. He said it is aluminum and it is totally ruined.

Town Attorney Tolces responded this is a meeting of the Town Council of the Town of Loxahatchee Groves and the Town was not established until October of 2006 and the Council has only been meeting since March 2007 and the Town has not put anything down on the roads. He said if you have a complaint on something that was put down in the past... (Mr. Tolces was interrupted)

Mr. Lopes said and now you guys are talking about putting things on the roads again and I want to state what you are talking about putting this on the roads.

Councilman Louda responded Calcium Chloride I agree is an oxidizer and would hurt your vehicle, that has been proven, but the other 2 chemicals would actually protect your vehicle. He said it is like getting a free undercoating.

Vice-Mayor Herzog moved to Item #15.

15. 40th Street North Road Design: Discussion (*Councilman Louda*)

Town Clerk Lippman said we have had the opportunity to forward this to Patrick Figurella and Jeff Maxwell from Calvin-Giordano and they are aware of what Councilman Louda would like to do. He said they are going to meet with each of you individually in the next few weeks to discuss the Plan, as well as, this idea.

Councilman Louda said the only reason I brought this up is because Morley Schloss brought it up at our MREG Workshop and the one thing missing from the proposal is they would still require a mayor to go over them and I would expect looking into the car protection

Town Clerk Lippman said we had previously spoken with the Council and indicated an issue to you and the matter was brought to the LGWCD's attention and they will be taking care of it from this point forward. He said they will be sending the residents a letter letting them know what their options are.

Spencer Langley, 14220 Biddix Road- said I have lived at my current address for about 12 years and the whole time I have lived there the bridge has not been an issue with regards to safety or the flow of the canal. He said apparently a month ago a 911 call was placed for a guy with a diabetic emergency and the 20yard loader had an issue coming over the bridge. He said they took pictures of the bridge and that is how it became an issue now. He said within the last year I have had 45 20yd load dump trucks come across and 17 concrete trucks come across and each of which is 60,000lbs or more and the bridge does not impede the water flow right now it is safe and functional. I am hoping that there won't be a new culvert imposed on the home owners on Biddix Road it would cause financial hardship to me personally and the other 4 homes on the road.

Town Clerk Lippman said this matter is in the LGWCD's hands and Clete has brought it to his Board.

Ron Jarriel, 2800 161st Terrace North- said you comment that you like to help the residents but I was one person on that Board who didn't approve the decision and I went over there today and the pictures we had were misleading. He said this man is asking for help and now the LGWCD might come up with the idea they need a culvert there that would cost them \$65,000-\$70,000. He said these residents only need to know if they have a problem and need fire rescue they would have to go to them. He said like he said he has been there 12 years so try and get involved with this resident and bring your opinion to our next Board Meeting.

Darlene Crawford, 3057 E Road- said my question is we have 2 roads with problems for the residents getting in and out and asked do we have policies for residents when they ask for help for different areas. She asked how will you pick one over the other with limited funds.

Town Clerk Lippman said this comment is not on this Agenda Item.

Town Attorney Tolces said what you discussed earlier this evening is the ranking and rating system of the roads so there will be a system in place for discussion.

b. ERM Regulation Feedback: Discussion

Town Clerk Lippman said this is taking a little longer than we expected. He said we are not being pressed and there are no outstanding issues and this is a work in progress and we are moving forward.

c. Extension of Moratorium: Ordinance to be read on 11/4 and 11/18.

Town Attorney Tolces said it has almost been a year since the Town adopted the Ordinance establishing the Moratorium and in order to extend the Moratorium you would need to adopt an Ordinance extending it for an additional 6 months. He said we will bring to you at the November 4, 2008 meeting an Ordinance that would do this and we will have 2 Public Hearings on this.

d. Execution of CGA Code Enforcement Contract

Town Clerk Lippman said like I indicated earlier the COL was removed and I will come back with a recommendation based on the Code Enforcement complaints to cut back on the Code Enforcement services for the Town and have already spoken to the folks at Calvin-Giordano so they are prepared.

17. Public Comments

Ron Jarriel, 2800 161st Terrace North- said the Emergency Road Situation Rating System if I am right, this study came from the University of Wisconsin and if you look at the road pictures in it, there is not one picture that looks like Loxahatchee Groves. He said if you want to categorize it, first of all if it was a 3 or a 2 or whatever there would be no need to come to you and we are talking about an emergency situation like 24th Circle North. He said for you to take time to grade an emergency situation when the fire department already says it is emergency and impossible for rescue, in the past we based our grading of Non-District roads on the fire rescue in an emergency situation you don't need to do that. He said I listened to 2 Council Members come up with 2 good ideas tonight. He said Councilman Louda made the comment that after Matthew talks with Clete about the \$6000 then the Mayor could make the decision. He said I like that idea because it is for the people. He said Councilman Lipp said he could possibly give us money for road material and I am saying if you gave us the road material and we put it where we felt it was necessary, we could put it on that road and we could take care of the problem.

Phil Liang, 4245 148th Terrace North- said regarding Councilman Louda's idea for Item # 15 it seems we are right next to this so if any work is done in the future please get with us.

Elise Ryan, 3508 A Road- said I just wanted to address the issue of the Moratorium that the attorney just talked about. She said when the County was doing the Sector Plan which was the Comprehensive Plan for our area, they put a Moratorium on all Land Use changes but not on conditional use applications and that is where we are having a problem with these Code Enforcement cases right now. She said if we were to do a Moratorium on zoning but still allow someone who is legal in that zoning to go through the process of applying through the appropriate channels if they wanted to-that might clear up some of the issues we have got and I thought the wording was a little stringent and maybe we could lighten it up a little.

