



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:

Dr. Irv Rosenbaum, Interim Town Manager (NCS)
Matthew Lippman, Interim Town Clerk (NCS)
Michelle Kantor, Interim Assistant Town Clerk (NCS)
Michael D. Cirullo, Jr., Esq., Town Attorney
Members of the Public

Others Absent:

David Tolces., Esq., Town Attorney

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

Mayor Browning called the meeting to order at 7:00 p.m. He then requested the roll call by Town Clerk Lippman. Town Clerk Lippman noted that Councilman Louda was running late. Upon completion of the roll, Mayor Browning requested everyone stand for the Pledge of Allegiance and Invocation.

Town Clerk Lippman announced that Councilman Louda had arrived.

5. Approval of Agenda

Vice-Mayor Herzog made a MOTION to approve the Agenda, SECONDED by Councilman Autrey and the MOTION passed unanimously 5-0.

Mayor Browning introduced Town Attorney Michael D. Cirullo, Jr. who was in attendance in place of Town Attorney Tolces for the evening.

CONSENT AGENDA:

6. **01/06/09 Town Council Meeting Minutes:** Approval
7. **12/08 Town Attorney Invoice:** Approval
8. **PBCWUD Water Connection Request:** Acts 2 Worship Center

Vice-Mayor Herzog made a MOTION to approve the Consent Agenda, SECONDED by Councilman Autrey and discussion was then opened:

Vice-Mayor Herzog said I would just like to congratulate Michelle on doing a perfect job with the minutes.

Councilman Lipp said on Page 12 of 38 of the Minutes or Master Page 13, I would like to add the Mayor's verbatim comment there when he asked for Public Comments he states, "I've got a lot of comments, I would ask you to be brief and address the motion that we've made. Let's not go off on personal attacks. Let's address the motion that Bill has made."

Councilman Lipp asked could we enter those in please, I did send that to the Clerk.

Town Clerk Lippman responded yes.

Councilman Lipp said there were 2 personal attacks on me and I would just like to state for the record that I was going to address the person who made one of them tonight, Mr. Gurney, but he isn't here, so we will just let it go at that.

The MOTION passed unanimously 5-0.

Mayor Browning moved to Item #9.

REGULAR AGENDA:

9. Ordinance 2009-001 (Amending Ordinance 2007-006: Code of Ethics Ordinance):

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2007-06, THE "ETHICS CODE" FOR THE TOWN OF LOXAHATCHEE GROVES, TO PROVIDE FOR ADDITIONAL RESTRICTIONS ON THE ABILITY OF TOWN COUNCIL MEMBERS TO EITHER CONTACT OR COMMUNICATE WITH INDIVIDUALS OR ENTITIES THAT HAVE PETITIONS OR APPLICATIONS PENDING WITH THE TOWN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo conducted the 1st reading of Ordinance 2009-001-Amending 2007-006: Code of Ethics Ordinance.

Town Clerk Lippman said this is coming about because following consultation with the Town Staff and discussion amongst the Town Council, the Council does desire to amend the Code of Ethics Ordinance to provide for additional restrictions on the ability of Town Council Members to either contact or communicate with individuals or entities that have petitions or applications pending within the Town. He said at the January 7, 2009 Meeting the Town Council voted to bring Ordinance 2009-001 to this Meeting for revision on the original Ordinance on the Code of Ethics.

Councilman Louda made a MOTION to approve Ordinance 2009-001-Amending 2007-006: Code of Ethics Ordinance, SECONDED by Councilman Autrey and discussion was then opened:

Councilman Lipp read W, on Page 7, starting at the last sentence, "However, no public officer shall "influence peddle" or use his or her position as a public officer to gain favors or benefits inconsistent with Town policy or applicable law on behalf of any citizen or other person." He asked if you happen to see somebody over on the side of the road with a PBSO Sheriff next to them and you pull over and say I am a member of the Town Council and this person is a good friend of mine, can we work something out, is this a violation of the Ethics Code.

Town Attorney Cirullo responded yes if you identify yourself as a Council Person in order to try and resolve that matter.

Councilman Lipp said stating your public position, okay I just wanted to get clarification on that. He referred to X, and asked does that apply to a 527

Town Attorney Cirullo responded no, a 527 is a separate entity. He said it applies to you as a candidate. He said my understanding is that this whole goal here was for you to govern yourself as individuals. He said if you are running for an office here as a Council Person Candidate you would govern yourself under this provision.

Councilman Lipp asked about J, and said this was brought up by a citizen of the Groves, Mr. Liang Chu, and said his question was are we setting up a 2nd class of citizen by having people who have an application pending not having the same Civil Rights as rights to address the governing officials. He asked is that running into the 2nd Amendment of ability to access the government.

Town Attorney Cirullo responded no, I don't think so because if you put an application into the Town you are following the rules and regulations that Town has adopted. He said if you have all decided it is best to direct your business within a Code of Silence, the individual understands that when putting the application in.

Councilman Lipp responded fair enough.

Councilman Autrey referred to X, and said it notes Chapter 104.271 Florida Statutes and asked what is that.

Town Attorney Cirullo responded I think it should actually be Section not Chapter. He said I would believe that you have this in here so someone would read this and understand they can't do that because it would cross reference a Statute that is already there. He said it is a working document for somebody so they say I better look at that 104.271 because the State is the one who would make it a felony, not you all.

Councilman Autrey said I understand what that is, I just want to know what it says.

Town Attorney Cirullo responded we can pull it up and see what it says.

Councilman Autrey asked in Section J, the 3rd line, "an elected public officer shall not make any contact with in any form," can we change the word make to have.

Town Attorney Cirullo responded 104.271 says this, what is in your X. He said it probably is in there so it provides a cross reference for folks.

Vice-Mayor Herzog asked what is the procedure if a Town Council Member does undermine the duties, responsibilities, or role of our Town Staff.

Town Attorney Cirullo responded I think the first step, is you are one of five, and you would have to bring it to the Council for discussion because you act collectively. He said so if one of you all believes there is an issue with another one, obviously with the Sunshine you need to bring it up to the Council.

Vice-Mayor Herzog asked and the same thing goes with acting respectfully with one another.

Town Attorney Cirullo responded if any Council Member believes there is a problem with the Provision than it is a Council matter. He said this Ordinance is governed by behavior.

Town Clerk Lippman said this Ordinance is in addition to the Code of Ethics that are filed by the State of Florida. He said please remember if there is a violation of the State Ethics Code the State will follow up. He said if there is a violation of our Ordinance, what you see in front of you now, then it would be up to the Town to decide if they want to pursue.

Town Attorney Cirullo responded the State will only look at the State Ethics, they will not look at the Town.

Councilman Louda said on J, for the elected public officials not having contact with people on a n application, the only thing we really have when we are approached at Public is we say I can't talk to you about this and walk away.

Town Clerk Lippman said you can treat that like the Sunshine Law. He said interpret that paragraph just like you do with the Sunshine Law.

Mayor Browning said I don't read that in where we just made the change.

Town Clerk Lippman said only when the application is in progress.

Councilman Louda said just as the Sunshine Law, when I brought this up to get this strict no contact thing, the same thing might apply. He said one of us may have a friend bringing something forward.

Town Attorney Cirullo responded on matters relating to a pending application or petition.

Mayor Browning asked for comments from the Public.

There were no comments from the Public.

The MOTION passed unanimously 5-0.

Town Clerk Lippman said this will be scheduled for a Public Hearing at the 1st Meeting in February 2009 and it will be legally advertised.

Mayor Browning moved to Item #10.

