



Loxahatchee Groves Town Council

Regular Town Council Meeting

Tuesday, October 2, 2007

Loxahatchee Groves Water Control District Council Chambers

7:00 PM – 10:00 PM

Members Present:

Dave Browning, Mayor

Marge Herzog, Vice-Mayor

Dave Autrey, Council Member

Dennis C. Lipp, Council Member

Dr. J. William Louda, Council Member

Members Absent:

None

Others Attending:

Michelle Kantor (NCS)

Matthew Lippman, Interim Town Clerk (NCS)

Dr. Irv Rosenbaum, Interim Town Manager (NCS)

David N. Tolces, Esq., Town Attorney

Members of the Public

A meeting of the Loxahatchee Groves Town Council was held at 7:00p.m. on Tuesday, October 2, 2007 at the Loxahatchee Groves Water Control District Council (LGWCD) Chambers; 101 D. Road, Loxahatchee, FL.

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

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

5. Approval of Agenda

The Mayor stated there would be an addition to the agenda. A gentleman from the health department would be speaking. He also said that since the gentleman was a county official, he could do his presentation at the beginning of the agenda.

Vice-Mayor Marge Herzog MOTIONED to Approve the agenda with the noted changes, SECONDED by Councilmen Dave Autrey and the MOTION passed unanimously 5-0.

Consent Agenda:

6. Approval of Minutes from:

a.) September 18, 2007 Town Council Meeting

Councilman Lipp noted that page 6 was incorrect, he added that the 3rd paragraph referred to an article in the Sun-Sentinel by Elise Ryan and it should have said quoted by Elise Ryan in the Sun-Sentinel. He also noted that on the same page it says unconscious where it should say conscious. Another note was that in the middle of page 11 where the dollar amount stated \$3.22 it should be \$322.00. He then asked Councilman Louda to explain on page 16, 2nd paragraph where it said to protect sheds if it should be water sheds and Councilmen Louda said correct. His last correction was on page 17 where it said Item #19 was tabled, he stated that it wasn't tabled it was just included with another item on the agenda.

Councilmen Autrey noted that page 10, 2nd paragraph should read from being a thoroughfare map instead of a thoroughfare ramp. He also noted that page 11, 4th paragraph should read notice with the invoice, not sending an invoice or notice. Another note was that page 16 where it reads Mayor Browning tabled-it was Bill who made the motion. On page 18, motion should read that it passed unanimous-not 3-2 for Chamber of Commerce. Lastly, he noted that on page 11, at bottom per delivery-should read picked up not delivered.

Vice-Mayor Marge Herzog then stated that she had already sent her corrections in to the Town Office.

7. Expenditure Report

Item approved with Consent Agenda.

8. PBC Planning, Zoning, & Building Town Report

Item approved with Consent Agenda.

Councilmen Dave Autrey MOTIONED to accept Consent Agenda, Items 6-8 with corrections to minutes as noted, SECONDED by Vice-Mayor Marge Herzog and the MOTION passed unanimously 5-0.

Regular Agenda:

Phil Levenstein from the Palm Beach County Health Department began his presentation by thanking Ken Johnson (CERT Team) for introducing him to the Council. His presentation was on Mass Antibiotics Dispensing. He explained that he would like the Town of Loxahatchee Groves to become a POD (Point of Dispensing) for mass antibiotics in emergency situations such as Anthrax, or Aviary Flu. He explained that we (the town) would provide the staff of volunteers and the Health Department would provide the location.

The volunteers could be any residents of the town, however, the person dispensing the medication must be certified by the state ex: a pharmacist. The volunteers would benefit because they would receive first priority medication for themselves and their family members.

Councilman Lipp MOTIONED to put item on Agenda for approval at the next meeting, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

9. Conditional Use Approval:

a. **(Control No.2006-248) Application No. CA-2006-734 (Planet Kids XII LOX)**

GENERAL LOCATION: North side of Okeechobee Boulevard approximately 925 feet west of "C" Road. (Planet Kids XII LOX).

TITLE: Class A Conditional Use **REQUEST:** To allow a daycare, general.