Town Clerk Lippman said the way the language is written in the Moratorium Ordinance; anyone can come forward to the Town Council and request an exemption.

Frank Schiola, 13434 Marcella Boulevard- noted in the blue pages of the yellow pages there is a government section and there is no section for the Town of Loxahatchee Groves. He asked about the 2008-2009 Budget and the Public Works line and said apparently we have a lot more money and we don't have any water and sewer or parks and rec to maintain and commented this could be money that could be used for Emergency Repairs. He said I met with Waste Pro today and discussed some problems that are out there, but other than addressing them that is all that can be done. He said the Town needs to have Staff out there to start dealing with the problems directly or a liaison chosen by the Town Council. He said if Waste Pro is messing up they need to be fined through the contract and if the citizen is messing up and they are not putting out what they should then that needs to be addressed in person and not at a meeting.

Councilman Louda asked Mr. Schiola what line Item are you talking about.

Mr. Schiola pointed out the Item at the bottom of the newsletter.

Vice-Mayor Herzog moved to Item #18.

18. Town Clerk Comments

Town Clerk Lippman reminded everyone about the Special Town Council Meeting on October 28, 2008 at 7pm at Loxahatchee Groves Elementary School. He said this evening after the meeting I will be receiving a copy of the Consolidation Study and will be emailing a copy to the Town Council Members, Board Members of the LGWCD, and the attorneys for both entities. Councilman Louda asked if the meeting could start at 7:15pm because he didn't think he would make it by 7pm.

Town Clerk Lippman said I know there has been a lot of talk about the details on Emergency Repair and we are not creating loopholes for these people but there has to be a policy when you have \$392,000 and the community is desperate for road repairs. He repeated you have to have a policy in place He said I feel confident we have been dealing with Rita and the residents there. He mentioned trying to keep the Agenda light for the meeting scheduled on Election Day, Tuesday, November 4, 2008 since it is such an important night in our history. He reminded people if you have been watching the news there has been a lot of frustration on early voting and on the website there is a link to the 13 locations and it is open on Saturdays and Sundays. He said to follow up on the information that Frank brought tonight, the SWA is required to follow and inspect each of the companies so they have to inspect Waste Pro's job so far as an outside person looking at this is still happening.

Vice-Mayor Herzog asked why Frank Schiola was designated as the liaison.

Town Clerk Lippman said I didn't suggest or recommend or deter him. He said he was a citizen that asked a company about a problem and they suggested a meeting with him.

Councilman Autrey commented it shows good customer service on Waste Pro's part that they would meet with one of our citizens and take him to dinner and breakfast.

Councilman Louda said to check with Waste Pro and the SWA to see if there might be a way to get a satellite hazardous waste collection day once every 3 months and said I think people might travel 2 miles to get rid of their old batteries.

Councilman Lipp said there is a transfer station already by the fairgrounds.

Vice-Mayor Herzog said that is something you can include in the next newsletter.

19. Town Attorney Comments

Town Attorney Tolces said I provided you with some documentation this evening. He also commented good meeting.

20. Council Member Comments

Councilman Lipp said I almost got killed this week coming from F Road on to Okeechobee South across and I pulled out and the guy across the way from me also pulled out trying to make a left hand-turn. He said the way I understood the rules of the road the vehicle going straight across has the right away and the vehicle who has the turn signal on has to wait and he asked the attorney if first come first serve is the rule.

Councilman Autrey commented good to see some new faces here tonight that is always nice. He said I was wondering if we would consider, based on some of the questions coming into the Town office, since there is some misinformation out and about and I will make a prediction here that as we get closer to the election season in March more of this is going to be going on and for example, someone was told they would be forced to hook up to County water, and that is not true at all, but my point is as we go through the Comprehensive Plan and the adoption process, there is so much hysteria that is being generated, I think we should communicate with the Community more and maybe monthly or every 6 weeks to send out a newsletter for rumor control.

Town Clerk Lippman said if you look at this particular newsletter I started a section of frequently asked questions.

Councilman Autrey said one of the examples is when I was running for office I was up at North Road and there was a rumor circulating saying we were going to be making \$85,000 a year. He said great job tonight.

Councilman Louda said good suggestion. He thanked everybody for coming and said sorry that some of the new faces had to come because of the emergency road needs and we will work on a policy to do it fairly and objectively because there is way too much subjective stuff going on. He said we need to get it down to this is a good, excellent way to spend Public money. He said I agree with Councilman Autrey about sending a monthly newsletter and thanks for a great job.

Vice-Mayor Herzog said great to run the meeting tonight even with the hot topics with very well behaved residents even though some of the discussions are very tender and open wounds for everyone. She said I encourage you to let your neighbors know to come out to the meeting on Tuesday, October 28th because we need to know how the Community feels. She mentioned this Thursday evening the LGLA is having a Candidates Forum at the Palms West Hospital at 7pm.

21. Adjournment

Councilman Autrey MOTIONED to adjourn the meeting, SECONDED by Councilman Lipp and the Motion passed unanimously 4-0, with Mayor Browning absent.

There being no further discussion and no additional public comment the meeting was adjourned at 10:10 p.m.


MAYOR DAVE BROWNING

ATTEST:


Matthew Lippman, Town Clerk


Date Approved