



*Minutes
Loxahatchee Groves
Regular Town Council Meeting
November 3,, 2009
Location: LGWCD*

Members Present:

Dave Browning, Mayor
Dennis Lipp, Vice-Mayor
Ryan Liang, Council Member
Dr. J. William Louda, Council Member
Ron Jarriel, Council Member

Members Absent:

None

Others Attending:

Frank R. Spence, Town Manager (Frank R. Spence, Inc.)
Michelle Kantor, Town Clerk (Frank R. Spence, Inc.)
DJ Doody, Town Attorney
Members of the Public

Others Absent:

None

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

The meeting was duly noticed and posted. Mayor Browning called the meeting to order at 7:00p.m. He then requested the roll call by Town Manager Frank Spence. Town Manager Frank Spence noted that Councilman Louda was not present. Upon completion of the roll Mayor Browning requested everyone stand for the Pledge of Allegiance and Invocation.

Mayor Browning moved to Item #5.

5. Approval of Agenda

Town Manager Frank Spence requested to add Agenda Item #14-Frank Schiola-Solid Waste Monitoring Update.

Councilman Liang requested to add Agenda Item #15-Special Event Permit Request from a Resident.

Vice-Mayor Lipp requested to remove Agenda Item #10-RFP 2009-007-Code Enforcement Services. He said I received a call from one of the FAAC Members that they haven't fully

reviewed it and there has to be more work done, so instead of going through it and then having to do it again, I recommend that we remove it.

Vice-Mayor Lipp made a MOTION to approve the amended Agenda, SECONDED by Councilman Liang and the MOTION passed unanimously 4-0, with Councilman Louda absent.

Mayor Browning moved to the Consent Agenda.

CONSENT AGENDA:

Vice-Mayor Lipp made a MOTION to approve the Consent Agenda, SECONDED by Councilman Liang and the MOTION passed unanimously 4-0, with Councilman Louda absent.

Mayor Browning moved to Item #6.

REGULAR AGENDA:

Committee Reports:

6. Finance Advisory & Audit Committee (Councilman Liang)

Councilman Liang went over the topics that were discussed at the FAAC Meeting on Wednesday, October 28, 2009.

- August 2009 Financials
- Finance Director Update by Holly Hugdahl
- Monitoring Vendor Contracts
- RFP 2009-007-Code Enforcement Services
- 22nd Road North Parcel
- Traffic Fines Revenue for the Town

Lung Chiu, FAAC Chair- said we had our meeting last week and in attendance were the FAAC Members, Councilman Jarriel, and LGWCD Board Member John Ryan. He said when we went through the Minutes we found there were some Items that were in construction and still open and needed action to follow. He said there were a few things that Mr. Spence was supposed to follow up on, for example, checking with the tax collector to see what the estimated amount we should receive by the end of the year, among other things, so we suggested Mr. Spence keep an Open Item List for him to follow up on for the FAAC. He said we also suggested this similar format for the Town Council so we don't have something fall through the cracks. He said and Mr. Spence will then be responsible for all the Open Items and making sure we don't lose anything. He said regarding the Financial Reports, there were some minor discrepancies, but the Finance Director was able to answer most of the questions. He noted the previous

Management Company (NCS) had prepared these financials and that the new Management Company should have checked them for accuracy.

Councilman Louda arrived at 7:09pm.

Mr. Lung Chiu continued we need to follow up on how we should monitor our contracts, and one suggestion came up that the Management Team could prepare a spreadsheet for all the information. He said it would include the initial contact for the contract, the term of it, when it would expire, and the budgeted amount to be paid and what terms to be paid with. He said so at any point in time a Council Member or even a Member of the General Public could read it at any time and see where we stand. He said we also thought this should be incorporated into our Website so anyone could read it and know if we need help because they might be interested in bidding on our services. He said this would also help to hold the Contractor accountable. He said we went through at great length the one Item that was removed from the Agenda tonight, the RFP for Code Enforcement, and some members expressed their concern of using a big firm for our simple operation. He said if we could walk through this Item again I think we will be in good shape. He said regarding 22nd Road North, the FAAC agreed it is good for the Town to pursue the custodianship of the land. He said Councilman Jarriel made some very good points on this as well. He said we asked about the traffic fines and where they are and Mr. Spence is going to pursue it because I don't think we have a clear picture of how many tickets there are. He said and the last thing is we would like to receive the Agenda Packets more in advance of our meetings so the Members can spend more time reviewing it.

Vice-Mayor Lipp said Thank You for all your hard work and I appreciate it and it certainly makes it easier on us sitting here to have someone else already having gone through the numbers. He said something I want you to look into and I'm sure that Frank Spence will help, is at the first meeting in October when NCS was stepping out we had approved the SWA Recycling Agreement and part of that discussion was apparently there were funds due to the Town for the recyclables picked up within the Town. He said and at that meeting I had asked Matthew if he could follow up on that for me, and they are long gone now and he never got back to me with that.

Frank Schiola, Solid Waste Monitoring Consultant- said I did have conversations with the SWA about 3 weeks ago, and that is something they are looking to do for all the municipalities, but at this time with the hard economy it is actually costing them more to get rid of it. He said 2 years ago they were actually making money on everything they sold. He said as soon as the economy does turn around, they will let us know about it and we will be getting a check in the mail I'm sure. He said but we are still looking at about a year before that happens and it all depends on the world wide market. He said I will stay on top of this because I want the Town to get their money back, but right now it is just not there.

Mr. Lung Chiu said this is a perfect Item for what we call the Punch List/Open Item list for Mr. Spence, because some Items could continue forever or until a contract expires.

Mayor Browning moved to Item #7.

7. August 2009 Financials

Town Manager Frank Spence said the FAAC did approve these at their last meeting and recommend them for approval tonight.

Councilman Jarriel made a MOTION to approve the August 2009 Financials, SECONDED by Councilman Liang and the MOTION passed unanimously 5-0.

Town Manager Frank Spence said NCS expects to have the final September 2009 Financials at the next FAAC Meeting, they are just waiting on the bank statements and other electronic transfer information that doesn't come in until the end of the month. He said the next FAAC Meeting is scheduled for Thursday, November 12, 2009 at 6pm at the hospital.

Mayor Browning moved to Item #8.

Presentations:

8. Introduction of New District 15 Commander (Lt. Jay Hart)

Mayor Browning said we have an introduction to a new member of our community and he is the main man of law enforcement for the Groves.

Lt. Jay Hart, New District 15 Commander- introduced himself and said we have all of Loxahatchee Groves and the Acreage. He said I've been with PBSO for 23 years. He said basically what you will see is and the changes that we've made is in the previous year the District had 4 deputies and no supervision and now we have 3 deputies and a Sergeant out here 24/7. He said that is going to make the difference in what happens out here and how we respond to calls and how we handle things. He said we've outfitted every deputy with radar and or a laser. He said one of the issues I found coming out here is speed, so we are trying to actually get control of that. He said when the residents realize that these cars all have radars in them maybe that will actually curtail bad driving habits, because speed does kill and we need to slow people down. He said we have 5 brand new Ford F150's out here that are going to be assigned to the deputies and 2 ATV's that are going to be assigned to the deputies as well, we are trying to give the deputies the tools they have never had before and need to do the job to make the residents safe and make this a better place for you all to live in regards to law enforcement. He said I have some business cards, they are not the updated ones, but my name and email address are correct. He said if you need anything just send me an email and we will do whatever we need to do to make your quality of life issues better by us being here basically.

Mayor Browning said they offer a new service and I've looked at it at least one time where now you can go online and basically get an updated crime map and it is real interesting because they pinpoint every place there is a burglar, break in or some crime.