10. Resolution 2009-001 (Election Procedures for March, 2009 Municipal Election):

A RESOLUTION ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE TO QUALIFY AND FILE FOR THE OFFICE OF TOWN COUNCIL MEMBER FOR SEAT 1 AND SEAT 3 PRIOR TO THE MUNICIPAL GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 10, 2009, PURSUANT TO THE TOWN CHARTER, SECTION 7, AND CHAPTERS 97 – 106, FLORIDA STATUTES; THE ELECTION FILING PERIOD OPENS PROMPTLY AT 12:00 NOON ON JANUARY 27, 2009 AND CLOSSES PROMPTLY AT 12:00 NOON ON FEBRUARY 3, 2009; SETTING FILING FEES; AUTHORIZING THE TOWN CLERK TO APPOINT ELECTION BOARDS FOR ELECTION PRECINCT 6080; APPOINT THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS TO HANDLE ALL MUNICIPAL ABSENTEE BALLOTS; AND TO REPRESENT THE TOWN OF LOXAHATCHEE GROVES AT ALL LOGIC AND ACCURACY TESTS OF THE OPTICAL SCANNING VOTING EQUIPMENT PRIOR TO THE MUNICIPAL ELECTION; OPTING OUT OF EARLY VOTING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo conducted the reading of Resolution 2009-001-Election Procedures for March 2009 Municipal Election.

Vice-Mayor Herzog made a MOTION to approve Resolution 2009-001-Election Procedures for March 2009 Municipal Election, SECONDED by Councilman Louda and discussion was then opened:

Councilman Autrey asked is the language in this boiler plate.

Town Attorney Cirullo responded it is boiler plate to the extent that it follows what needs to be done to call an election, I don't know if it has been revised.

Town Clerk Lippman responded yes the PBC Supervisor of Elections sent me the typical resolution used for elections from other municipalities.

Vice-Mayor Herzog noted on Page 58, 4th line up from the bottom, you need to remove , of the Town Council.

Councilman Lipp asked what is the date on Section 4.

Town Clerk Lippman said we can specifically put the date in there. He said it is on the highlighted page, Friday, February 13, 2009 is the deadline for municipalities to give information to the Supervisor of Elections.

Mayor Browning asked for comments from the Public.

There were no comments from the Public.

Town Clerk Lippman said if I can just point out I have posted the candidate information and important dates for the election on the website. He said the candidate filing begins on Tuesday, January 27, 2009 at 12 noon and goes through Tuesday, February, 3, 2009 at 12 noon. He said everyone who files at the office will receive a notebook of information.

Mayor Browning said to reiterate that is all at the Town Office.

Town Clerk Lippman responded that is correct, you do not go to the Supervisor of Elections Office for any part of this process.

Councilman Louda asked how does the Sunshine Law apply to potentially working with a Council Member that is a candidate on their behalf during the election.

Town Attorney Cirullo said if a candidate is not on your Board then I don't believe that the Sunshine Law would prohibit you from discussing matters.

Councilman Louda said I am just talking about discussing matters as to strategies or whatever on a campaign.

Town Attorney Cirullo said strategies never come up for Council Member business. He said if you were talking to a candidate about how to politic or how to do flyers, or how to make signs, that is not any business you would act upon as a Council. He said you would watch yourself if you were going to discuss something coming on a Council Agenda later down the road because if that candidate happened to win you would have already discussed something.

Councilman Louda said Dave said he is not re-running. He said say I wanted to work on his campaign, how close could I be.

Town Attorney Cirullo said you could support him and tell people he is a good guy, but I wouldn't discuss how he feels on certain issues. He said I would just be careful about that. He said it may not be a direct violation of the Sunshine Law but you don't want to cast any shadows. He said that is my word of caution on that.

The MOTION passed unanimously 5-0.

Mayor Browning asked for comments from the Public.

There were no comments from the Public.

Mayor Browning moved to Item #11.

11. DCA ORC Report for Town Comprehensive Plan: Update

Town Clerk Lippman said I would just ask that you give me consensus that the Final Draft Memorandum which has been agreed upon by the Intergovernmental Committee be included in the Final Version of the Comp Plan.

Councilman Louda said before you go ahead and do that, the copy you have here still has mistakes in it.

Town Clerk Lippman explained the major revision which was Items 1 and 6 have been changed and with the other 3 minor revisions, I would ask the Council to give consensus and I will make sure those changes are made.

GENERAL CONSENSUS WAS GIVEN TO INCLUDE THE FINAL DRAFT MEMORANDUM IN THE FINAL VERSION OF THE COMPREHENSIVE PLAN.

Mayor Browning asked for comments from the Public.

There were no comments from the Public.

Mayor Browning moved to Item #12.

12. Federal Funding for Infrastructure and Roads: Discussion

Town Clerk Lippman explained this is a continuation of the Federal Funding Sources and what I had asked the 5 of you to do, and we had talked about this at the last few meetings and this was also talked about at length at the Intergovernmental Meeting, is I had asked the Council to give Town Staff a little bit of direction on what kind of projects you would like to pursue as a municipality should the funding become available. He said this will also tie into a policy decision on an Item later in the Agenda on the resurfacing on Tangerine.

Town Manager Dr. Rosenbaum said a lot of the materials you may receive may seem to contradict each other. He said in the League of Cities stuff they talk about Capital Investments and things like that and then it kind of drifts off into a trillion dollars and how far would a trillion dollars go. He said what I think we need to do is focus on what we need and the other thing that is happening is some of the other governmental entities might want to do something that would benefit us, so maybe we could just endorse something. He said but what we have here now is

people planning alone without any rules and not knowing where we are going. He said nevertheless I think we need to be ready and we are going to be ready. He said I think we need is kind of authorization for Staff to jump in to perhaps begin preparing an application in case you decide to endorse something. He said we need some lead time. He said they will probably flow through the County. He said the answer to your question is we need maximum flexibility to really get in there and look at this and see what form this Economic Stimulus Package takes.

Vice-Mayor Herzog said the other night I had the opportunity to talk with George Webb and he was talking about what the County is planning on doing in regard to this Stimulus and he was talking about the roads in the Western Community that were removed when the funding was sent east for all of the mass transit. She said they are going to submit those roads as their Stimulus input.

Councilman Lipp asked a half a billion.

Vice-Mayor Herzog responded whatever it takes. She said so ours would dovetail very well.

Councilman Lipp said I had sent an email to Irv and Matthew with suggestions and I think the equestrian center would be something to put on the list and also I think a combined government center for the LGWCD and the Town. He said where the Silos are would be my suggestion for the equestrian center and someplace on Tangerine for a combined government center for both entities under one roof.

Town Manager Dr. Rosenbaum said one of the things we need to be ready to do is I imagine they will put some kind of economic impact study in the proposals and whether you want to do something road wise or building wise, let's take the equestrian center for example, we probably in the grant application have to demonstrate how that is generating employment. He said I would imagine that is how it will be judged at least that is the way they were judged with the ones in the early 1970's, a very limited Stimulus package. He said all of the projects we've talked about here are really good projects that can generate employment. He said what they are going to try and get away from is projects certain governments should be doing anyway.

Councilman Louda said that is a great idea on the equestrian center. He said now with the jobs situation, on the equestrian center you have the short term building of it and the long term maintenance of it. He asked should we be looking at something that will actually create jobs that will stay and asked Irv what is your gut feeling on it.

Town Manager Dr. Rosenbaum responded my gut feeling is you keep all this stuff on the table and I am guessing they are going to look at long term job creation.

Councilman Louda said I left Agenda Item #10 off of my notes from the Intergovernmental Meeting and it was this. He said the LGWCD brought up culverts because they have already drafted engineering drawings on how to replace the culverts so they could put in a package to replace all of the culverts. He said I brought this up, D Road, there is also Tangerine. He said from what Marge just said, if they are putting roads back on and they would get funded, then Okeechobee could be one of them, and we could team up with the County and we might have a say on what they look like.

Vice-Mayor Herzog said Okeechobee was not one they brought up. She said Seminole Pratt and Northlake.

Councilman Louda said if we could tie in an improved Okeechobee, some improvements to D and Tangerine to get ready for the Visioning of that part of the Town and the governmental center we might be able to sell as a cost share thing. He asked aren't we getting land.

Vice-Mayor Herzog responded it is only one acre. She said I believe the property to the west of us had 5 acres for governmental, the C Road project.

Councilman Louda said tie in something like that. He said here is your chance to really jump start a little Town.

Mayor Browning asked if any other Council Members had any projects to bring up.

