



Loxahatchee Groves Town Council

Regular Town Council Meeting

Tuesday, November 20, 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; "Council," "Board," or "Committee" was held at 7:00p.m.on Tuesday, November 20, 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 7:02 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.

5. Approval of Agenda

Councilman Louda MOTIONED to approve the agenda, SECONDED by Councilman Vice-Mayor Marge Herzog and discussion was then opened:

- Mayor Browning asked if there were any additions or corrections to the agenda.
- Councilman Lipp asked if we could add an agenda item to have Indian Trails make a presentation before the Consent Agenda.
- Councilman Lipp also asked to remove Item #18 from the agenda and stated that it had been discussed enough already.

MOTION to approve the agenda with the above additions and deletions passed unanimously 5-0.

ADDITION TO AGENDA: MICHELLE DAMONE AND MIKE ERICKSON-FROM THE INDIAN TRAILS IMPROVEMENT DISTRICT

- Ms. Damone and Mr. Erickson presented the Town Council with a framed copy of a Resolution that Indian Trails passed congratulating the Town of Loxahatchee Groves on its incorporation.
- Mr. Erickson said that the removing of E Road and 140th from the thoroughfare plan is on their agenda. He said their position hadn't changed any and that in his opinion this issue needs to be considered separate from the Sector Plan. He said that a citizen of the Groves, Morley Schloss had approached Indian Trails with a request for a permit to hook up to sewer County lines for Sunsport Gardens. He said a challenge they face is that they respect local government, so if the Town approves this hook up then Indian Trails will consider it.
- Town Attorney Tolces mentioned that discussions have been held with the County on the issues of the water and sewer lines currently located in the Town. He said we want to make sure the permit process is in effect to ensure the Town is protected. He asked for a general consensus to research this.
- General Consensus was given to Town Staff.

- Councilman Louda commented that he would like to have Town Staff restrict the research a multi-use facility.
- Town Attorney Tolces said if we could authorize the connection we will do so as fast as possible.
- Town Clerk Lippman said that now and between the next meeting on December 4, 2007 if you deem this as legal, that you are authorizing Town Staff to move forward on this.
- Mayor Browning said that this is a unique property and we should help them if we can.
- Councilman Louda said the only problem he sees is lines crossing other people's right of ways.
- Vice-Mayor Herzog said it is okay as long as it doesn't jeopardize our fees.

Consent Agenda:

6. Approval of Minutes from:

a.) October 16, 2007 Town Council Meeting

- Vice-Mayor Herzog noted that on Page 24 it should read Fred Rapach. She also noted that on Page 27 Bill Gurney lives on E Road. Another note was Page 28 should read Acts II **OR** Palms West Presbyterian Church. An additional note was that on Page 32, Lines 5-7 should be reworded. On Page 30 she said it should read Halloween party, and say that LGLA is having a speaker on going green. Last she added that Page 32 should say our experience is with aviaries, not read with Gary's Ranch .
- Councilman Louda noted that on Page 32 it should read 93 acres feet.

7. Expenditure Report

8. PBC Planning, Zoning, & Building Town Report

Vice-Mayor Marge Herzog MOTIONED to accept Consent Agenda with changes to minutes as noted and without the Expenditure Report, SECONDED by Councilman Autrey and the MOTION passed unanimously 5-0.

Regular Agenda:

9. Monitoring Time Extension:

(Control No.1998-042) (Application SR 1998-042.5)(FMM 1 LLC)

PROPERTY DESCRIPTION: The property is approximately 1.76 acres and is on the north side of Southern Boulevard, approximately 1,300 feet west of "D" Road.