Lt. Hart said that is at www.PBSO.com. He said the other thing I did was put together a 2 man team on the sex offenders out here. He said I believe there are 40 registered living out here. He said I know in the last week or so we've had some call about a white vehicle trying to pick up some teenagers, we've yet to verify that and are working on it. He said but by us staying in contact with them on a daily basis we are going to know who they are, what they look like, and what they are up to on a daily basis. He said the other thing we are going to do is start a 3 man street team with a Sergeant that will find some hot areas or pockets of burglary and we will deploy that team and they will go out at night, in plain clothes during the day, and see if we can't find out who is doing what out there. He said these are just some extra things we brought to the table by having our own District and I want it to be the best District it can be and to keep this area safe and have your quality of life issues be the highest that they are.

Mayor Browning asked for comments from the Public.

Ken Johnson, 15409 Collecting Canal Road- asked do you have an office you will be based out of out here.

Lt. Hart responded right now we are working out of District #9 which is Royal Palm Beach in the old PB & Z office. He said our new office will be located at 200 Civic Center Way, and that office will be there for a few years until the County comes up with the money to actually build a Fire Station/PBSO office. He said possibly somewhere off of Seminole Pratt, but that is probably a few years away with the economy the way it is.

Mayor Browning said Thank You and Welcome.

Mayor Browning moved to Item #9.

9. Palms West Chamber Economic Dev. Initiative (Susan Giddings, O'Dell, Inc.)

Susan Giddings, O'Dell Inc. - introduced herself and said I am the Chair of Economic Development for the Palms West Chamber of Commerce. She said the Chamber's core mission is Economic Development, and to that angle we have spent a considerable amount of time crafting the first step of what will be a long term plan to create true economic stimulus and self sustained ability for the Central Western Communities.

Due to technical difficulties the Power Point with sound presentation could not be viewed so Ms. Giddings gave each member of the Town Council their own copy to review at home.

Ms. Giddings continued and said what the Chamber is trying to accomplish is to create an Economic Development Task Force for the Central Western Communities. She said we are working currently on the structure of this and we envision the structure of this to be an Executive Committee comprised of elected officials from all the municipalities and non voting Staff members, a County official and representation from the following 8 Committees within the Task Force: Education, Employment, Environmental, Culture and Leisure, Communications and Marketing, Process Uses and Policies, Infrastructure, and Logistics. She said we strongly believe the Town of Loxahatchee Groves should be an integral part of this interest, therefore we respectfully request that you appoint an elected official and senior staff member to represent the Town of Loxahatchee Groves represent the Town on this Task Force. She said we are convinced that we will all benefit both individually and collectively by your active participation.

Vice-Mayor Lipp volunteered to work with the Task Force.

GENERAL CONSENSUS WAS GIVEN FOR VICE-MAYOR LIPP TO REPRESENT THE TOWN COUNCIL ON THE TASK FORCE.

Mayor Browning noted that Vice-Mayor Lipp and Town Manager Frank Spence would attend these meetings.

Vice-Mayor Lipp said back in July 2009, I attended one of your meetings and the purpose for my being there was to talk to the group about the Grand Jury Report on the corruption of Palm Beach County. He said I asked for something at that time that the Business Development Committee and the Palms West Chamber put together a Resolution to give to the Board of County Commissioners in and asked was that done.

Ms. Giddings responded that was done.

Vice-Mayor Lipp said the two important dates coming up with this are December 1, 2009 and December 15, 2009 will be the two Public Hearings on the Ordinances which the Board of County Commissioners is developing to implement this. He said one of the striking issues that has come up is in the Ordinance it says, the Office of the Inspector General shall be sufficiently independent, but when you go back and read the 57 pages of the Grand Jury Report it doesn't say sufficiently independent, it says independent, and at today's BOCC Meeting, I said I would encourage to have a truly independent office of the Inspector General, and as I said to them, how would we feel now in 2009 if Adams, Maddison, and Jefferson while crafting the Constitution ended up with a sufficiently independent Congress, it just doesn't work. He said and the people of PBC are up to here with three in jail, a whole new set sitting up there, and as Commissioner Koons said there is now way we are not going to vote on who the Ethics Board gives us, but as Commissioner Santamaria said I'm sure none of us now would go against it, but what about 8 years from now with a whole new cast up here. He said so I would encourage that the Business Development Committee, as well as, the Palms West Chamber reiterate the need for an independent Inspector General.

Ms. Giddings said our Government Affairs Committee is the one who takes charge of that and I will speak to Gina about it and let her know your concerns, and make sure they continue to follow up on it and that the Chamber has a voice in what we think.

Mayor Browning moved to Item #11.

10. RFP 2009-007-Code Enforcement Services

THIS ITEM WAS REMOVED FROM THE AGENDA AT THE BEGINNING OF THE MEETING.

11. Consideration of Citizen's Complaint of Code Violation Outside of Existing Moratorium on Non-Complying Business Use (Councilman Louda)

Town Manager Frank Spence said this is a complaint from Mr. Fred Schrierer of 14738 Paradise Trail about alleged multiple code violations of a business operating out of the property at 14689 21st Road North. He said I attached Mr. Schrierer's 10 page letter of transmittal to the Council. He said the action would be after hearing testimony, determine that such incidents and activities do warrant further investigation as potential code violations and are not covered under the existing Moratorium; and, that corrective action is called for.

Councilman Louda said basically after seeing this letter and seeing a couple of things in there that are sufficiently detrimental to the entire Community. He said one thing that really stuck out to me was truck and engine wash, refueling, fuels/oil, that has to stop out here period-with everybody. I would say we need certified secondary containment and re-inspection for

any fuel storage over 20 gallons, we need to research that and find out what that limit is, but certainly hundreds of gallons need to be in certified secondary containment. He said and engine washing going straight to the ground is another issue. He said the storage of manure, we've gone through this many, many times, and the one thing we found is it took a neighbor to sue because the County didn't want to do anything about it. He said there is a lot of stuff that needs to be looked into to clean this place up. He said the noise is a completely other issue and we've got to get on that. He said the noise issue is a slippery slope, but direct observable, clear and present danger with water pollution is not a slippery slope and it has got to be done and done now.

Mayor Browning asked what choices do we have, what we can do.

Town Manager Frank Spence said the determination is whether or not it falls under the Moratorium you passed about not passing any type of Code Enforcement for any businesses, but from the issues I heard I believe that they do not fall under the Moratorium and are subject to persecution and enforcement.

Councilman Jarriel asked has anybody been over there to check this out themselves as far as visibility or hazards or anything.

Fred Schrierer, 14738 Paradise Trail- responded I have. (The citizen letter is from him).

Councilman Jarriel said I received this letter by email a few days ago and I went over there today at 5:30AM today, and I felt like I needed to see something before discussing it tonight. He said I called the County Code Enforcement Officer who handled this and he said the County did not find any fault and they asked the resident or the business people that lived there to get a license and they went ahead and got a license and as far as the County was concerned, they complied. He said I know where Fred is coming from and I was over there looking for a few things, noise, dump trucks, etc., and the worst noise factor that I heard this morning was a rooster crowing three times at about 6AM. He said they had three dump trucks which are 20 yard dump trucks, and I have some pictures up here (*these should be on file at the Town Office*), but they put them on the far South West corner of their property and they told me they load these dump trucks in the evening when they come in so that they won't be loading them in the morning because apparently the County had spoken to them about the noise level. He said the first truck actually left there about 5:45AM, and what impressed me about these people is these guys basically left that yard at an idle. He said there were two other trucks that left about 6:30AM pulling out of there. He said as far as heavy equipment they have a small tractor and a front end loader which I'm sure they use to load the dump trucks during the day. He said the County says they are allowed three trucks and that is what they had.