APPLICATION SUMMARY: Proposed is a Class A Conditional Use for daycare, general. The Conceptual Site Plan indicates a 2,600 square foot daycare center for 60

children. A total of 36 parking spaces are provided including 8 drop-off spaces, with one access point off of Okeechobee Boulevard

Town Attorney David Tolces begin the proceedings by outlining the process for quasi-judicial hearings. Since this was the Town's 1st Hearing, he outlined the process in detail. A quasi-judicial hearing checklist was provided to proceed. Any citizen that was attending the hearing on behalf of the client was asked to rise and be sworn in. Ms. Shelley Eichner, from Calvin-Giordano, was sworn in.

Mayor Browning called on Ms. Shelley Eichner to come up and speak. She explained what a conditional use is. She also noted that the site plan would be going through a formal final review if the conditional use is approved. She then suggested holding off on the conditions of landscape requirements, lighting requirements, signage, and use limitations until the final site plan review, and to see if the applicant will come back and present the site plan for further review to the Town Council at a later time.

Councilmen Autrey asked if this included the comments from ERM.

Mr. Tolces explained that these were cited on an email that they had received from Jon McGillis.

Ms. Eichner also mentioned that the Council could discuss preserving the trees on site now or as part of the site plan, stating that they might want to include that as conditions now so the applicant couldn't go and take down the trees before the final review.

Mr. Kevin McGinnley then took the stand to represent Planet Kids. He explained that because of traffic restraints on Okeechobee Blvd, the daycare could only be 2600 square feet and have 60 children. He stated that he thought it was an excellent idea to come back to the Council with the site plan. He said the porches and such would conform with the Loxahatchee overlay.

Vice-Mayor Herzog questioned that in the report it called for 43,560 square feet and was that at build out if concurrency increased.

Mr. McGinnley replied that the figure she mentioned is a maximum figure the county would allow and repeated that his client is only asking for 2600 square feet.

Vice-Mayor Herzog then asked about what conditions on traffic has the county placed on the project.

Mr. McGinnley replied that with only a 60 person day care there was no need for any additional turn lane or a traffic calming device.

Vice-Mayor Herzog questioned the extended hours mentioned in the plan.

Mr. McGinnley explained that people who work night shifts or extended hours might need the extended care. He said it would depend on the demand from the people in Loxahatchee Groves. He just wanted the latitude to talk about it at final site plan approval.

Vice-Mayor Herzog also questioned that when the plan says 60 children, does it mean 60 total enrolled.

Mr. Mc Ginnley said yes.

Mayor Browning questioned the number of staff that will be in and out during a day.

Mr. McGinnley said probably 5-6 staff members a day.

Councilmen Lipp asked about meals.

Mr. McGinnley said there would be no food preparation on site and the families would send the children with their meals for the day.

Mr. Tolces offered members of the public to come up and offer their opinions.

Ron Jarriel, 2800 101st Terrace North- he questioned the part of the county staff report relating to the requirement to give up right of way easements to the county, his question being shouldn't it have to go through the town since it is now incorporated, and Councilmen Autrey said he had the same question.

Mr. Tolces indicated the county does have rights.

Ron Jarriel- stated that if they are requiring the easements to be given up, then we must aggressively approach the County, simultaneously, to consider the roundabouts on Okeechobee within the Town boundaries that we desire.

Linda Isaacs, Marcella Boulevard- stated that she thought they should put a fence around the entire property because of wild animals and a fear that one could attack a child. She also stated that she was nervous about traffic being allowed to go left or east, and that she thinks it should only be able to go right or west.

Ken Johnson, Collecting Canal- stated that he had several questions for Mr. McGinnely. He first questioned how many kids would be in a classroom at one time and indicated that the county has very strict guidelines as to how many square footage per student is allowed. He said that 60 students seemed low to make it economically feasible. He asked how many trips a day would be taken to the school

Town Clerk, Matthew Lippman responded that the staff report indicated 144 trips per day.

Mr. Johnson then asked if they reduced the size of the day care center to avoid putting in turn lanes.

Mr. McGinnely said no. He also answered Mr. Johnson's first question by saying that the 2600 square feet figure is with the common areas of classrooms and bathrooms taken out. He stated that they would have liked to have more than 60 children.

Mr. Tolces asked Ms. Eichner to review what the motion included relating to the conditional use approval and items requested to be brought back for final site plan review.

Ms. Eichner then outlined that the conditional use had been approved along with the ERM recommendations with the exception of the conditional usage relating to landscaping, lighting, signage, and use limitations.