Town Clerk Lippman said I will do a little homework on some of the notes you gave and Councilman Louda will report on what the LGWCD brought up. He said when it comes to the roads I think it is a little difficult right now because we are not quite sure in what direction we are going but I think some of the ideas, such as, culverts are definitely worth it. He said we will start with what we've got and work from there.

Mayor Browning said I think a couple of the issues we can always concentrate on are water retention and quality, the ability to do that. He said we talked about it before and maybe establishing a reservoir where it is lined it would hold water for the agricultural and that definitely impacts a lot of jobs and for the fire protection and things like that.

Mayor Browning asked for comments from the Public.

There were no comments from the Public.

Mayor Browning moved to Item #13.

13. Intergovernmental Committee (Town and LGWCD): Report from 2nd Meeting
(Councilman Louda)

Town Clerk Lippman said we had the 2nd Meeting on Friday, February 16, 2009 and Councilman Louda and Town Manager Dr. Rosenbaum will report and just to let you know the next meeting will be on Friday, February 13, 2009.

Councilman Louda handed out the following notes from the meeting. (See below) He noted he had left the notes from Item #10 of the Intergovernmental Agenda off and would submit them later.

Drs. J. William and Deborah W. Louda

Standing Waters Estate

P.O. Box 1238, 1300 E Road

LOXAHATCHEE GROVES, FLORIDA 33470



MEMORANDUM

TO: Mayor David Browning, Councilman David Autrey, Councilwoman Marge Herzog, Councilman Dennis Lipp, Town Staff

FROM: Councilman Bill Louda

DATE: January 7, 2009

SUBJECT: Report on First Intergovernmental (ToLG / LGWCD) Meeting held on Friday January 2, 2009.

As announced, this meeting was held as advertised. As the meeting ensued, we went through the agenda items, each in turn.

ITEM #4: We voted on a rotating facilitator with LGWCD Administrator Clete Saunier presiding at the 1st meeting and Dr. I. Rosenbaum, the Town Manger, will facilitate the next meeting which is to be held at 2:00PM on Friday January 20th, 2009.

As you have received the agenda package from the Town Clerk, it is not provided here.

Item #5: We agreed to bring to our respective bodies the consensus of the meeting that the LGWCD will take the lead on requesting a pro active variance from SFWMD in order to keep our canal levels at or above 15.5 (msl datum). The push will be for fires suppression. The ToLG would then attach a letter of strong support and may include other socioeconomic / environmental reasons for obtaining water to the 15.5 ft (msl datum) level. That is, agriculture and the retention of the mixed wetland / upland ecosystem and canopy.

LGWCD requested that the ToLG consider *investigating* (possibly fund a small study) the potential for wells to be placed midway between Okeechobee and both North and Collecting Canal Roads. That is, a hydrogeologist firm would be required to do a test well to ascertain the production capability of a 2.4/6 inch (?) well in order to find out if such a system could provide P.B.Co. Fire-Rescue the capacity required for adequate pumper refill. This, in essence, would be showing a proactive effort on the part of Loxahatchee Groves.

Additionally, both LGWCD and the ToLG should stay active in pursuing water supplies from the N.W. (storage pits). I stated that I thought that Councilman Autrey was our rep on the Water Task Force of the League of Cities.

Item #6: Coordination between the Town and LGWCD relating to the Town Comprehensive Plan.

Most of the meeting was spent in an item-by-item discussion of the remaining points of contention. This process went extremely smoothly as, in the view of both myself and, I feel, Dr. Rosenbaum, all of the changes were of a grammatical / clarification nature and not substantive. An annotated copy of the MEMO from Lorraine Tappen of CGA to LGWCD is appended here. Note the double strikethrough formatting that I added for deletions and the blue highlighting for both deletions and insertions beyond those in Ms. Tappen's MEMO. The notes in Yellow Highlight were added by Mr. Lippman and denote the ToLG Council decisions at our previous meeting.

Item#7: Road Maintenance Responsibilities and Jurisdiction.

LGWCD reps agreed that their letter to MR. Dennis at the DCA is now basically moot. ^{because of us dropping the level of} Specifically, the LOS is dropped from the Comp Plan and Gas Tax money will flow on a project-by-project request basis. LGWCD agreed that as the Comp Plan is resubmitted, a letter of support from their Board will be available for inclusion.

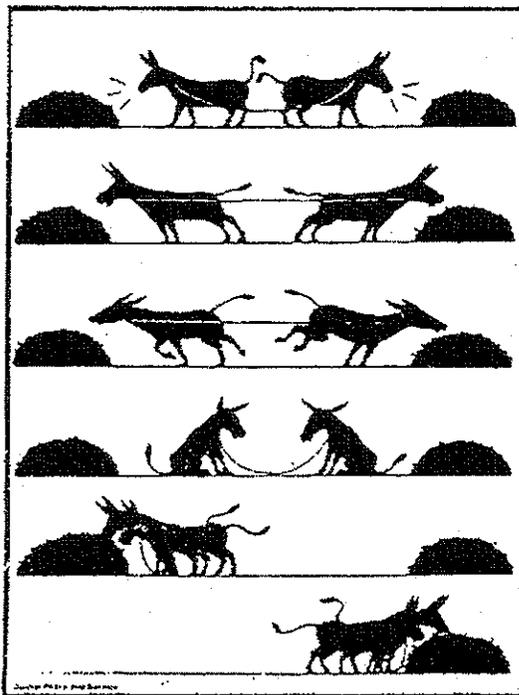
Following
a vote
of their
Board

Item #8: Coordination between Town & LGWCD relating to Road Improvements.

Though still going forward with the referendum process, LGWCD is anxiously waiting and requested an early copy of the MREG. They will be discussing ways to keep us in their loop and, with the request for the MREG, have expressed the desire that we keep them up to date as well. In a way, we all agreed that the roads are a shared responsibility and that we both need to figure out how to coordinate and cooperate on this issue(s). THIS ITEM REMAINS ON THE AGENDA FOR THE NEXT MEETING, as do all others.

Given that large sums of Federal monies may become available for capital improvements which generate jobs, we discussed the need for the ToLG and LGWCD to coordinate on identifying several medium to large scale "shovel ready" projects. I suggested getting plans drawn to have south "D" Road paved to D.O.T. standards from Okeechobee to Southern with a traffic light at Okee and at Southern. This is obviously for our respective discussions.

Fini'



Councilman Louda referred to Item #5 and said the Town would have to pursue getting water for fire suppression out here and the Council would have to vote on it.

Councilman Lipp asked would it be appropriate for Bill to recommend Agenda Items for future meetings for us as we go along here.

Councilman Louda asked to put this on as an Agenda Item to set up the committee to begin looking at the scope of what would be required for looking at wells.

Mayor Browning suggested the fire department might already have a design we could tap on and we wouldn't necessarily need an Engineer.

Town Clerk Lippman said I will contact Nigel Baker.

Councilman Louda referred to Item #7 and said we have been working toward statements that the LGWCD and the Town share responsibility for maintenance. He said something came up on the report that was just sent out where only the LGWCD is maintaining LGWCD roads so this language needs to be on all documents that come out of this Council and the LGWCD Board. He said it was the CIA Report. He said since we are collecting the gas tax monies for these roads it should be stated on all documents that we share maintenance responsibilities of these roads. He said we just have to get it across to our Council, our Staff, their Council, their Staff, that all written stuff that leaves shows this shared responsibility.

Councilman Autrey asked when was that sent to the County.

Town Clerk Lippman said on January 16, 2009 it was sent to the County and I received it in the mail today.

Vice-Mayor Herzog asked so if it has been sent to the County already, we don't have the opportunity for an input.

Town Clerk Lippman said well the report is not passed by us or supplied to us for any input. He said this is a report that is just generated by the LGWCD and what happened is since it was fresh in everyone's minds about shared responsibility this came up. He said I will get with Clete and see if that can be corrected.

Councilman Autrey asked Mr. Cirullo to explain what the CIA Report is and its function.

Town Attorney Cirullo said I am sorry to say I am not familiar with that report. He said they are governed by Chapter 189 and this is the provision that they have to comply with, the Town doesn't.