Fred Schrierer, 14738 Paradise Trail- said I appreciate you looking into this and I appreciate it being on the Agenda, because I am not happy to be here, and it is a tough thing to do to complain about your neighbor, but it has gotten to the proportion where I don't think it is right, I don't think it fits the Land Use Codes of when we moved here or now, and I think there are some environmental issues. He said for you to go out there today for just a few hours, I don't believe that is a fair sample. He said you need to live there where I live and experience the things that I have in my complaint.

Councilman Jarriel responded and I agree with you there, and basically because I had such a short notice today was the first opportunity, and trust me I didn't like getting up at 5AM to get over there at 5:30AM.

Mr. Schrierer continued I don't know if everyone here knows, but there was a ten page letter and I kind of made some potential allegations here for some violations. He said I know there is a Moratorium here on the use of the land, but there were some environmental issues that I can testify to that are in violation, as far as I know of Federal and PBES and County and the State of Florida DEP regulations.

Councilman Jarriel responded if you are right, and I am not a Code Enforcement Officer, but when I could actually see I did a walk around and I took pictures and they actually had a fuel containment area made out of concrete. He said I don't know what the regulations call for, but there is no way that any leakage could get out of that containment and I've got pictures to show it.

Mr. Schrierer asked do you know how big the tank is.

Councilman Jarriel responded I am guessing just by looking at it that the tank is between 500 and 1000 gallons of diesel, and there are three tanks. He said the other thing I looked for in this containment area is most of the time gas stations and places that contain their fuel have tanks on top and you will see leakage and I didn't see any here. He said I can't say anything about the pressure washers or noise pollution because I didn't hear or see that. He said I spoke with the resident and they said their working hours are that they leave about 6AM-7AM and they try to finish up by 6PM at night. He said I talked to the two neighbors that were home yesterday, and they said they didn't have a problem, but the young lady I spoke to said she was supporting you because she could smell the manure from your property. He said from what I could see it is a beautiful place and as far as their shop and around the shop, they maintain it very well. He said the noise that I did hear this morning was from the Hadden place which is next door to them and in your letter you said you didn't have any problems with them because they kept it looking good and didn't seem to have any problems. He said the residents who own this place they said that they would do anything they could to make it easier for you. He said and that is what I am looking for, if we can solve your problems. He said you are right and it does not comply with the Land Development Regulations, but in Loxahatchee Groves it doesn't comply like 50 or 100 businesses out here. He said it doesn't fall under the AG. He said what I looked at was the County investigated this in 2004 and it was probably in much worse conditions then compared to now.

Mr. Schrierer responded I was upset with the County because they went out during the day and said there was one truck, while all the trucks were dispatched, and they didn't make one feeble attempt to address my complaint. He said they didn't investigate any of the environmental complaints I had like the wash water going into the ground, and having 1000 gallons of fuel within 100 feet of where you draw your water is a concern for me and my neighbors. He said all of my neighbors are not here tonight, but they are on board with this and I can get them to attend the next meeting or sign papers, but this property I don't know why they set this up next to homes. He said it is a transfer station, the trucks come back, they pick up loads, then they come back and dump them and the front end loader is mashing and grinding all day long. He said then they dump them and it is like living next to the rock quarry or a dump truck operation. He said I don't want to live here anymore if I am living next to this rock quarry situation and those are the two complaints I have- noise and environmental, and I think they are both valid and

need to be investigated because it has destroyed my quality of life and my property value and could you imagine bringing a Realtor over and them saying what is happening over there.

Councilman Jarriel responded my question the Town Council is to get something in there to tell us it is hazardous because of the pressure washing and stuff, who is going to pay for that. He said I would assume we'd have a Code Enforcement Officer go out there, and I've been told that within 2-3 months our Land Development Regulations will be established and to exclude this from the Moratorium, I don't agree with. He said it is going to cost somebody something. He said and my wife and I were over there yesterday afternoon, but there wasn't anything really going on over there.

Mr. Schrierer responded did you see their Occupational License; they have it registered under produce. He said they seem to be trying to fly under the radar, they are not registered with these tanks and when I go to change my oil at Jiffy Lube there is a hazardous material disposal fee, and I think that is what that is there for and I want to know where all the coolant and the oil and the fuel spills, where does that go. He said the Health Department regulated that and they should be regulated, and if they are allowed to stay and doing a trucking operation then it needs to be regulated.

Councilman Jarriel said and I believe that question was on the survey we just sent out. He said I just want people to know that I like to hear both sides of the story.

Mr. Schrierer responded I am not trying to interfere with anyone's opportunity to make a living, and from what I understood the Codes to be, you can have two trucks. He said and this isn't Wellington, you can have a couple of dump trucks on your property and work with them, but you don't keep moving them around and have a rock quarry per se.

Councilman Jarriel responded the County just changed that to three. He said the Code Enforcement Officer said they just changed that. He said this is not a rock quarry, and I could see where your biggest problem was with the fuel, but someone is going to have to pay to get it checked out. He said my question for you is if someone comes out and doesn't find there is any fuel contamination where are you and your neighbors going to go from there.

Mr. Schrierer responded if it is a permitted use in this Town-I'll leave.

Councilman Jarriel responded I am interested in trying to solve a problem, not make it worse.

Mr. Schrierer responded I think this Town is at a cross roads and if this is the type of industry that you/we want to invite in here, I think it is the wrong move. He said I think it is for equestrian, growing plants and residential, not trucking operations.

Councilman Louda said one thing we didn't do during the Land Development Regulations and I didn't see it in the survey either, is vote do we keep the overlying AR use matrix. He said if we do this is what AR is. He read from the ULDC, "AR, Agriculture Residential District: The AR District is to protect and enhance the rural lifestyle and quality of life of residents in areas designated rural residential, to protect watersheds and water supplies, wilderness and scenic areas, conservation and wildlife areas, and to permit a variety of uses that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes." He said now you go over to the matrix, and basically everything he has talked about falls under Industrial and Public use and doesn't fall into AG at all. He said and if you take a look

at it that is what we inherited and now we are at this cross roads and are we going to lose this type of resident. He said if we want to turn it over to all these uses, then what we really have to do is change our Zoning to Industrial/Commercial and blanket stamp it and let it all come in, and that is really where this Town is going and it is one of the small reasons I am not running in March again is we are not standing up well enough to correct some of these past mills whether it steps on somebody's foot on their ability to make a living or not, and probably that is the other reason I am not re-running is I couldn't get elected.

Councilman Jarriel said no, you couldn't get elected and I don't think the Town could have got incorporated if you hadn't said, "Love it or Leave it Alone." He said you have so many home owner businesses out here and three dump trucks I don't consider Industrial and never have, I worked construction for years. He said but if you had told the people when we got incorporated all you wanted out here was equestrian branches and Ag.....

Councilman Louda said that is not what I said and you are twisting my words again like you always do.

Vice-Mayor Lipp said I feel for your situation and I had a similar thing next to me when a family decided to have their own rock quarry in their front yard next to me, and I asked Code Enforcement if it was it legal to sell your property one truck load at a time, and that got stopped. He said the Nelson's mulching operation on the corner of F Road and Okeechobee, he is closing up but his business license was in Green Acres. He said John Choquette, who I have come to know and respect and I like what he has done for the Town; his license was in Royal Palm Beach. He said so when it comes to these Industrial uses, it really gives us heartburn, and as far as what is going to happen with these, we really need to see what is going to happen through the Land Development Regulations. He said this resident has a complaint that if we don't look into it we could really find ourselves between a rock and a hard place, and I think we need to look into it and see if there are environmental hazards there which would be detrimental to the safety, health, and welfare to the residents in this Community. He said and I was on the incorporation committee from the very beginning and one of the things I said is we really need to come to grips with what this Town is going to look like when this Town becomes a Town and where would we want to live. He said I had someone come to apply for a job and he told me he bought in Fox Trails and I asked why not the place in Loxahatchee Groves and he said Dennis, no offense, but I don't want to live in a slum. He said I never really thought of myself living in a slum, but as you travel around the area, there is a lot of mixed use, and you like words like eclectic, you can get eclectic on steroids. He said but these pockets of uses that are strange, we will have to come to grips with and we will one at a time. He said but with this I think we need to move ahead with this because we are stewards of the Community. He said but I think we need to get to the bottom of things, and if this is the test case then so let it be. He said I appreciate Councilman Jarriel and if anybody on this Board is going to do it and show up at 5:30AM it would be him.