Vice-Mayor Marge Herzog MOTIONED to accept the conditional use approval as received by staff, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

10. ORDINANCES/RESOLUTIONS:

a. ORDINANCE NO. 2007-07 (1st reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR A **MORATORIUM** CONSISTENT WITH THE TOWN CHARTER ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS, AND APPLICATIONS FOR AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN, WITHIN THE CORPORATE BOUNDARIES OF THE TOWN; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Tolces passed out the correct version of Ordinance No. 2007-07.

Mr. Tolces conducted the 1st reading of Ordinance 2007-07.

Mr. Tolces advised council to add an exemption to this ordinance that would allow any uses that have already been approved by Town Council will then have the ability to come back to the Council for a final site plan review. This will allow Planet Kids to come back for a final site plan review.

Mr. Tolces stated that under Section 3 which is exemptions from the Moratorium, language needs to be added that would address any applications for conditional uses approved by the Town Council subsequent to October 1, 2007 that would allow for final site plan review.

Mayor Browning asked if there were any additional comments from the Council.

Mayor Browning asked if there were any additional comments from the Public.

Councilman Louda MOTIONED to accept Ordinance 2007-07, SECONDED by Councilman Autrey and the MOTION passed unanimously 5-0.

b. **RESOLUTION NO. 2007-13**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING THE 2007-2008 SOLID WASTE **COLLECTION AND RECYCLING SERVICE RATES** FOR RESIDENTIAL SERVICE WITHIN THE TOWN OF LOXAHATCHEE GROVES; AUTHORIZING THE ISSUANCE OF BILLS TO COLLECT THE SOLID WASTE COLLECTION AND RECYCLING SERVICE FEES FROM PROPERTY OWNERS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Tolces conducted the 1st reading of Resolution 2007-13.

Mr. Lippman explained the percentages on Exhibit A.

Councilman Louda MOTIONED to accept Resolution 2007-13 with a 3.5% add on, SECONDED by Vice-Mayor Herzog.

Mr. Lippman mentioned that there had been several calls to the Town Office from people who were confused on their property tax bills. He explained that this year the residents will see a charge of \$180.00 for solid waste assessment, and then will receive an additional bill from the Town for \$329.13. The total of the two bills together will have gone up \$11.00 from the previous year.

Mayor Browning asked if there were any additional comments from the Council.

Mayor Browning asked if there were any additional comments from the Public.

MOTION to approve Resolution 2007-13 with a 3.5% add on passed unanimously 5-0.

11. Land Design request to conduct presentation to Council regarding the Simon Property, NW Corner of B Road and Southern Blvd

Town Manager, Mr. Rosenbaum started by saying he was contacted by Simon Property and they had requested to present to the Council a variety of uses that could potentially occur on the site. Mr. Rosenbaum stated that he asked them to put their request in writing.

Mr. Tolces said the Simon Property was excluded in the Town Charter. He also asked the Council if they would like them to come to a meeting and make a presentation or would they prefer to have them take part in the Comprehensive Planning for the Town.

Councilman Louda said he would be willing to listen to them and see if they have any new ideas.

Mayor Browning agreed and asked if the Council would be able to make recommendations to them or just listen. He also said we have had plenty of meetings to try and compromise with them before.

Vice-Mayor Herzog said this area is not zoned for commercial property anyway.

Mayor Browning stated that we just set up a Moratorium for the Town. He doesn't know if anything is to be gained from this. He said we need to go back to the Neighborhood Plan.

Town Clerk Lippman said that we should invite them to be part of our strategic visioning process. Town Manager Rosenbaum agreed with Mr. Lippman.

Mayor Browning asked if that was the consensus of the board and they agreed

12. Comprehensive & Facilitator Information:
a. RFP for Facilitator and Planning Firm

Town Clerk Lippman started by saying that Item 3, (Pages 2-3) needed to be more specific. Councilman Autrey said that environment needs to be in the conversation. He also asked if we were trying to eliminate the number of applicants by using a 3-year contract.

Town Manager Rosenbaum said they could decide to a 5-year contract if they wanted to.

Councilman Autrey MOTIONED to discuss the Request for Proposal for Visioning Process and Strategic Planning Services, SECONDED by Councilman Louda.