Vice-Mayor Herzog said I believe the reason we have the report is because Matthew had requested we be included in receiving their transmittals because in the past we hadn't been.

Town Clerk Lippman said they forwarded also to the Village of Royal Palm Beach because part of their jurisdiction falls there.

Councilman Autrey said so essentially what we have here is inconsistency between what this says and what we have been discussing, the ILA.

Town Clerk Lippman said this particular line that is being brought up doesn't reflect the shared responsibility.

Councilman Louda said it could have been in the works already but the main thing is since it occurred we need to make sure it doesn't again. He said if Clete could just send a short note saying given recent developments with the Town if this could read...

Town Manager Dr. Rosenbaum read the section being discussed.

Councilman Autrey asked so are we going to request to get it amended or what.

Town Clerk Lippman responded yes we will request the language be changed.

Councilman Louda discussed Item #8. He said we need discussion on this. He said will the Town consider saying we will give money out of the gas tax money for general road maintenance.

Councilman Autrey said it should have happened last year.

Councilman Lipp said I think it is a good idea, we all pay taxes.

Councilman Louda asked so what do we want to do.

Councilman Lipp said whatever the amount they determine they need.

Councilman Louda said this is separate from the independent project related thing.

Town Clerk Lippman said this issue mirrors exactly what happened the 1st time and Clete is responsible for their Budget and the shortfall created causes them to increase their assessment. He said this past year there was a shortfall and we offered to cover it but they came back and said we don't need it, we adjusted the Budget and we don't need to raise the assessment. He said in future years if they can't cover that shortfall they can come to us with that approved Budget and say this is our gap, can you cover it.

Councilman Louda asked should we begin setting up a policy to do that when their Budget comes forward.

Councilman Lipp said I would do it on a case to case basis.

Town Clerk Lippman said the best way to do it really is we can send a Memorandum from Town Staff letting them know that we are very interested in participating in their Budgeting Process and to help control the assessment I think that is all we would need at this point.

Mayor Browning said because the purpose was to use that 2 fold, not just to help with Public Roads but also those that couldn't be funded through the LGWCD. He said we want to make sure that we cover those, the ones that benefit the residents but the LGWCD really can't do.

Town Clerk Lippman said you really have to handle everybody in one shot.

Mayor Browning said we promised the residents we were going to be able to use some of that tax money to take care of the roads the LGWCD couldn't.

Town Clerk Lippman said we need to send a message you are interested in participating.

Vice-Mayor Herzog said we might want to consider doing a percentage because each year it is going to fluctuate rather than a set number.

Town Clerk Lippman said I think you just need to take it year by year. He said as long as your thought process is out there and the Public knows that is what you want to do.

Councilman Louda asked and their budget process begins and ends when.

John Ryan, 3508 A Road, LGWCD Supervisor- responded we try to finish it by June.

Councilman Louda said they have a referendum set up for the OGEM votes on the letter roads and the estimated prices are there. He said I asked how the vote was to be tallied. He said the lawyer said it is 51% of the voting acres affected that show up and vote it is not 51% of the affected acres total. He said so the person who is against it actually has to come in and vote no, an abstinence is not a no vote.

Councilman Lipp said I heard it was 50% plus one vote.

Councilman Louda said your right, it is 50% plus one acre.

Councilman Louda discussed Item #9 and said the LGWCD cannot build a road and asked does the Town step up for that. He said also I found out today that the power poles are in that 30foot area that they want so if the Town would go forward with anything here we would have to ask FPL to move the power poles.

Councilman Autrey asked what is the actual width of the road that is there now.

Councilman Louda responded 12feet I think.

Councilman Autrey said the issue that Mr. Lopes and others brought up was the safety issue which we don't get away from if they've got to drive along any segment of that to get to a culvert, unless you are going to put a culvert or a crossing at every spot and then you get into the pole issue. He said the poles are right in the middle of where this road segment would go, so I think we should do something to make it safe, whatever the quickest and easiest way is.

Councilman Louda said that could probably be done with existing stuff if one does not include an equestrian trail unless you want the equestrian trail to be on top of the road/maintenance easement if the LGWCD would go along with that.

Councilman Autrey said well I am always for equestrian trails.

Councilman Louda said are you talking about building that road.

Councilman Autrey said well that is a really expensive proposition. He asked do you think FPL will just come out and move a bunch of poles for free.

Councilman Louda said they moved a bunch of poles on F Road, C Road, and E Road in the past.

Councilman Louda asked what should I be taking back, if anything, on 40th Street. He said the County will be out of there by the 27th of this month and then it falls back to the LGWCD and the Town as to what to do.

Councilman Lipp said I would like to see the title thing go through. He said I think if somebody has on their survey that the title company underwrote that they had access to their property, because I think there is a difference of opinion here again between the lawyers, so I think we need to leave it up to the title insurance company because they are the ones who are going to pay for it. He said so I would encourage the Liang's and the Lopes' to go to their title companies. He said if we are going to make this road safe and the Liang's need to give up some of their property then I think we are going to be spending a lot of our money.

Councilman Louda said the Liang's were very receptive about going to their title company and working on that.

Vice-Mayor Herzog asked why was the culvert at C Road made so huge, like a 4 lane highway width, as opposed to the D Road Culvert which is like a one lane road. She said I know there was some discussion at one point of wanting C to continue up into the Callery area. She said the Liang's do rent property from the Callery people and they need a way to get their produce out so I am just wondering if there is a future for the width of that road.

Councilman Louda noted Item #10 is not on here and I will have to send an addendum on that. He said with the stimulus money we talked about the culverts. He said I brought up water and the concept of potentially having north/south basins with pumps and weirs again and Clete brought up some engineering problems on flow characteristics for getting water out of there on flood periods that he didn't think would work so that kind of ended there.

Councilman Autrey asked putting weirs in .

Councilman Louda said he didn't like that he thought it was too expensive and he took the weirs out to get better drainage.

Councilman Autrey said I'd get another opinion. He said it is something that the Town could put in their request for Stimulus money.

Mayor Browning said I think part of the problem is why weirs don't work, is just the flow underground to the water basically goes around the weirs. He said we've had them in the past and they work kind of temporarily to help man the water up but it is no time at all before the water goes back down to the levels.

Councilman Lipp said for fire suppression the County is still looking at putting in 11 Florida aquifer wells and maybe this is a project for Stimulus money but one of the things that was mentioned was to put the existing high pressure lines up and down the lettered roads.

Vice-Mayor Herzog said but that would not be the drinking water it would be the gray water.

Councilman Louda said it is off the potable water supply.

Councilman Autrey said I just think this underscores why there should be more planning involved when doing major road improvements. He said more planning and thoughtfulness.

Councilman Louda said the next meeting will be Friday, February 13, 2009 at 2p.m. He said it was agreed by consensus that the Town and the LGWCD Staff will alternate who chairs the meeting and next meeting it will go to a vote.

Councilman Lipp said nice job Bill.

Councilman Louda asked is there anything not on here that a Council Member would like to see addressed.

Vice-Mayor Herzog said I would like to see a document drawn up by the LGWCD stating permission for property to be removed. She said for instance the gravel.

Councilman Louda said I thought that was handled at their meeting.

Vice-Mayor Herzog said it was discussed but nothing was agreed upon and I would like to have a document in place so if in the future any situation like that comes up the person would have something in hand to show.

Councilman Autrey asked is this the gravel give a way.

Councilman Lipp asked wouldn't PBSO be the authority to call if you think someone is stealing something.

Vice-Mayor Herzog said you have to have all the facts, you can't just assume when you call. She said the discussion is pertaining to matters we know belongs to the taxpayers. She said this was gravel that belonged to the taxpayers.

Councilman Lipp said I'm not sure if it belonged to the taxpayers or the company that was putting down the road.

Mayor Browning said it is a good policy to have something in writing.

Vice-Mayor Herzog said if then you are saying that as a Town Council Person if we encounter a situation like this the next time and we can't get a hold of Town Staff to call PBSO then that should be our direction.