Councilman Louda said it is like Dennis said about being eclectic on steroids and that is my whole point. He said I have a Bobcat service next to me and it doesn't bother me, I don't mind pushing the envelope, but the ones I don't like are when the envelope is broken. He said there is this I can do it a little bit or I could do it a lot. He said when it moves from home based business to industry.

Councilman Liang said I like your story Dennis, but one thing that kind of got me is someone wanting to live in Fox Trails is never going to want to live in Loxahatchee. He said but at the

same point, I don't want to see Loxahatchee being abused by businesses that shouldn't be here. He said I think if Fred can wait till our LDR's are written and we have the surveys sent in, I think that is a step towards them. He said I don't feel right making a decision on this right now, just because we are right at the edge of making these decisions and possibly this situation will be resolved by then. He said I would just like to wait until the LDR's are done and if it isn't resolved by then, and then the Council can make a decision from there.

Mayor Browning said and I am thinking I believe there has to be a balance. He said we all have neighbors who have a Bobcat or a few dump trucks, my problem is more with the transfer station where it is an ongoing business where they are dumping stuff and reloading it and then moving it out. He said I am at a point where the trucks don't bother me that much but what is going on in the property bothers me. He said 5:45AM is too early to me for cranking up a diesel. He said the land usage we are dealing with that, but I do think we need to look into the fuel containment and I don't know if there is enough containment there, the law says if those tanks rupture that has to contain the diesel float and if they rupture at the same time as a rain storm, diesel floats, so it doesn't take long before the diesel is running everywhere. He said I do think that Code Enforcement does need to take a look at it, because that could be a real hazard.

Councilman Louda said on secondary containment, I don't know but when it is done for fuel with vehicles that are actually moving, is that lined, will it hold.

Mayor Browning said it has to be lined with something.

Councilman Louda said also there is a fire hazard.

Mayor Browning asked for comments from the Public.

Cindy Corum, 3452 C Road- said I agree with Ron that we want to Love it and Leave it Alone, and this is why we don't have proactive Code Enforcement, but I think Fred has brought forward a valid complaint and this is not new, because I met him three years ago and he was talking about this back then, so it is not something new. She said and if this was behind any of us we wouldn't be happy with it, and it should be taken seriously and I support it.

Councilman Louda said I support 92% of the businesses out here.

Mayor Browning asked what action do we need on this.

Town Manager Frank Spence said from what I am hearing the appropriate County organization would be the Department of Environmental Regulations on the fuel containment and fuel spills.

Councilman Louda said I don't think ERM wants anything to do with us right now, I would go to DEP. He said and the other thing with this is the noise.

Vice-Mayor Lipp said I have had a lot of conversations about this with Town Attorney Mike Cirullo, because it came up a couple of times, and the noise is going to have to be by Ordinance and that is one of the things I am going to make under Council Member Comments.

Councilman Louda said but I think that environmental protection with a clear and present danger probably falls outside of our Moratorium, so we can probably go forward with something and have it checked out.

Mayor Browning said as far as the environmental I think we owe it to our Community to have it checked out.

Councilman Louda said for a variety of reasons you don't want even traces of any of that in your drinking water. He said if we ever have to do anything with our water, who pays for it.

Mayor Browning said if the owners are here I would encourage you keep the trucks shut down till like 6:30AM and have a heart for your neighbor. He said they might have been quiet because Ron was there, so have consideration for your neighbor. He said they might have been quiet because Ron was there.

Councilman Louda said if you have a site inspection, I would also request that whatever we do in an area that looks like there has been wash down, at least a one to two meter core sample looking for petroleum products in the ground, not just on the surface.

Town Manager Frank Spence said I am aware of the procedures for Phase I & Phase 2, but that is when you hire the company to do the environmental test yourself, and the step we are going to do is have the governmental agency make sure that they comply with the containment and they can do that so we won't have to hire out.

Councilman Louda said follow up on disposal of fluids.

Town Manager Frank Spence said that is all tied in.

Mayor Browning said in Loxahatchee Groves there are a lot of nurseries and they are all licensed and registered and with those come certain BMP's and they are regulated that way and that is part of the industry. He said and that is one thing that scares me when people register their businesses somewhere else and have them in Loxahatchee Groves so there is no oversight because their business is somewhere else. He said and one of the things I hope comes out of this is that we put the proper licenses with the proper businesses so that the industry standard regulations can be carried out, He said but at the same time we don't want to overregulate anybody, but at the same time there are certain standard safety factors that should be implemented.

Mayor Browning moved to Item #12.

12. Density Variance Request (Councilman Louda)

Town Manager Frank Spence said Resident Bill Gurney, 1453 E Road, wrote the Town and a copy was included in the Agenda Packets, as well as, sent to all the Town Council Members previously. He said Mr. Gurney is requesting that he be allowed to divide the ten acres that he owns into two five acre parcels, and that he believes that his property and request does not fall under any Moratorium nor affected by the current objection that is holding up the passage and implementation of the Town's Comp Plan. He said the Action is to determine if Mr. Gurney's position is correct after the Town attorney reviews the facts and applicable Codes. He said in my talks with the Town Attorney he feels that this would not be an exception to the Moratorium at this time.

DJ Doody, Town Attorney- said Mike and I discussed this and it is our opinion that this does fall under the Moratorium and doesn't give any relief to the applicant as requested.

Councilman Louda said a few years back a few landowners went forward to the County and asked if they could see if we could go back to 1 and 5. He said they determined that everything to the east of E Road could be divided and could be right now whether we have a Moratorium or not. He said west of E Road cannot, and Mr. Gurney's property is abut E Road. He said I can certainly see his wanting to go forward because this has been put off and put off with this challenge to our Comp Plan. He said I would like to see if there is anyway we can do this. He said because I think DCA will stay with their own original decision that our Comp Plan is solid. He said I am tired of being held to the gun by speculators.

Councilman Liang said my only question is, is there a rush to get this done, because as Councilman Louda said if it could wait a few months then we wouldn't have to do anything.

Town Attorney Doody responded if the property owner wants to file at his own risk the application, I wouldn't suggest you deny a property owner the right to file an application, but what you are doing is allowing him to proceed with his request. He said it is against the current recommendation on that, but I don't want it to be presumed that the Town would not be in the position to accept an application, but there may not be a basis for an approval for that application. He said I can tell you that his letter does not meet the legal sufficiency for a variance, so if he does so at his own peril.

Councilman Jarriel said I agree with Mr. Doody on one thing as far as filing and Mr. Gurney should be able to go ahead and file. He said we pay \$185.00 for our legal advice and if we listen to our legal advice we will make a decision and if we don't agree with them we will make another decision, but as far as him filing, I personally think he should file and then we will take it to the next step.

Councilman Louda said if he files and it is not passed, and his application is just held, would that speed the filing process up at the end after our Comp Plan is passed. He asked when you file how long does the process take for an approval in a best case scenario.