Town Clerk Lippman said that this would be put in the local newspapers and on the website.

Councilman Autrey asked about the proposals we have already received.

Town Manager Rosenbaum said that the people would have to re-submit those.

Mayor Browning asked if there were any additional comments from the Council.

Mayor Browning asked if there were any additional comments from the Public.

MOTION to put out the Request for Proposal for Visioning Process and Strategic Planning Services passed unanimously 5-0.

b. Presentation by Dr. Irv Rosenbaum

Town Manager Rosenbaum said we must define how we want our community to look in the future. We will be going over the visioning process and how it would work. We must define how we want our community to look in the future. We are strongly recommending the American Assembly process. There are 2 parts to this process. The first is background, we have the documents to incorporate here, second is policy statements. This has been done many times before in different communities. We would divide this into topics such as, background and image, education, history, government, public safety, infrastructure, and code of ethics. We have unique ways that the Town operates. You would need a Chair and a Facilitator. The Facilitator would be a neutral party who manages and moves the process along. The Chair would conduct the planning session where the policy statements are adopted. The Chair is usually a community leader. The planning session would be governed by Robert's Rules of Order which is a strict way of governing a meeting. The document creates record of what you are doing, it produces a product visioning. He said Davie is similar to the Groves in many ways.

Councilman Lipp asked where we were going to do this.

Mr. Rosenbaum answered maybe a school or Palms West.

Mayor Browning said it is important we work with everyone on this.

Town Manager Rosenbaum said that there would be a steering committee so no one is left out.

Councilman Autrey asked if we need to specify a visioning process. It was replied that we should leave this open so we can gather as many ideas as possible.

Town Manager Rosenbaum asked if anyone had any questions.

Councilman Lipp asked if we will have a budget for marketing this. It was replied that this was incorporated into the budget already.

Mayor Browning said we need to extend this to the nurseries and to get as many people involved as we possibly can.

Town Manager Rosenbaum said we need to stick to core community issues and not get roped into large environmental issues.

Councilman Autrey asked if this proposal lets the applicant bid on pieces of this. He asked if we need to specify the American Assembly process. It was replied that it wasn't possible to bid on separate pieces and in addition, we didn't need to specify the American Assembly Process.

Councilman Lipp mentioned the Southern Boulevard Corridor Study.

Town Manager Rosenbaum said his strong suggestion would be to work around what we have.

Mr. Tolces said the Council would have the opportunity to interview. You can speak with these people to get their opinion as to why they feel that their process and their proposal work best for you.

Councilman Autrey said that he thought it would be nice if the plan could be revisited after 5 years.

Councilman Lipp said Tom Pelham of DCA is telling counties that they can only revise their Comprehensive Plan 1x per year or 1x every other year.

Mayor Browning thanked Town Manager Rosenbaum for his presentation.

13. Solid Waste Services:
a. RFP for 2008-2009 Services

Town Clerk Lippman started by saying that he hoped the Council would make a motion to approve the Request for Proposal for Solid Waste Services for 2008-2009 Services. He told the Council their comments were welcome.

Councilman Lipp said he had a couple of comments. First, on Page 18 where it says receiving a certificate of occupancy from the town, we don't issue CO's do we?

Mr. Lippman replied that is through the county on behalf of the town.

Councilman Lipp said he assumed by Exhibit A that we were discussing how many pick ups' per week.

Mr. Lippman said that we had to cover all the bases and provide the maximum information here. We need to look at all opportunities.

Councilman Autrey asked Mr. Tolces to elaborate on Page 21, Item 29 Franchise Fee.

Mr. Tolces replied that it pays the Town revenue for costs it might incur from maintaining the rights of way used by the trucks that provide the service.

Town Clerk Lippman said it was just a standard to put that in the RFP, and that they could decide later what and if there should be a fee. He said this is just a sample agreement and we are not guaranteeing we are going to do this.

Mr. Tolces said if you feel strongly about this we will take this out and it won't be part of the bid, and the prices will probably be less.

Councilman Lipp said we should point out that there won't be a franchise fee.

Mayor Browning said he didn't think there should be a franchise fee and he would rather save our tax payers the money.

Councilman Autrey questioned the section about the hauler providing a standardized container. He also questioned the mechanically serviced idea. I could see where there are residents where that would work for him, but not me.