Councilman Lipp said I am saying any citizen should be able to report if they think a crime is in process.

Vice-Mayor Herzog said the object is if we get something in writing then it clears up everything. She said the same thing goes for the soil that is on the property. She said what is the arrangement that the LGWCD has with the Fire Union for the use of that property; we need to protect the residents.

Mayor Browning asked for comments from the Public.

John Ryan, 3508 A Road, LGWCD Supervisor- said I think we pretty much decided that the only reasonable way to deal with 40th Street because of the multitude of issues was with a Workshop. He said the Workshop we are intending to hold we suggested it should be a joint workshop between the Town and the LGWCD. He said it is not just the Liang's that has a gap with a 30 foot easement and Clete is trying to finalize the number of gaps from E Road down to A Road so that the discussion can be a little more specific, and I think that we did relate the title issues to some things that came up on Folsom and occasionally the title companies make mistakes and that could be the safest and simplest solution. He said I think in a general way what we are trying to do is on the Comp Plan and other matters, while we may continue to have some differences of opinion, we are trying to coordinate with the Town and use wording that we can both live with and I think that the safest, most realistic wording we can both live with is what we came to several weeks ago and that is we would work with the Town on project specific basis and that gives the Town the flexibility to direct gas tax revenues, some of the Non-District road issues and to dovetail the LGWCD when we deal with Emergency Situations and so on. He said I think that one of the things that we have to do as the LGWCD with these Public Facility Reports, is we have to respond to the specifics and our Statutory authority and responsibilities and state what we do maintain. He said we don't state it in a way that is intended to be confrontational, but we state it in a way that is necessary for us to fulfill our Statutory responsibility and collect our assessments.

Mayor Browning said thanks for the report.

Mayor Browning moved to Item #14.

14. RFQ 2009-001 (Amend the Environmental Land Development Regulations):
Review of RFQ and approval to advertise

Town Clerk Lippman said this item is before you because at the last meeting we had 2 proposals put in front of us and the Town Council decided at that point the safest way to proceed was to partake in the Procurement Procedure which the Town just recently passed. He said so I ask for approval this evening and then I will legally advertise it.

Councilman Louda made a MOTION to go forward with RFQ 2009-001-Amend the Environmental Land Development Regulations, SECONDED by Councilman Lipp and discussion was then opened:

Councilman Autrey asked is the due date of proposals a little ambitious.

Councilman Louda said good catch.

Town Clerk Lippman responded yes it is, I will make it 4 weeks from this Friday which will be advertised so I will change that date to reflect that.

Councilman Autrey noted the only other comment I have is on Master Page 31, E and F are duplicates.

Councilman Lipp said I had exactly the same things that Councilman Autrey said, the duplication and the time frames.

The MOTION passed unanimously 5-0.

Mayor Browning asked for comments from the Public.

There were no comments from the Public.

Mayor Browning moved to Item #15.

15. RFQ 2009-002 (Amend the Town of Loxahatchee Groves Land Development Regulations): Review of RFQ and approval to advertise

Town Clerk Lippman said with this particular item we are looking for the ability to proceed. He said I project this particular item will take almost 8-10 months. He said I made a specific reference to the amount of Workshops. He said I set a minimum of 2 but you are probably going to need a lot more.

Councilman Louda made a MOTION to go forward with RFQ 2009-002-Amend the Town of Loxahatchee Groves Land Development Regulations, SECONDED by Vice-Mayor Herzog and discussion was then opened:

Councilman Louda asked since you said we will probably need more than 2, why don't we up it to a minimum of 4. He said that would allow us to get the best participation we could.

Town Clerk Lippman responded okay.

Vice-Mayor Herzog said I think having more meetings is better because it is a topic that should generate a lot of participation and we want to make sure we provide a lot of opportunity for them to be there.

Councilman Lipp asked does the Comp Plan have to be done first and adopted before we start on this.

Town Clerk Lippman responded said no, it does not have to be adopted yet, with this particular process it is anticipated because of the length of time it will take, the whole goal is to dovetail it so that when the Comp Plan is adopted, the LDR's are at a point where they are being refined and talked about and ready for submittal to the DCA. He said because this process will be a long process we are highly recommending giving you ample time to complete it.

Councilman Lipp asked how much of this dovetails with the ULDC.

Town Clerk Lippman responded this is the ULDC.

Councilman Autrey said we have language in here that I like. He said #2 says The Town of Loxahatchee Groves is a contract type of government and asked do you think that will limit the number of proposals, and if we think it might, how can we help them understand more of what we are looking for.

Town Manager Dr. Rosenbaum said I don't think it will limit it, I think we have to communicate because people don't understand what a contract type government is in general. He said so to answer your question, no, I don't think it will discourage anyone, but I think we have to take the extra step to let them know we are a contract government.

Councilman Autrey said well I agree with that, but would we give examples of communities that function like we are envisioning functioning so they can say okay I see the difference, or am I reading too much into this.

Town Manager Dr. Rosenbaum said maybe in conversation we will suggest looking at Weston and Ft. Myers Beach, those are good models for contract government.

Town Clerk Lippman said to add to that as well, if you go to our website, Town Manager (Professor) Dr. Rosenbaum wrote a very good one page on what contract government is about and it refers to Weston and other municipalities in Broward and Palm Beach County. He said we are hoping that any proposer that comes forward will do their homework and utilize the website.

Councilman Autrey said I think there is a real opportunity here to do something unique rather than create a big bureaucracy, you have a blank slate here and you can really take those regulations and try to distill it down to something that will work and work well. He said there is a real opportunity here and we don't want to get it wrong.

Town Manager Dr. Rosenbaum said the other thing is Land Development Regulations drive local government and that is what we need to keep in mind here. He said I don't think we want to discourage anyone at this point.

Councilman Louda said I had input from a citizen that government lite is not getting lite and there are only 6 contract Towns in Florida, and asked is that true and why.

Town Manager Dr. Rosenbaum responded yes, if you look at Southwest Ranches they have employees but they lease them. He said contract government enables local government to take place where it may not be economically feasible to do a government with a lot of employees.

Councilman Lipp said one interesting thing is at the last EMO Meeting we went to; I asked the question of how many Towns are governed by contract. He said and actually when you boil it down both Weston and Ft. Myers Beach have employees as the City Manager and we are one of the very rare ones that have their Town Manager as part of the contract.

Mayor Browning said I think there is a lot of pressure to become like others. He said it is tough to stay with a concept that we believe in.

Town Manager Dr. Rosenbaum said in Southwest Ranches they had a bad experience with the 1st company that they had so they went to employee and now want to keep them. He said when they have the City Manager as an employee; that is really a contract with an individual. He said that is still contract government.

Town Clerk Lippman said I think that 20-30 years down the road, with a little more growth, not much, it would make sense to go with a combination of both. He said the reason why now it makes sense and hopefully it will make sense in the future is you find one municipality in the US like Loxahatchee Groves. He said and I think from an internal standpoint, and this is not just to protect NCS but to protect your contract government, is it makes sense right now and it is working. He said and it can continue to work as long as you maintain the same pace you have right now. He said I can tell you it is much more efficient to deal with a core group of individuals and it is easy to be efficient and accountable.

Councilman Louda asked as we go forward in this is there any way to get in here and have them stress the K.I.S.S. principle. He said and if you want to switch from AG RES to Low Commercial, just run down a checklist and if it fits that then it comes back for a vote.

Town Clerk Lippman responded I think that is covered in Item 4 where we explained we had Visioning and Comprehensive Planning Workshops. He said if you look at all the minutes and you listen to the recordings you will hear over and over again we want to keep it simple. He said if someone really does their homework here and looks into all the work we've done there is no question here that they should come out with the same conclusion.

Mayor Browning asked for comments from the Public.

There were no comments from the Public.

The MOTION passed unanimously 5-0.

Mayor Browning moved to Item #16.