DEVELOPMENT APPROVAL BEING REVIEWED: Zoning Petition 1998-042 was approved by the adoption of Resolution R-98-1313 on August 27, 1998. The resolution rezoned property to the Community Commercial Zoning District. The zoning action is now being reviewed pursuant to Article 2.E., "Monitoring," of the Palm Beach County Unified Land Development Code for failure to commence development

COUNTY STAFF RECOMMENDATION: Approval of a two-year time extension, from August 10, 2007, to August 10, 2009, to commence development

- Town Clerk Lippman reminded the Council that this project had been before them at the last meeting and we had asked them to come back and provide additional information. He pointed out that they provided the additional information which had been included in the agenda packets for the meeting.
- **Jennifer Vale-Land Design South-** Ms. Vale introduced herself and started by saying that one of the areas of concern was that the property was originally rezoned in 1998 and we are here asking for a 2 year time extension on the zoning of this property. She explained the property's ownership had changed hands and that the new owner had only been working with them since 2004. She said the time extension request is only to maintain the Community Commercial zoning.
- Councilman Autrey asked for an explanation on the difference between Community Commercial and Commercial Low zoning.
- **Kevin McGinley** answered that Community Commercial is usually on a larger scale.

- Councilman Lipp read the definition from the ULDC.
- Vice-Mayor Herzog said some stipulations of the old application had asked for the LGLA to maintain the median planting that was there and the construction of the water system, now there is a sewer line so you wouldn't need that. She asked if this was all going to be reworded.
- Ms. Vale answered yes that those were voluntary commitments from the original plan.

Vice-Mayor Marge Herzog MOTIONED to approve the time extension request subject to the condition that any future site plan transmittal concurs with the ULDC, and with the inclusion of the Rural Vista Guidelines, SECONDED by Councilman Autrey and discussion was then opened:

- Councilman Lipp said he felt the project was too intense for our community and said he would recommend to not approve the extension
- Councilman Autrey said he agreed. He said the County had a different vision then what the residents did which is why they incorporated. He suggested the applicant work with the Town on the visioning process.
- Mayor Browning asked if there were any comments from the Public.
- **Dr. Harlin, Wellington-** Mr. Harlin said he was the owner of the property who was looking to build an office building for his offices. He said he wanted to help increase the tax base and that he is on the side of stopping massive building.
- Vice-Mayor Herzog asked Mr. Tolces if the Council denied the request for extension what would happen. Would they have to start the whole DRO process over again?
- Town Attorney Tolces answered that they would have to resubmit the project to DRO.

MOTION to approve the time extension request subject to the condition that any future site plan transmittal concurs with the ULDC, and with the inclusion of the Rural Vista Guidelines, failed 5-0

10. Conditional Use Approval:

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

Motion for reconsideration

Town Attorney Tolces said the Council had approved Planet Kids conditional use previously on October 2, 2007 with certain conditions deleted from the site plan. After discussions with the County, we need to keep those conditions in there.

Vice-Mayor Herzog MOTIONED to reconsider the site plan for Planet Kids and SECONDED by Councilman Louda passed unanimously 5-0.

Council then asked for clarification on the items removed from the original staff report.

11. ORDINANCES & RESOLUTIONS:

a. **ORDINANCE NO. 2007-07 (2nd reading & Public Hearing)**

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.

- Town Attorney Tolces conducted the 2nd reading of Ordinance 2007-07. He explained the sections that had been changed or added since the 1st reading of the Ordinance.
- **Shelly Eichner-Calvin Giordano-** Ms. Eichner introduced herself and explained the Moratorium Ordinance. She stated that like she had said at the first reading of the Ordinance that from a planning perspective a Moratorium is a serious issue. She said if the Town still had developing going on under the County plan that it could get ahead of

- itself. She said that under the Moratorium things like single family homes can still be built. She said the usefulness of the Moratorium is so you don't get ahead of yourselves.
- Town Clerk Lippman mentioned that at the next Town Council meeting on December 4, 2007 the Council will be interviewing 7 firms who have submitted RFP's for Strategic Planning and Visioning for the Town.
 - Mayor Browning asked if there were any comments from the Public.
 - **Bradley Miller-Miller Land Planning & Consultants-** Mr. Miller introduced himself and stated he was representing the two projects, Southern Crossings, and Loxahatchee Retail. He thanked Town Staff for adding Paragraph #17 to the Ordinance and asked for clarification that both of his projects would be exempt from the Moratorium.
 - Town Attorney Tolces said that he understands that both of these projects do fall under Paragraph #17 and that as long as the site plans are consistent with the Rural Vista guidelines the projects will be fine.
 - Mr. Miller assured Town Staff and the Council that those guidelines would be addressed when they came back to the next meeting.
 - **Whitney Carroll-Whitney Carroll Planning and Design-** Ms. Carroll asked for clarification on the Moratorium language about projects already in the process. She said she was representing a project that was in process prior to incorporation with the next step going to DRO.
 - Vice-Mayor Herzog asked which project Ms. Carroll had in the process.
 - Ms. Carroll responded First Holiness Church.
 - Town Attorney Tolces said that Ms. Carroll would have to come back in 30 days to let Town Staff review the application and present it to the Council for approval for exemption.
 - Ms. Carroll asked if all projects would require a request for exemption.