Mayor Browning said that Councilman Autrey was correct and that many residents have to haul their garbage a long distance to the curb.

Mr. Tolces said that the Council needed to address if they wanted the contractor to provide the standard containers. He said that staff would delete anything referring to the contractor providing the container for residential service.

Vice-Mayor Herzog said it wouldn't work in our neighborhood.

Councilman Louda said that they would need a hard surface for the cans to stand up right.

Councilman Autrey said the reason in doing this is to negotiate a better price, but that he did not feel that it would work for the Town.

Mayor Browning said if it puts a greater burden on the people who live here it is not worth the better price.

Councilman Louda said they were getting the better price without having the franchise fee.

Mr. Tolces repeated that staff will take out any reference to standardized containers.

Mayor Browning asked if there were any additional comments from the Public.

Councilman Lipp MOTIONED to accept the Request for Proposal for Waste Services with removing the franchise fee, SECONDED by Councilman Louda.

Mayor Browning asked if there were any additional comments from the Council.

Mayor Browning asked if there were any additional comments from the Public.

MOTION to put the Request for Proposal for Waste Services with removing the franchise fee passed 5-0.

14. Land Use Plan Amendment Update

Mr. Tolces said they are moving this Item to the next agenda.

15. Process for retaining the services of an Audit Firm

Mr. Tolces said he provided a memo that said we need to retain the services of an Audit Firm to provide for the annual audit of the Town's finances. I had conversations with the Town Manager about getting a Request for Proposal together for this. You would publically interview them at a Town Meeting.

Councilman Louda MOTIONED to establish the Town Council as the auditing committee, SECONDED by Councilman Autrey.

Mayor Browning asked if there were any additional comments from the Council.

Mayor Browning asked if there were any additional comments from the Public.

MOTION to establish the Town Council as the auditing committee passed unanimously 5-0.

Mayor Browning said to check with The Water Control District because they have had excellent luck with auditors in the past. You might want to look at their Request for Proposal.

16. Code Enforcement

a. Special Magistrate Resumes and Proposals

Mr. Tolces explained that the Town had 3 resumes for these services.

Councilman Autrey MOTIONED to authorize the Town Council to retain all 3 attorneys, SECONDED by Vice-Mayor Herzog.

Mayor Browning asked if there were any additional comments from the Council.

Mayor Browning asked if there were any additional comments from the Public.

MOTION to authorize the Town Council to retain all 3 attorneys passed unanimously 5-0.

b. Code Enforcement Update

Town Clerk Lippman referred to the chart in the agenda packets listing any open or closed complaints. He said he wanted to follow up. He mentioned the concerns on C Road about it being used as a transfer station. The Town Office has received several complaints about the trucks on the property that are using large cranes to transfer the vegetation. The trucks advertise a company called Pishon which is a sub contractor of Onyx.

Councilman Lipp said they were also doing this at F Road and Collecting Canal but that site was shut down.

Councilman Louda asked what type of trash we are talking about.

Councilman Lipp answered vegetation.

Councilman Lipp asked about the violation on vehicles.

Vice-Mayor Herzog asked if the 2 structures at B are in violation.

Town Clerk Lippman responded and said that they can't be in code violation because all that is happening is building. The important thing here is if I build something that looks like I am going to store something there you can't say they are going to. Once the building is built then we can follow-up and see if they turn it into something that is not a permitted use.

Vice-Mayor Herzog asked if we have seen the permits for these buildings.

Town Clerk Lippman responded that yes the permits have been pulled and reviewed by Code Enforcement. We followed up with the County that these permits were valid.

Councilman Louda asked about the big garage on F Road and Collecting Canal.

Town Clerk Lippman said those permits have also been pulled and checked. I spoke with Rebecca Caldwell today and she assured me that she would let us know when any permit is pulled pertaining to the Groves.

Town Clerk Lippman said that with our ILA with the County we need to utilize their resources but also consider a community process.

Vice-Mayor Herzog said that this is important because we have residents calling us and asking us if specific things are in code.

Councilman Autrey said to tell them to call Matthew.

Town Manager Rosenbaum said in working with Jim Fleischman we will have some recommendations and information in this area.

Mayor Browning asked if there were any additional comments from the Public.

17. ILA between the Town and LGWCD for traffic signs

Mr. Tolces said they received a copy of the existing ILA and used that as a template to design this ILA.