16. Resurfacing of Roads on Tangerine, Loxahatchee Avenue and E Road (around the Southern Crossing proposed project site): Discussion

Town Clerk Lippman said this Item dovetails into what we talked about in the stimulus package and this Item came up during the discussion on the Southern Crossings project and we guided you to indicate that this would need to be a separate agreement if you choose to do so. He said this is a policy decision we are asking the Council to direct Town Staff that if you want to proceed with coming up with an agreement to resurface the roads that are not included in the conditions of approval.

Councilman Lipp asked, do you actually feel that they will do this, they've already got their zoning.

Town Clerk Lippman responded I don't have the answer but I think that we would need to have our Traffic Engineer weigh in as far as the significance of resurfacing vs. not resurfacing and

whether the impact is great enough to ask them. He said I don't know the scientific facts if from an engineering stand point if it makes sense.

Councilman Lipp said I am just thinking from a political stand point.

Town Attorney Cirullo said you can't force anyone to do anything they aren't required to do but the worst they could do is say no.

Councilman Lipp said it is not a condition of approval and I think we would look foolish doing that.

Councilman Autrey said the reason I even brought this up is because there was so much conversation in the audience from one Board Supervisor, it almost sounded like the deal had already been made and I was trying to flush out, is this what you are intending on doing and then the conversation morphed into, well let's get them to do it. He said I agree with Dennis and I don't think they are going to do anything they don't have to do. He said but the way things were looking it was like there was already kind of a back door deal. He said I don't think that is what happened because their attorney obviously didn't communicate that.

Councilman Lipp asked would you alliterate on that. He said just tell me what you meant by that.

Councilman Autrey said well there was a conversation going and it looked to me like a deal had already been made.

Councilman Lipp asked between whom.

Councilman Autrey responded between one of the Supervisors of the LGWCD.

Councilman Lipp said I just wanted to make sure we got that on the record.

Councilman Autrey said well because at the previous meeting I saw that gentleman go out and whatever conversation they had they had but I was just trying to understand what I was seeing and hearing and trying to get that flushed out so I don't think they have any intention on doing more than they have to. He said the one thing in here that you do talk about is they do have to improve the road up to a certain point but we don't know what they are to improve it with and asked is that right.

Town Clerk Lippman responded yes.

Councilman Autrey said I would assume they are going to use regular asphalt.

Councilman Lipp said yeah, green book standards, they have no choice.

Councilman Autrey said I don't think we should move forward personally.

Vice-Mayor Herzog said when I had originally made the Motion, I was led to believe that the discussion of what we were going to do with the road surfaces would have to come after we approved the Motion that I had made, so therefore I did not include Tangerine as part of my

Motion. She said it was my intent that I thought I heard the residents of that area as represented by the one Board Member saying that they wanted the paving.

Councilman Lipp said it hadn't been a condition of approval.

Vice-Mayor Herzog said correct, and I believe the attorney indicated that the owner would not want to spend any more money because they had waited so long already. She said so for us to even entertain this, I think we are beating on a locked door.

Councilman Louda said I forgot about the 5 acres that is coming with (C) toward the Town. He said they gave us an acre and a half-why don't we give it back to them and say here is your acre and a half-pave the whole square.

Councilman Autrey said I had a conversation with Shelley about impact fees as projects do come forward and asked where that ended up.

Town Clerk Lippman responded nowhere, but if you would like to make that a future Agenda Item we could get some back-up on it.

Councilman Autrey asked and that would come out of the Land Development Regulations as part of that.

Town Clerk Lippman responded yes it would be part of the process you create in order to approve a project.

Town Attorney Cirullo said you can't do impact fees until you properly enact them and then you have to do a review and study to see if what somebody is paying is consistent with the project.

Councilman Autrey said because clearly this project is going to have a heck of an impact on the neighborhood.

Vice-Mayor Herzog said perhaps we could ask them as a good neighbor to pave from Southern to Tangerine. She said that distance might not be as great as going the distance of Loxahatchee to E Road on Tangerine. She said if we are planning eventually to do something with Tangerine anyway, if we could have the road brought up to Tangerine it might be better than just ending mid-block.

Councilman Louda said on that point unless all the homes on the north side of Tangerine sell and the one on the south side, how that little section is going to fit into the full Vision for the rest of Tangerine and the extension. He said it came out where that was going to be a back part of the road with businesses facing Tangerine going east and west.

Councilman Autrey said that is not in our Vision document.

Vice-Mayor Herzog said it was part of a discussion.

Councilman Louda said or an internal service road to handle traffic through the south.

Councilman Autrey said that is also not in our Vision document.

Mayor Browning said I think if the roads are stabilized up to their entrances, I think it will discourage the traffic from going out and around and back down to the other roads.

Councilman Louda said right now I don't think anything will discourage anyone from running back to F to get to the light.

Mayor Browning said so we are just going to let this go.

Mayor Browning asked for comments from the Public.

There were no comments from the Public.

Mayor Browning moved to Item #17.

17. Fireworks: Discussion of supporting legislative change in the regulations

Town Attorney Cirullo said we have a Memo that states we are still under the State Legislature's mandated Moratorium with doing anything with fireworks until they lift it. He said in reviewing the final report of the Task Force it appears they are making recommendations to lift it and for changes to the Legislation. He said in the short term both our hands are tied as far as doing anything with fireworks, in the long term we probably need to see what the Legislature does because even though the recent case which was described to the Council in the Memo that there was an Ordinance with a regulation that was upheld by the Supreme Court because it wasn't consistent with State Law, we don't know what the State Law is going to be until they end the Moratorium. He said once we know that we might be able to look at different rules and regulations much like Brevard County did when they found something they could do that wasn't addressed by the Statutes. He said if we learn of anything we will report it to you.

Vice-Mayor Herzog asked can we appeal to the League of Cites to ask for the legislators to bring forward a Bill.

Town Attorney Cirullo said absolutely, you can ask any entity you want to push the issue. He said the real issue is going to have to be the legislation and somebody is going to have to propose something to go to Legislation and get passed.

Vice-Mayor Herzog said in light of Paul Reillo and the Rare Species and the incident that took place with an endangered bird, I would like to see us take a stand in some sort and present it to the League of Cities. She said we do have Carmen Priore who is the President of the Florida League of Cities right here in Wellington and we could appeal to the whole State.

Town Attorney Cirullo said it is a unique issue that they might not be familiar with in Tallahassee.

Councilman Lipp said we need to instruct Town Staff and the Town Attorney to draft a Resolution and send it to everybody.

Town Attorney Cirullo said to draft a Resolution urging the State Legislature and direct it to the Florida League and PBC League for distribution. He said and then you ask other entities to review and adopt Resolutions to support yours.

Vice-Mayor Herzog said this situation had National and International coverage.

Councilman Autrey asked well what is this Resolution going to say.

Councilman Lipp responded I think to support the Task Force. He said if you can't produce an agricultural exemption you can't buy fireworks.

Councilman Louda said just because you have the AG Exemption doesn't mean you can use fireworks.

Town Attorney Cirullo said at a minimum it wouldn't hurt them to adopt legislation to end the Moratorium and then you probably want to provide for them legislation that allows local governments to tailor regulations to meet their specific needs. He said because otherwise you run the risk of them ending the Moratorium and adopting a Statute that completely preempts the whole field and that is not what you would want.

Councilman Louda said Paul Reillo, myself, and 2 members of the equestrian Community of Wellington, one vet, met with Commissioner Jess Santamaria and we're in the process of through Jess setting up a meeting with Bob Wiseman and the County Attorney to see what the County could do to see if they could possibly mimic Brevard and raise the insurance limit to the point where sellers just don't want to buy insurance and sell here. He said also to get enforcement for 2 things, one is to go around to all sellers and as buyers leave ask to see the documentation they signed.

Town Attorney Cirullo said that is left to State Agencies.

Councilman Louda said and the other is local enforcement during the 4th of July and New Years. He said I believe there was a horse barn in Southwest Ranches that burned down because of fireworks. He said there are plenty of horses that get scared and the story I was given by the vet is show horses that have to be tranquilized are out of showing for a month because the drug the horses are given would show up in drug tests. He said so this is wreaking havoc with the equestrian community, as well as, the aviary community. He said the bird that was lost was a breeder.