Town Manager Frank Spence responded the answer to your last question I don't know, but there are landowners processing land use change applications now and they are getting their plans and ducks in a row so that when the Plan is officially adopted, along with the LDR's, there are a number of people who have plans on the shelf. He said so the answer would be yes, to encourage him to begin the application process because the process will be time consuming and I believe he will have to put some money up to begin the process to do this subdivision. He said you are talking 2-3 months out anyway and hopefully as everyone says it will be resolved. He said so based on legal advice and what is happening now if anyone is interested in doing that they should begin the process now because it will be time consuming.

Vice-Mayor Lipp said to clarify what you are saying; Mr. Gurney could have begun the process already to get his land going from 1-10 to 2 5's without bringing this to the Town Council.

Town Manager Frank Spence said yes, but he wanted to get approval. He said and that I am hearing for the first time too.

Town Attorney Doody said I would also like to offer for your consideration is to ensure that when these applications are accepted they are processed within a normal course of business and if they come up and you haven't received your legal issues then the applicant and the property owner has the opportunity to defer the issue, but I don't think it should be a matter for this Town to hold back applications pending Administration action because you don't know when that is really going to work out. He said so you need to be going through the process and when there is an opportunity to be heard before you, the applicant stand up and ask for it to be deferred and that will reduce any liability and exposure to the Town.

Vice-Mayor Lipp said a Comp Plan Amendment is sent in to DCA and they have a period of time to provide an ORC Report, we get that in and respond to that and send it back to DCA and they either find us in compliance or not in compliance. He said if we are found in compliance, then there is a window for any intervention to take place and if there is none then it goes back to the Town for final adoption, so we've not adopted the Comp Plan yet, it is there to be adopted, but at the eleventh hour on the final day, Callery Judge filed their intervention, so because of that we've not adopted our Comp Plan.

Town Manager Frank Spence said you are corrected because your Comp Plan is adopted by Ordinance and with two readings if there is no intervention it would be adopted on the second reading.

Vice-Mayor Lipp said so for people to think we are already 1-5, we are not. He said we are still operating under the County's Comp Plan, but the applicant can go ahead and do what he wants and I don't think we need to take any action.

Mayor Browning said we talked about this way back with the Neighborhood Plan and I want Bill Gurney to be able to divide, because historically we are 5 acres, and I remember talking prior to this if we wait for the Comp Plan to be adopted then it is a much cheaper process then having to go in for a change, because if I remember correctly it is like \$10,000.00 for a land use or density change without having a Comp Plan adopted. He said once the Comp Plan is adopted there would be no cost because it would go along with the Comp Plan, so he could go ahead with the application now but it would be costly.

Town Clerk Kantor said I just want to make a suggestion to Mr. Gurney, I forwarded your letter when I received it, not only to legal but to LRMI and Calvin-Giordano who are both our on call Land Planners. She said my recommendation just because Frank is so new and I have been in the Town would be for either Mr. Gurney or Frank Spence to contact both those firms, and we did get a response from both those firms who were willing to speak with Mr. Gurney. She said we do have a process in place for large and small scale projects which is what the Mayor is referring to with the costs. She said I don't remember the exact escrow costs in my head, but it might be something for Bill Gurney to get with the planners also to see their response because they are hired to help the Town.

Bill Gurney, 1453 E Road- said it was my understanding that although the Comp Plan isn't done the Town has been operating as if it was in place, or the Town is operating under the County's and the County as far as I know, will sit down at any time and listen to a land use change or request and make the decision to approve or disapprove it, so therefore it seems odd to me that you guys are unable to make that same decision, and I also want to add that at the time the Town was formed the 1-5 density was removed from the Moratorium and everybody understood that to be the case. He said now we have a legal opinion that a 1-5 falls

within the Moratorium, so I am a little confused here as to whether that is the case or not. He said the only thing I can say is I have spent 17 years trying to get 1-5 in the Groves and I can't wait any longer.

Mayor Browning said there was a time when we were forming our Comp Plan that we had taking out the 1-5 because we were going to present it as a separate issue. He said then kind of at the last minute it almost looked like the Comp Plan was going to pass so we decided rather to confuse it I think we dropped off on that piece of legislation.

Vice-Mayor Lipp said any Town or County had two bites at the apple per year for Comp Plan changes. He said and the County is getting ready to have their series of Workshops on that in January 2010.

Mr. Gurney said density is not a Land Use change, so it doesn't fall within a major plan that has to be totally changed to be approved or disapproved.

Mayor Browning said at one time we spent the extra money to file two separate issues and one was the 1-5 and the other one was the Comp Plan, so we had pulled that out of the Comp Plan. He said so the key would be to look and see if the 1-10 is indeed in our Comp Plan and therefore covered by the Moratorium.

Mr. Gurney said I don't remember you at any time that we actually changed the 1-5 and put it back into the Moratorium.

Mayor Browning said no, but at the same time we voted not to pursue that with Tallahassee, but we need to look back over our records and see what happened.

Councilman Louda said I don't think it can be in two places and it is in the Comp Plan.

Mayor Browning said we had spent the additional money to try and get the 1-5 ahead of the Comp Plan and that seemed to get bogged down and at the same time the Comp Plan was rolling along pretty good and we were afraid it was going to jeopardize the Comp Plan.

Councilman Louda said that is right, but it is still in the Comp Plan.

Mr. Gurney asked is it in the Moratorium.

Mayor Browning said I don't know but that is what we need to find out.

Town Attorney Doody said I will get a clarification on that.

Councilman Louda said from what I heard tonight probably the best course of action, and cheapest, would be to move forward with filing an application to do the 1-5 and get ready for the time you can do it.

Mayor Browning asked if it is part of our Comp Plan does there still need to be an application.

Councilman Louda responded yes.

Mayor Browning moved to Item #13.

13. Administration Update

a. November and December 2009 Meeting Calendar

Town Manager Frank Spence said the November/December schedule is attached and next Wednesday is Veterans Day and the Town Offices will be closed, and the very next day November 12, 2009 the FAAC will be meeting at 6pm and on the Agenda will be the four Audit RFP's that were received and they will be reviewing those. He said and they were required to submit 6 documents and the FAAC will use them first and review it and then turn them over to you. He said since we used the original RFP when you first solicited Auditing services back in 2007 it did not require a CD at that time, so that was an omission. He said we have since asked for them to give us a CD if possible and one of the applicants asked if it could be on a pdf and we said yes. He said then when we receive those they will be on our website and forwarded to you. He said tomorrow I will be meeting with the Johnson's to plan the table-top exercise for their CERT operation. He said and we have been trying to set up a meeting with Beavin Beaudet and are now looking at possibly Monday, November 23, 2009 and this is on the gray water.

Councilman Louda noted reclaimed water.

Vice-Mayor Lipp said we know that Michelle's last day was Friday and I have this feeling of trepidation that a lot of work is not going to get done and asked what is your plan to keep this thing going. He said a resident called me and said I like listening to the meetings on line and asked where are they.

Town Manger Frank Spence said I made arrangement with Michelle and she will be completing the Minutes from the previous two meetings, as well as, tonight and she will be able to work on those at home. He said a local resident, Cindy Corum, is willing to help in the Office and she will be helping just answer the phones and email and any day to day interruptions that do take place in the office and to receive any calls that we do get. He said and Deputy Town Clerk Ann Harper who is a Certified Municipal Clerk will be able to handle all the Legal requirements especially with the preparation of all the legal documents with the election coming up, so the essential Clerk functions are being covered by her and in the mean time I am spreading the word in soliciting proposals from Clerk's to fulfill the Clerk's position, so that will take some time. He said right now it appears everything will be covered, and yes there will be a loss of institutional knowledge-there is no doubt about it, that is a loss but we will try to pursue and maintain the high quality and excellence that Matthew and Michelle established and work from there. He said there is a learning curve and in the one month I've been here so I am still learning and the efforts are still there and the intent is to provide the coverage on behalf of the residents and the Town Council work product out to you in an expedited basis.