Vice-Mayor Marge Herzog MOTIONED to accept the ILA between the Town and LGWCD for traffic signs, SECONDED by Councilman Louda. Discussion was then opened:

Mayor Browning asked who we go to for the signs.

Town Clerk Lippman said that it was his understanding in conversations with Clete that he had a 1-2 year supply of signs that might be needed, and once that supply runs out then the Town would be responsible to communicate with the County to order them.

Ron Jarriel-When you see a sign that needs to be replaced, please call in and put a work call in to Lynette and I will personally see it gets taken care of. I was unaware we had a 1-2 year supply of signs, but I will check. The more signs we get up now the more we will have in stock.

Councilman Autrey asked who would do the requests for the signs.

Mr. Tolces said that between the Town and the Water Control District it will get taken care of.

Mayor Browning said that most of the requests would come from residents when they see the signs down.

Town Clerk Lippman said there are two issues here, one being about putting a new sign up that has never been there before and the other is for maintenance of signs already posted.

Councilman Autrey verified that this is strictly a maintenance agreement.

Linda Kern, 13576 Fox Trail-This is my first meeting so I have questions. When you are talking about replacing signs are you talking about signs about equestrian trails. Is there any way to reduce the speed on F Road, or is there any way to slow these people down?

Mr. Tolces said this comment would have to go through another process. This ILA is for maintenance of existing signs.

Councilman Louda asked if the speed limit could be 25 for all dirt roads in the Groves.

Mayor Browning said the horse issue is different and that will come from education and that people need to realize 25-35 miles per hour past horses is too fast. People need to have courtesy.

Councilman Autrey said this was Ms. Kern's point and could we have a sign educating the people. He suggested putting this item on a future agenda.

Mayor Browning asked if there were any additional comments from the Council.

Mayor Browning asked if there were any additional comments from the Public.

MOTION to accept the ILA between the Town and the LGWCD for traffic signs passed unanimously 5-0.

18. Water Conservation and Storage for the Future

Councilman Louda referred to a study done by Bill Gurney. We need to stay pretty saturated. We might think about buying land to put in a lake for water retention. We need to look at recreational grants and cost sharing with an entity to do something about this. We need to think about the future and holding our water. Someday we will have dry canals.

We probably need to address this in a workshop or put on a future agenda as a longer item. Everyone thinks that global warming is such a hot issue, the key environmental issue up and coming is water.

Mayor Browning asked if there were any additional comments from the Council.

Councilman Autrey referred to Bill Gurney's study as long term and said we need to figure out what we are going to do short term. What Bill is bringing to our attention is what can we do ourselves to protect our water. We need to work with LGWCD with what we need to do to keep higher elevation in our canals. I know they are concerned with drainage-that is their job-they are a drainage district, but hopefully we can have a conversation and come to some agreement as to what is an appropriate level of water in canals and to try and retain water when we get it. Hopefully we can do this in a workshop, and do it constructively. I agree with the workshop and think we should do it very quickly. Maybe we can get grant money, maybe we can work with the County. This is a big part of the Comprehensive Planning and as we move forward this whole storing of water is a big part of it. I like Bill's idea of land where we could store water. Maybe through grants we could get a wetlands area.

Councilman Louda said that there are 2 negatives that the District will be hit with over and over again. First is from nurseries with ingrown plants, and second, puddles.

Councilman Autrey said to make sure that Bill Gurney's study gets on the record.

Town Clerk Lippman said he had the opportunity to sit with Clete and that he had a copy of the study and that he apologized for not being able to attend the meeting tonight. He then asked Ron Jarriel when the next LGWCD meeting is. Clete has indicated this is a very important meeting where a lot of these issues will be discussed, and he highly recommends people attending the meeting.

Mr. Jarriel answered next Monday.

Mayor Browning asked if there were any additional comments from the Public.

Ron Jarriel, 2800 161st Terrace North –What everyone needs to realize is that Lake Okeechobee is low because they are dumping water out and not pumping it back in. If we try raising the water we will have complaints from the residents. If they have proper drainage there won't be any complaints. The rain we have had the past couple of days will balance it out. We need to explain to the people why we don't hold water yet we are on water restrictions. We have plenty of water storage areas in the Groves, we don't need to go digging land.