Town Clerk Lippman said we will come back with a Resolution and we will list the entities that we will send it to and we will bring up the specific points of what the Town Attorney did about ending the Legislative Moratorium and allowing local governments to tie into their needs, and we will also mimic some of the other items that were identified in the Consumer Task Force Memorandum. He said I really don't want it to sound pessimistic, but realistic, we have to understand that as a municipality our financial resources are limited to the enforcement of it and although we have to create as much of an impact statewide and countywide, but as far as handling things locally and going in the woods and us enforcing it I would like to hear suggestions on how to stop it and from what I hear it is pretty tough. He said we definitely have to work on this.

Mayor Browning said some of the fireworks I heard on New Year's Eve were definitely bigger than what you could buy.

Mayor Browning asked for comments from the Public.

There were no comments from the Public.

Mayor Browning moved to Item #18.

18. Grant Applications: Authority to proceed with the applications of the following grants:

- a. Florida Department of Environmental Protection Office of Greenway and Trails (2009 Recreational Trails Program)
- b. F.E.M.A. Emergency Operations Center (EOC) Grant Program for FY 2009

Town Clerk Lippman said Irv and I have talked this over and researched these particular grants and we are asking to pursue these with our grant writer. He said these 2 would be applicable to our Town and there is a good possibility of matching money. He said I know on the Greenways and Trails Grant there is a different type of rating scale but it can go as high as 80/20 with us being responsible for 20% of it and with the F.E.M.A. EOC Grant, with the Town's EOC being the LGWCD we would be eligible to work on improving this facility and possibly providing some supplies for the EOC.

Councilman Louda made a MOTION to grant authorization to Town Staff to have In Rem Solutions apply for the following grants: Florida Department of Environmental Protection Office of Greenway and Trails (2009 Recreational Trails Program) and F.E.M.A. Emergency Operations Center (EOC) Grant Program for FY 2009, SECONDED by Vice-Mayor Herzog and discussion was then opened:

Councilman Autrey said I just want to make sure everybody understands what you are buying into and agree if it is matching what the total cost could be to match and understand that is going to be done.

Councilman Louda said you don't have to accept it until you sign.

Town Clerk Lippman said we need to utilize the grant writer to proceed with this and once you get the application in and you find out the details that come out, and you as a municipality opt out of it, you invested into the investigation of this but you are absolutely not tied to anything else until you sign on the dotted line,

Vice-Mayor Herzog said the only expense would be the underwriting of the grant writer.

Town Clerk Lippman said the amount I budgeted in there is the absolute maximum amount which is \$1000.

Mayor Browning asked for comments from the Public.

There were no comments from the Public.

The MOTION passed unanimously 5-0.

Mayor Browning moved to Item #19.

19. SWA Western Landfill Meeting: Report (Vice Mayor Marge Herzog)

Town Clerk Lippman said I will defer this to Vice-Mayor Herzog who was present at the recent SWA meeting and also to Councilman Louda who has some input on this issue as well.

Vice-Mayor Herzog said I attended the meeting and they had bus loads of people coming in and it was a very well attended meeting and the presenters from all of the different landfills were there and explained what they were proposing to do with their site and explaining the costs for each one of the sites. She said Karen Marcus brought up the idea of possibly working out something with the SFWMD also for a land swap of some sort, so that kind of put everything on hold and they decided to do a 60day wait on the vote and give The Village of Royal Palm Beach and the Village of Wellington a chance to bring in the experts in order to hear because they said they didn't have the information they needed to make a decision. She said it would be my recommendation that we also invite them back to talk to us so we understand and especially the land swap and what land are they talking about. She said ultimately it is still going to be that everything is transported along Southern Boulevard so regardless of a land swap or choosing one of these three sites we are still going to have 300 semis a day traveling on Southern Boulevard.

Councilman Lipp said Frank Schiola had been working on an idea and I'm not sure how far it has gotten along, but it is using the rail system. He said one ton of freight can be moved 453 miles on 1 gallon of diesel. He said that has got to hit somebody someplace if they are also looking at these various sites going up and off of the spur that runs along Bee Line Highway and coming in that way, so maybe the Town could send this in as an idea because 300 trucks a day on Southern.

Vice-Mayor Herzog responded they were aware of the rail concept, it was discussed but not in any great detail or if it would be pursued any further.

Councilman Louda said Frank and I spoke about this too and it makes a lot of sense and there is a transfer station in Delray. He said I'll still go back to my original suggestion and that is the landfill be along the main transportation corridor just like Pompano does. He said they got the smells under control and it generates gas and like Marge brought up that is a lot of truck traffic and still in the back of my mind is anything that goes on out there is pulling Okeechobee out further and further.

Councilman Lipp asked could we send in a Resolution from the Town Council to the SWA and copy it to the County Commissioners.

Vice-Mayor Herzog said I think before we do a Resolution we need to bring them back and hear what they have to say and present the idea of the rail to them and hear their point of view about it.

Mayor Browning said there is a 60day delay. He asked can we schedule this at one of the meetings and still get input in before the 60days.

Councilman Autrey said I think it is easier to send a Resolution.

Councilman Lipp agreed.

Mayor Browning said I agree, the best would be the rail.

Councilman Louda said so you need to mention something about transfer stations and the FEC line.

Vice-Mayor Herzog said if you are sending a Resolution to do the rail you have to indicate which one of the parcels you want this matter moved to.

Councilman Louda responded the one closest to the rail station.

Mayor Browning said they are also talking about the inland port and said wouldn't it be good if they could somehow tie that together in the same site and recycle some and use steel for some.

Councilman Lipp said Site #4 for the inland port is off of 710.

Vice-Mayor Herzog said but the one they seem to be going toward is the one out where they just bought the water. (Okeelanta)

Councilman Lipp said this came before the Planning Commission last week and they said it all has to be a level playing field.

Councilman Louda said to utilize the triangular site that is farthest North as the landfill (98).

Vice-Mayor Herzog said they were referring to that triangular piece as the Smith property or the 98 site.

Councilman Louda said there are rail systems all the way through there and they may be able to tie into one.

Councilman Lipp made a MOTION to send a Resolution to the SWA to recommend the rail system, and also to get the details from Frank Schiola, SECONDED by Councilman Louda and discussion was then continued:

Town Clerk Lippman verified that the Resolution would not include the site the Town Council wanted the landfill to be placed.

Mayor Browning said I think we should leave it open to them and if they want to do a land swap with SFWMD that would work better for the rail. He said our key is to get it off the roads and get it on the train. He said it is cheaper and does a better job.

Town Clerk Lippman asked Councilman Louda to send an email to Town Staff with his recommendations.

The MOTION passed unanimously 5-0.

Town Clerk Lippman said we will come back at the next meeting with a Resolution for your approval.

Mayor Browning asked for comments from the Public.

There were no comments from the Public.

Mayor Browning moved to Item #20.

20. Public Comments

Mayor Browning stated I have no comments from the Public.

Mayor Browning moved to Item #21.

21. Town Clerk Comments

Town Clerk Lippman said I have been working with Pat and Ken Johnson from CERT on the POD and we have gone through the logistics of incorporating our Emergency Plan with their POD Plan and we went to visit some sites and we will come back to you with the details. He said this is different because the Town is running this because we supported it and CERT is supporting us, so we are in a cooperative effort here. He said and I have to give Kudos to Pat and Ken because what they are doing is nowhere else in the State and they are doing an excellent job with it.

Town Clerk Lippman said as you've seen this week we have had extra speed enforcement and what we did last week for 2 of the days, we sent enforcement up and down Okeechobee with the day laborers. He said we can't prevent them from congregating on the corners, however, I asked them to focus on the urinating, the littering, if they are standing in the roadway, or if people are pulling off the road (to offer jobs). He said I have a full detail report of how they interacted and worked with them so what I am going to try and do each month is incorporate that into the speed enforcement and see how we do with that. He said the actual congregating

of them on the corners, which seems to really bother some of the citizens, is not something we can do, but what they do while they are there is what we are trying to enforce.