Councilman Louda said I'll donate an external hard drive if we can download her brain.

Mayor Browning moved to Item #14.

ADDITON OF AGENDA ITEM #14-SOLID WASTE MONITORING UPDATE

14. Solid Waste Monitoring Update (Frank Schiola)

Frank Schiola, Solid Waste Monitor- said my apologies for not being here at the last meeting, and I want to give you a brief update on what is going on in the Town. He said with the Bulk Vegetation pick-up we took in 2200 cubic yards, and to give you an idea of how long that is it is from Okeechobee to ½ ways down F Road, so we took a lot of stuff out of the area. He said I spoke with Lt. Hart tonight and he is going to assign two deputies to illegal dumping, so when a call comes in they will go out and document it. He said the garbage and trash issues are being addressed here and I am getting roughly three-four calls a day, seven days a week on garbage and trash issues. He said last Friday there was a gentleman, who came in and talked to the Town Manager about illegal dumping, and I did solve the problem there but that is not to say more aren't coming. He said the garbage company is doing a good job and picking up what they should and there are still some bumps in the road but we are working on them. He said the trash cans were installed everywhere but on Folsom Road because there was no place to put it there. He said these will be picked up every Monday and every Saturday and hopefully this will curtail the litter on the road. He said lastly, I will get with the Town Manager to come up with a day in January to do the Community pick-up for Loxahatchee Groves. He said the expense to the Town will be minimal and Waste Pro will provide a truck to get it out that day. He said I want to try to have food up at the County Park at the end of the pick-up. He said I am assuming it will start at 8 and end at 11. He said I have already been in touch with the Honor Societies at both schools, as well as, the Girl Scouts and Boy Scouts, and hopefully the LGLA will get involved in this also.

Mayor Browning asked what is the date on that.

Mr. Schiola responded we haven't set a date yet, I will work with the Town Manager and it will be sometime in January when it is a little cooler out.

Councilman Jarriel commented, Good Job Frank.

Mayor Browning moved to Item #15.

15. Special Event Permit Request from a Resident (Ryan Liang)

Councilman Liang said this was brought to my attention from the business owner, and he was applying for a Special Event and he went to the County and found out that it had to be on a paved road, and from what I understood there have been Special Events here before that were not on paved roads, so I wanted to see what we could do for him and he is here tonight.

Town Manager Frank Spence said I was aware of this request to hold a rodeo on B Road, just north of Southern and the inquiry first went to the County any Special Event has to exit to a paved road. He said I called today to confirm that and spoke with Johnnie Easton who is the Director of Zoning and oversees all the Special Events permits that go through the County I mentioned the fact that Special Events had been held at the Sunshine Ranches (*he is referring to Sunsport Gardens*), and his response was that they had been given by the County Commission a Special Events Permit Blanket Permit because of the size of the resort itself, but that was approved by the County Commission themselves. He said so I asked if the Town Council could override this and Mr. Easton responded that there would be legal risks and that he wouldn't recommend it, not that you couldn't possibly do it legally.

Councilman Louda said did it specify the type of paving, does OGEM qualify.

Town Manager Frank Spence said in my opinion, no.

Vice-Mayor Lipp said I am a little set back here with the County still having Special Permits approval jurisdiction for the Town, because when the Cinco de Mayo people came in for their approval, Marge was sitting on the dais then, and they came forward and arranged through PBSO and we granted them a Special Events permit. He said so now to have somebody popping up their head and saying now we are going to take care of Special Permits in the Town, that doesn't sound right that the County has jurisdiction over Special Events in this Town.

Town Attorney Doody said I don't know of the basis of any earlier events.

Mayor Browning said they had gone to the County first and then came to us.

Vice-Mayor Lipp said they went to the County and the County said they had to come to us, and as far as Sunsport Gardens, they have no blanket permit for anything. He said

Mayor Browning said the concern I've got and maybe we can get Kevin McGinnley or somebody to go down there and talk to them, but historically all of our roads have been dirt, so they are basically saying that our Town can have no Special Events unless it is on a County road.

Town Manager Frank Spence said that is in their LDR's and once we adopt ours you can do whatever you want.

Mayor Browning said it is just to bad we can't go to them and say overlook this one.

Town Manager Frank Spence said there is no waiver or appeal process built into the County.

Councilman Louda verified this site is the one that is selling hay. He said because the other thing that needs to be followed up on and I brought this up previously, is Beck Hyslop had given us a list of about 10-12 businesses that are operating pure retail without the proper licenses and paying the taxes like he is, and if we grant a Special Permit that doesn't have the right licenses....

Seth Brier, 556 B Road- said I am the owner of the property and I have all the right licenses for the Town.

Mayor Browning asked for comments from the Public.

Marge Herzog, 966 A Road- said I wanted to answer that question about how did that Cinco de Mayo Event go forward, and if you remember correctly they registered that with that log cabin address which does front on a paved road, so therefore they were within the limits. She said and we had the Special Events Request reviewed by Wellington and they recommended we go ahead with it.

Councilman Liang said my only concern was that if Sunsport was able to do it, why wasn't another property allowed to do it.

Mayor Browning said Sunsport wasn't allowed to do it, they just do it.

Seth Brier, 556 B Road- said Jeff Brown, my Attorney is here with me and first of all I would like to clear the air about my business not being legal, I have several licenses with Palm Beach County that I've had for over five years out here, and there is a lot of licenses I have. He said I just went and updated my licenses at the County on September 30, 2009 and they combined several of them. He said I have a Variety Store License, Hay, Feed and Tack Sales, Misc. Merchandise Sales License, Stables License, Tree Service License, and we actually have one of the only Mulch Manufacturing Licenses in the last 5 years in Loxahatchee Groves, also a Wood Chip Storage License where we can actually store mulch on our property, and a Land Developers License, and Landscaping.

Councilman Louda said before you go any further on that and asked I would like to know how you have a Mulching License that is legal in our Community.

Mayor Browning said the County issued a license that is for something illegal in our Community.

Mr. Brier said they issued it 5 years ago before there actually was a Town. He said I've brought a lot of things to this Town and we are a licensed feed store and we do operate under all the guidelines. He said the last time I came up across the Board it cost me \$50,00.00 in legal fees in order to defend the right to have my store and keep it open and we came to an agreement that I was allowed to as long as I had the proper licenses. He said I wanted everybody to know that I've done something in the Community that has never been done and our hay and feed are \$3.00 to \$5.00 a bag. He said I built a facility there and our barn was destroyed from a tornado that spun off of Hurricane Wilma and for five years I have been on my property blood sweat and tears trying to make that barn go and to have horse show events and rodeos, what this Town is based on. He said and I don't think we are asking to do anything wrong to have a rodeo. He said we have contacted the PBSO to oversee it and actually hired them to detail it. He said it is part of the PCA Rodeo which is the Professional Cowboy's Association Rodeo. He said at our Grand Opening that we didn't have a Special Events Permit for, we gave free food to the Community and just because it there is 277 feet of dirt road from my property running to Southern, I don't think that should be a reason for us to lose all the money we've spent on this equestrian type event. He said I was told that I didn't need to have a Special Event Permit by the prior Code Officer as long as we weren't directly advertising the event. He said I don't know if this still stands, but this I knew would be a larger of event so I did go to the County based on the recommendation from the last time to try and do it the right way. He said 97% of Loxahatchee Groves is dirt roads and the only road that is paved is F Road and that is just the bottom line. He said I talked with the Commander you had here tonight and he said he was going to email me the detail so we could have a good, clean, safe event out here. He said the residents out here are starving for an event like this and I built a \$5 million dollar facility there to have events like this and I want to make sure that we are allowed to do that.