Councilman Autrey said this year the Legislature gave other Water Control Districts money for projects.

Mayor Browning said the County is in the same boat we are. When they get 3" of rain they are flooded.

Bill Gurney-South Florida Water Management is saying that municipalities will no longer be handled by them and they must seek alternative methods. We need to look into the fact that there are monies available for Florida. With our density and our population we are going to be the low man on the totem pole for water from South Florida in the next drought. If we want to drain our canals now instead of letting the vegetation rehydrate then we are going to be in worse shape then we were last year.

Councilman Louda said that we need to look at the rain patterns this year.

Ken Johnson, -3 things, we need to get grant money, imminent Domain, put a 97 acre lake on the Simon Property.

19. Water Utility Discussions with Palm Beach County Update

This item was omitted from the agenda.

20. Application No: CA2006-1930 regarding changing the zoning on several thousand acres of farm land in the EAA from AG to Mining

Councilman Lipp said that originally this was supposed to be on October 25, 2007, but they had asked for 30 more days so it might be on November 27, 2007. He said the people that own King Ranch want to sublease to put in rock pits. They will be able to convert all the big rock pits into holding tanks so that they will be able to release the water into the Everglades at certain times.

Councilman Lipp made a MOTION to have the Town do a Resolution supporting denial of this application, SECONDED by Councilman Louda.

Mayor Browning asked if there were any additional comments from the Council.

Councilman Louda explained that the reason why it is being denied is a hardness issue. Deny it-absolutely.

Mayor Browning asked if there were any additional comments from the Public.

MOTION to have the Town do a Resolution supporting denial of this application passed unanimously 5-0.

Councilman Louda added that he had one more comment and said to go to www.evergladesplan.org to look all of this up.

21. Town Website Update (www.loxahatcheegroves.fl-us.gov)

Town Clerk Lippman showed the first page of the new website on the screen for everyone to see. He said it would be set up by Thursday, October 4, 2007 and that after the documents are uploaded to it that it would be ready to go live by Monday, October 8, 2007. He showed how it would be constructed. Councilman Louda asked what the website address would be. It was stated that it will be www.loxahatcheegroves.org

22. NCS Management Report

Town Clerk Lippman said that this was submitted with the agenda packets and did not need to be discussed.

23. Public Comments

Mayor Browning said he didn't have any Public Comment Cards for now, and that the ones turned in had already spoken.

24. Town Clerk Comments

Town Clerk Lippman said he will be bringing up at the next meeting the talks he has had with Ken Johnson regarding the CERT team and a Hurricane or Disaster Plan for the Town. He also said he wanted the Public to know that if there are any documents or feelings they want

included in the Comprehensive Plan to send them to him and he will compile them and present to the Council.

25. Council Member Comments

Councilman Lipp-None

Councilman Autrey-None

Vice-Mayor Herzog-None

Councilman Louda-None

26. Town Attorney Comments

Mr. Tolces said he needed to submit a witness list for the Sector Plan Hearings coming up in November. .

**Vice-Mayor Herzog MOTIONED to retain the services of the suggested parties
SECONDED by Councilman Autrey.**

Mayor Browning asked if there were any additional comments from the Council.

Councilman Louda asked if these witnesses will be able to talk with the Town.

Mr. Tolces reminded the Council that Ms. Eichner has been to every Town Council Meeting. He reminded the Council that the Second Ordinance Workshop would be the following Tuesday, October 9, 2007 at 7PM. He said he would not be present for that meeting but that Jacob Horowitz would be here instead to represent his office .

Councilman Autrey asked about the items that have already issued complaints.

Town Clerk Lippman said that many of the issues that will come up directly impact the ULDC and we are not in the position to change that at this point.

Councilman Louda asked if Mr. Lippman would be sending out information for the upcoming meeting.

Town Clerk Lippman said yes he would be sending out information.

MOTION to retain the services of the suggested parties passed unanimously 5-0.

27. Adjournment

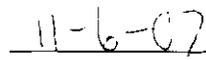
Councilman Louda MOTIONED to adjourn meeting, SECONDED by Vice-Mayor Marge Herzog and the Motion passed unanimously 5-0.

There being no further discussion and no additional public comment the meeting was adjourned at 10:30 p.m.

ATTEST:



Matthew Lippman, Town Clerk



Date Approved