Town Clerk Lippman discussed the banking. He said I spoke to you at the last meeting in reference to the public checking accounts do not get interest anymore. He said with that in mind, I wanted to secure at least \$600,000 into CD's. He said I did some research with Wachovia, Colonial Bank, and Riverside. He said Wachovia Bank was double on the rates that was offered by Riverside and in addition they had fees on their checking account they would not be able to waive. He said Colonial Bank could not take on any additional municipalities. He said that left Riverside who still has the great market and I will come back to you at the next meeting with the agreements to distribute the money and then hopefully move forward and execute it.

Town Clerk Lippman said I just received at the office the Florida Municipal Official's Manual put out by the Florida Institute of Government. He said I have at the office the one copy and if you would like I can copy it for you or scan it in and send it by email.

Town Clerk Lippman said I just want to do a Memorandum to the Council, and we can choose to go farther at some point in time, but I just want to explain the difference between a Zoning Confirmation and a Business Tax Receipt. He said there seems to be a lot of confusion when reading the ULDC on what the difference between the two is and I just want to put that in writing for the Council so if you are ever asked out in the field you will understand what the answer is.

Town Manager Dr. Rosenbaum announced I have a request from Loxahatchee Groves Elementary School PTO for a sponsorship and they have their annual event coming up and things are tight. He said they have a series of sponsorships that range from \$150.00 to \$600.00, I know we don't want to get into the sponsorship thing, but it is our Elementary School in our Community. He said I just wanted to bring that to your attention.

Councilman Lipp said it was brought to my attention by Tracy Schiola that the County had usually sponsored one of the bounce houses for the event in April and she asked me if the Town would like to support our local school and sponsor one. He said they put a sign in front of it that says the Town of Loxahatchee Groves and we have no liability if a child were to fall and break his arm.

Councilman Louda asked how much is a bounce house sponsorship.

Town Manager Dr. Rosenbaum responded \$210.00.

Councilman Lipp responded there are like 10 of them on there and they said the laser tag one is a popular one and asked is that on there.

Town Clerk Lippman responded \$475.00.

Vice-Mayor Herzog asked what was our stand as far as doing this type of stuff.

Town Clerk Lippman said we haven't had a lot of inquiries and as far as sponsoring and donating to organizations we didn't feel comfortable with it. He said in this particular instance it may be a little bit different because it is the only school in our municipality and it is unique Loxahatchee Groves, and I think should you decide to participate in this I think that the exception would be fine.

Vice-Mayor Herzog asked is the middle school going to come forward because word gets out that we did the elementary school and then the high school.

Town Clerk Lippman responded there is no middle school in Loxahatchee Groves.

Vice-Mayor Herzog said not in but that our children are serviced by.

Town Clerk Lippman said I am just saying that should you choose to donate I think the exception would be acceptable but it is your choice.

Councilman Louda said I am thinking about getting it down to the range where we might donate each as a Council.

Mayor Browning said if we start supporting everything on our own we should be choosing our own charities.

Councilman Autrey said my thinking is we develop a policy and we earmark say \$1000.00 a year and we support 3 schools or whatever and then we can tell people that we have a policy and we have expended our funds this year, come back next year, and as long as we have a policy and we are consistent with it, I don't think the residents are going to get mad we spent a little bit of money to let the kids bounce, I mean that is kind of a neat thing, or for laser tag. He said if we just put a ceiling on it.

Councilman Louda and Councilman Lipp both said we need to have that as an Agenda Item next time so we can have a vote on it.

Councilman Lipp said the other thing is I know that Riverside Bank has a history of supporting Community events and if Matthew could contact them and possibly they would want to dovetail in with us, because we've got time.

Mayor Browning moved to Item #22.

22. Town Attorney Comments

Town Attorney Cirullo said I don't have anything formal, I just want to thank you for your hospitality, it has been a pleasure being here this evening.

Mayor Browning moved to Item #23.

23. Council Member Comments

Councilman Louda asked on the speed and the gathering at the corners, is there anything they can do about Loxahatchee Groves Water Control Easement chaining bicycles to guard rails. He said something to pursue, I don't know. He said also tonight there is a PBSO at Rare Species and I don't know what he is going to catch on South E Road. He said also, I appreciate following up on the fireworks thing because that parrot death was right next door to me and I consider it part of my life as well. He said this is near and dear to me.

Vice-Mayor Herzog said tomorrow there is an EOC Meeting and a League of Cities meeting.

Town Clerk Lippman said I will be at the League of Cities Meeting but I have an Elections Meeting at 10am at the office.

Vice-Mayor Herzog said I will be at the Census Training and my reason for being part of the Census is I hope eventually I can help Loxahatchee Groves get an accurate population count. She said also tomorrow night is the Western Council Meeting and it will be at the Wellington Center and Jess will be holding a meeting at the Wellington Mall as well.

Councilman Louda said that is the one I will be at too.

Vice-Mayor Herzog said and on Thursday night, is the LGLA meeting and Irv and Matthew are our guest speakers so if you can come out we'll see you at 7p.m. She said and also there is a sleep in sponsored by the Lord's Place on February 6, 2009, which is a project which is near and dear to Jess Santamaria's heart, he gave up his whole salary for the benefit of the homeless in PBC. She said they are having a sleep in and I plan on being there and if anyone would like to make a contribution that is how they do this thing. She said I will not be spending the night but I will be there until about 11p.m. She said and I am glad that everything went well with the swearing in Washington D.C. today at the ceremony.

Councilman Autrey asked did we talk about getting another newsletter out.

Town Clerk Lippman responded it is in the works right now and I anticipate you should have a draft by this weekend.

Councilman Autrey said I think we should explain Contract Government and I don't think we have done that and I think it might be a time for us to address what the original vision was and how Contract Government works and what it is. He said it is not just a transition, this is a way to provide municipal services. He said and along with it, the previous, earlier conversation on why so few have Contract Government in the State, once bureaucracies get created and these people get entrenched it is very, very difficult to change and that is why I think our ability to start from scratch was something that most of these places will never have because there are so few incorporations. He said the other topic is as the election gets closer some of the things I am hearing that are being said, the rumor mill, and the one that really disturbs me the most is the rumor that this Council is out to close businesses and that is just flat crazy. He said and it is going on and I knew it would go on, and we need to hit that hard again and explain that we are not and have not closed businesses. He said if people are going to take an opportunity with Code Enforcement and the existing Codes, knowing that we do have some issues, because of the nature of the transition, then we can't stop them from doing their job, but we are not

intentionally out there to shut businesses down and I think that is unfortunate and it is obviously going after the incumbent and I would hope we can get consensus to address that issue. He said good job tonight and nice meeting you Mike.

Councilman Lipp said good job and I want to thank everyone for coming out tonight. He asked when can we expect the MREG.

Town Clerk Lippman responded I will get the exact pin point date by the end of this week but we are looking at the first week in February for the draft to come to the Town Management and then hopefully by the second week to the Town Council.

Councilman Lipp asked and what about the SR80 Study. He said it is a long time coming.

Town Clerk Lippman responded they tied it into the MREG because they expanded some of the scope of the MREG so that is why they will come out at the same time.

Councilman Louda said on Dave's suggestion that you explain Contract Government, throw in Parkinson's Law.

Town Manager Dr. Rosenbaum said Parkinson's Law is the work expands to meet the time available.

Mayor Browning said thank you all for coming and stay warm.

Mayor Browning moved to Item #24.

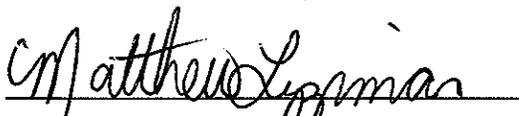
24. Adjournment

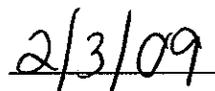
Vice-Mayor Herzog MOTIONED to adjourn the meeting, SECONDED by Councilman Louda and the Motion passed unanimously 5-0.

There being no further discussion and no additional public comment the meeting was adjourned at 9:21 p.m.


MAYOR DAVE BROWNING

ATTEST:


Matthew Lippman, Town Clerk


Date Approved