Mayor Browning said and we don't have any problem with it, but right now the County handles it and if they say they have a problem with it then we have to go to our Attorney and say what do we do. He said we've already been told we can't basically override them and issue a permit when they say that we can't.

Mr. Brier asked well whose hands is it in.

Mayor Browning responded well right now the County's until we get our stuff through.

Councilman Louda said Beck gave me a package of about 12 different businesses and I gave it to NCS who was our management firm and they were supposed to pass it along to Calvin-Giordano to check these out and I never heard anything back, so as far as I know the information I had going in was that these 12 businesses don't have licenses.

Mr. Brier responded I have gone above and beyond the extra mile to get these licenses.

Vice-Mayor asked what does the Property Appraiser have your property classified as.

Mr. Brier responded I was told that we had one of the only non deed restricted pieces of property in Loxahatchee Groves.

Vice-Mayor Lipp said one of the issues is when we have places like yours, and we go back and look we'll find that they have a classification of 6500 which is Agricultural purposes which is typically for plants. He said and if you are running a business with all this sales and retail, quite specifically which I believe retail sales is a classification 1100, and your property is not being taxed as a retail operation, then I don't care how many licenses you have and I'm sure your Attorney can verify that. He said if you have a license for it and it is residential and you are paying taxes on a piece of property with a Homestead Exemption then you are outside the box.

Mr. Brier responded we are selling Agricultural.

Vice-Mayor Lipp responded the key word is selling.

Mayor Browning said right now there is no commercial out there; it is all RR10-Rural Residential 10.

Mr. Brier responded well I want to do whatever the Community needs in order to feed their cows and horses at a fair price, and I know there is some competition in Town that has been doing it a lot of years.

Mayor Browning said I think his problem is if everybody pays the right taxes, and they are taxed according to retail then he's got no problem because then it is a level playing field. He said but if someone comes in and zones their land for Ag, that means they have a nursery, it shouldn't mean for retail and it should be taxed accordingly. He said we have a problem with the County because they will give licenses for anything without knowing what we are really like out here.

Mr. Brier responded well I have had these licenses for 5 years and I was told that I was grandfathered in by the County.

Mayor Browning said and the rodeos do fit with our Community, don't get me wrong.

Mr. Brier said and I want the County and the Town to be able to have events there.

Mayor Browning said our issue tonight is the County has rejected the Permit, based on the fact that it doesn't fit their rules and we've got to follow what our Legal Counsel tells us as far as what we can do.

Town Attorney Doody said as I understand over 90% of your roads are unpaved.

Mayor Browning said you are preaching to the choir- we know that.

Town Attorney Doody said there isn't any vehicle where legally you can prove this because the County has the final say.

Mayor Browning said so we would have to be able to convince the County to change their mind.

Town Attorney Doody responded yes.

Councilman Louda asked when are you scheduled, you said it was already advertised.

Mr. Brier responded it has been advertised for November 13, 14, and 15th.

Councilman Jarriel said all joking aside, the County is a higher level than what we are right now and what is stopping you is they don't have access to your property from a paved road, so I don't know if you could afford it or not but 270 feet of pavement is what you would have to put in there and the base rock is already there.

Mr. Brier said our permits lady said she spoke to the County and that they were willing to work with it if the Town was.

Town Manager Frank Spence said I talked to the director who is Mr. Seaman and he said there are no provisions, appeals, or waivers within that section of the Code.

Mayor Browning said so basically if our Council was in Consensus, they would not override that for that item, even though we are all dirt roads that is the part that bothers me about this.

Town Manager Frank Spence responded yes, that is their LDR's.

Town Attorney Doody said the only thing I might suggest is that by Motion or Consensus that you direct Frank Spence to go back and present your approval of this event and try to get some relief. He said that is not to say that Frank Spence will get them to change anything, but at least you will lend support to this event and will let the County know that there is an issue that they need to evaluate in light of the Loxahatchee Groves situation.

Mayor Browning said or we could go to our Town Commissioner and say look, we've got the Consensus of our Board, they have no problem with it, but the County says we can't have it on a dirt road. He said because Commissioner Jess Santamaria could make a phone call and I think they maybe would change their mind. He said we can't tell you to do it illegally and we can't tell you to override them.

Mr. Brier responded and I am not trying to do that.

Town Manager Frank Spence responded they are going to look at the print right in the Code.

Vice-Mayor Lipp asked Mr. Brier what is the address of your property.

Mr. Brier responded 556 B Road and 444 B Road.

Councilman Louda asked who is Elaine Smiley- that is who it is listed under.

Mr. Brier responded she is here.

Mayor Browning said that is the best we can do for you tonight I think.

GENERAL CONSENSUS WAS GIVEN FOR FRANK SPENCE TO ASK THE COUNTY TO GRANT THE SPECIAL PERMIT REQUEST ON BEHALF OF THE TOWN COUNCIL'S APPROVAL

Mr. Brier said I want the Town to be able to utilize the facility that I built there and to do something for the Community to be able to help kids off the street and have a place to learn the responsibility of taking care of animals. He said the arena is very large and meets all the specifications of the PCA.

Mayor Browning said my personal comment is about Wellington, is this Loxahatchee Groves, and when I see something like Wellington Animal Hospital or Wellington's Edge Hay and Feed it really upsets be because we are a Community that has been here so much longer than Wellington it is unreal, so it sticks me when I see something called Wellington.

Mr. Brier responded when you cross over Southern Boulevard and Binks Forest it is Wellington right there, that was what we thought about when we were thinking about, it wasn't to offend anybody.

Mayor Browning said it is almost like saying we are not here and we are the edge of Wellington.

Frank Schiola, 13434 Marcella Boulevard- said we asked the County to do Code Enforcement at one time and they said no. He said we asked them to do Building and Zoning and they agreed and we paid them and now they aren't going to do it. He said my question for the Council is what if the Town has something going on, that they need a Special Permit for on a dirt road, are we going to have the same problem, we are a municipality and you guys are here to make the decisions and I think to go ahead and rely on the County is ludicrous. He said we are our own people and they told us we really don't want anything to do with you anymore, yet they want to go ahead and hold us to this one simple rule. He said the PCA rodeo it is a nationwide thing and people come from all over for this, and if you put this on the map for Loxahatchee Groves, it could be an annual event to bring people in for the weekend. He said people come in for this and want to spend their money locally while they are here. He said it is a win, win situation and you are dealing with the traffic, but it is so close to Southern it really isn't a problem. He said I don't see a lot of people going down B Road to Okeechobee when Southern is right there. He said I do think you should have consensus for this and I do believe if the Town Manager goes and makes a call

Mr. Brier resounded the PCA has asked me to do this 3-4 times a year because they don't have anyone in Palm Beach County doing PCA rodeos or anyone with a facility quite like that.

Mayor Browning moved to Item #16.

16. Public Comments

Marge Herzog, 966 A Road- said I just wanted to let you know that the Census sent maps of Loxahatchee Groves and all of the roads and they asked for verification of the names being

correct and if there are any multiple names that they be included on these maps, as well as, any significant private roads that should also be included on these maps. She said I read through the manual and I realized that rather than reinventing the wheel, we already have the CERT manual that has these maps and could with a little bit of effort add the private roads that are being requested added to this, so Ken has agreed to look over the manual and work with me and the Census people to try and get these up to date and get them back in a timely manner. She said and we asked Town Manager Frank Spence to see if he could locate the CD which they said was located in the map packet and it wasn't there. She said so I am looking for approval from the Town Council for Ken and I to be allowed to do this.

GENERAL CONSENSUS WAS GIVEN FOR MARGE HERZOG AND KEN JOHNSON TO DO THE CENSUS WORK.

Ms. Herzog said the other thing to update on is the American Legion and we are working to get the ability to subdivide that one acre out of that 12 acre parcel and we are working with a Land Planner to see what the impact is of that one acre being removed and what happens to the other eleven. She said we are making arrangements to get Committees together to get the land cleared and we have been talking to the Water Utilities about the water and sewer connection and it seems like all the sewer connections that are going to be done because it is a force feed line will be estimated at \$50,000.00 per destination. She said we are also working on getting a culvert to get to that property which is about 1, 250 W of C Road Canal.

Councilman Louda asked so you are still going forward with that one acre that is on C Road and Okeechobee. He said and he has a total of 12 acres, so he won't drop between the 1 and 10.

Ms. Herzog said the one acre on Southern they wanted us to get the Council to agree to double the density and allow them to have two stories and all different kinds of changes in order to give us the use of that one acre, and they wanted to have control over what went on at the facility forever. She said the other thing is the Chamber of Commerce started erecting their building today.

Ken Johnson, 15409 Collecting Canal Road- said I am interested to know with this particular rodeo, what are the hours of operation, noise levels, and does he have enough parking capacity to keep parked vehicles off of B Road, because previously it has been somewhat of a problem.

Councilman Louda asked what type of previous problem.

Mr. Johnson responded vehicles parked on the road.

Seth Brier, 556 B Road- responded that has never been a problem. He said first of all, I've never had any vehicles parked on the road, it is 15.5 acres and there is more than enough room to park any vehicles. He said several of the local businesses that are all in this area and are the same sponsors for the rodeo that are trying to promote their businesses as well and come out and give out stuff to the Community folks to introduce themselves. He said we've got Vinceramos, which is a therapeutic riding center, Horses for Handicapped, and the Adopt a Pet Center which will help people in taking their animals and in getting rid of their animals that they can't afford anymore. He said this is a good thing rather than a bad thing. He said Ken has been riding me hard for 5 years since I've been here, with my trees and my Grand Opening Event, and everything else, but I've never left any trash out there and I've tried to beautify it and keep a very clean facility there. He said I built it with my blood, sweat, and tears and with two-

three hurricanes back to back; we didn't get enough insurance money for the barn to rebuild it after it was destroyed, it's been all out of pocket. He said it's been a rough time, but God's with us and we are trying everyday to do the right thing for the Community.

Mayor Browning moved to Item #17.

17. Town Management Comments

There were no comments. Town Manager Frank Spence said he made his during Item #13-Administrative Update.

Mayor Browning moved to Item #18.

18. Town Attorney Comments

There were no comments.

Mayor Browning moved to Item #19.

19. Town Council Member Comments

Vice-Mayor Lipp said I would like to have on a Future Agenda discussing Noise Ordinances and the problem of noise.

Town Manager Frank Spence said there was a recent article in the paper on the City of Lake Worth and the problems they were having with noise, but it was relating to night clubs and their decibel meter readings.

Vice-Mayor Lipp responded we should have two Noise Ordinances, one patterned after Port St. Lucie with low base and basically if a PBSO is sitting in a car on the side of the road he can just look at it. He said I forwarded it to Town Attorney Mike Cirullo.

Town Manager Frank Spence responded it would be a decibel meter.

Mayor Browning said no, base doesn't record.

Vice-Mayor Lipp said and the other would be just a standard Noise Ordinance like the one for Palm Beach County. He said and I would like us to look into light pollution, because these are things we really can't put in the Land Development Regulations. He said also just for those here, as I talked with the Palms West Chamber Representative is the Ethics Commission and the Independent Inspector General Ordinances are coming up for two separate readings, December 1, 2009 and December 15, 2009 and we need to let the County know in a loud and clear and unified voice that this has to be independent and not that the Ethics Commission can appoint them and then the County have the final say in confirming them. He said that is just like the fox watching the hen house and this has to be a totally independent Commission. He said we had a Resolution that we gave them when they heard this back in July and I think maybe we probably should just send them that Resolution again, but for everybody sitting here to know, this will come around in 2010 as a Charter Amendment and since we are a municipality we will be able to vote and I think that any Town that stands out there and says, no we don't want to behave

honestly, those public servants should be kicked out of office. He said this is a crucial issue for this whole County that we really need to address and make sure they hear in a loud and clear voice-Independent Inspector General.

Councilman Jarriel said when we became a Town it bothered me that we quit using County Code Enforcement Officers and year after year we spent a fortune to a firm South of us for Code Enforcement and Special Magistrates and stuff like that, because we were told the County wouldn't service anymore when we became a Town. He said and if that was true, we have an opportunity here, and we say we want to bring the Community together, equestrians, land owners, AG people of all different types. He said and we finally had an opportunity to bring something into Loxahatchee that could bring a lot of money in the future and we talked about Southern Boulevard Corridor and what we want up there, now a rodeo to me would be outstanding for all the equestrian people and for myself and my family and anybody else. He said I think a rodeo would be great. He said I think we are fixing to pull out like the County did with Scripps. He said they had a great opportunity for our kids in high school to leave high school and go to work with Scripps, but because the County basically gave them a raw deal and beat around the bush, they are up in Jupiter now. He said the people love them and what it is doing for the Community up there and I see the same opportunity with this rodeo situation. He said my main concern with the rodeo situation would be PBSO control and it is a shame because we don't have a paved road that we allow the County to get away with that garbage. He said now I am hoping that when our Town Manager goes to them and expressed our CONSENSUS that we feel like we would like to see it, mainly for the opportunity to help this Town progress and give us something that is going to relate to Loxahatchee, a rodeo rather than warehouses for storage and stuff like that, so personally I hope that when Frank Spence goes back that he can express it enough, especially with the County Commissioners that so they will make a waiver here. He said and I personally would like to see the Town Council make a decision as a Board that would benefit the residents of Loxahatchee, and maybe prepare for something we could use in the future that would be advantageous to us-that's my main concern.

Councilman Liang said I just want to reiterate with what Councilman Jarriel said and I think this event that could possibly happen here- it really fits Loxahatchee. He said and to have a legal rodeo, that is even better. He said we all know we have rodeos here, but they are really not sanctioned. He said I see a lot of faces here and a lot of people have brought their concerns regarding the survey we put out and I just want to tell the people that we as the Town Council want to do what is in the best interest for the people out here.

Councilman Louda said when this event goes forward, and I hope we can convince them, hey this is our Town, not your County, what I would suggest is that they work with PBSO to try and dissuade all traffic north of that on B Road and get it down to Southern. He said maybe speed traps north on B and E to Collecting and I know that Ken is on N B Road and the traffic that day is probably going to bother him. He said and actually one of Ken's questions-hours of operations was not answered.

Mr. Brier responded it would be Friday at 8pm, Saturday at 2pm and 8pm, and Sunday after church. He said 8pm is the start, but the rodeo doesn't last very long. He said I can give you all the times and the particulars, and just so you know I am the only property from Southern all the way to Collecting Canal and there are no neighbors in front of me, behind me, or on the sides.

Mr. Johnson pointed out two residences along the side.

Mr. Brier responded those are the only residences and I own them and I don't have a problem with it.

Councilman Louda asked about the times again and said I'm not sure how the 8pm works with everything

Mr. Brier responded if we have to change the times, we can, but that is the way the PCA does it. He said it is a Saturday night.

Mayor Browning said thank you everybody for coming out-we got a good crowd. He said I am like Vice-Mayor Lipp, I have some trepidation and I want to make sure we get everything covered-don't be afraid to call one of us for help.

Mayor Browning moved to Item #20.

20. Adjournment

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

There being no further discussion and no additional public comment the meeting was adjourned at 9:35p.m.

MAYOR DAVE BROWNING

ATTEST:

Frank Spence, Town Manager

Date Approved