- **Palms West Chamber of Commerce-John Southard-Vice President of Facilities-**

Mr. Southard stated that the Chamber has been working with the Council on their plans to expand the Chamber. He said they have made significant progress since June and as of today received approval to permit and go forward with the project with the Building Department.

- Town Attorney Tolces said it was his understanding that this is a unique situation because they are currently operating on the property they lease from the County. He said if the Council desires to include the Chamber for exemption from the Moratorium we could include language to provide for that exemption.

Vice-Mayor Herzog MOTIONED to approve Ordinance 2007-07 with language added to include continuing a project by a quasi public corporation on land that is leased from the County, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

- Councilman Lipp commented that he is saddened that Miller Land Planning and Consultants does not want to take part in the visioning process and that he feels the projects are not going to fit in with the Town concept to take traffic off of Southern Boulevard. He also stated he feels the projects would stick out like a sore thumb in the community. He added that he never really liked the current location of the Chamber of Commerce.
- Councilman Autrey asked if the Chamber had any site plans showing pictures of elevations.
- Town Attorney Tolces asked the Council if they would like to add to the amendment that any site plan be consistent with the Rural Vista Guidelines and be presented to the Council before it goes to DRO for approval.
- Mayor Browning asked if there were any additional comments from the Council.

- Town Clerk Lippman commented that the exemption for Mr. Miller does not exempt him from coming back to the Council. He stated the Council would have the opportunity to express their concerns with these projects.
- Councilman Louda said he agreed with Councilman Lipp. He said he feels that any residences located within 2500 feet of future projects should be notified of them.
- Town Attorney Tolces said that the newly amended Ordinance would be on the Town's website the next day.
- Town Clerk Lippman noted that people could email their exemption requests for 30 days.
- **Joanna Boynton-President of Palms West Chamber of Commerce-** Ms. Boynton thanked the Council on behalf of the Chamber's Board of Directors. **Mr. Southard** stated they looked forward to working with the Council. **Jaenne Miranda-Executive Director-** also thanked the Council.

b. **ORDINANCE NO. 2007-11 (2nd reading & Public Hearing)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING SECTION 14-35 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED **"RUBBISH AND GARBAGE"**; REQUIRING THAT RUBBISH AND GARBAGE WHICH IS BEING MAINTAINED ON PRIVATE PROPERTY TO BE SECURED, ENCLOSED AND NOT VISIBLE TO THE GENERAL PUBLIC FROM THE PROPERTY LINE; REQUIRING THAT ALL INOPERABLE MOTOR VEHICLES AND OTHER MACHINERY WHICH ARE BEING STORED ON PRIVATE PROPERTY TO BE DRAINED OF FLUIDS AND POLLUTANT FREE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Tolces conducted the 2nd reading of Ordinance-2007-11. He stated that for the record he would read the definition of "Rubbish" from the Code.

Councilman Louda MOTIONED to approve Ordinance 2007-011, SECONDED by

Councilman Lipp and discussion was then opened:

- Mayor Browning asked if there were any comments from the Council.
- Councilman Autrey asked if vehicles should be locked in with rubbish and if inoperable vehicles should be included in the title of the Ordinance.
- Town Attorney Tolces responded that there is reference to vehicles in the text. He said if they change the title of the Ordinance that Town Staff will have to go back and re-advertise.
- Mayor Browning asked if there were any comments from the Public.
- **Howard Voren, 1538 E Road-** Mr. Voren commented that from the first original discussions with the Town Council it was agreed that the language would be changed to “secured and/or enclosed.” He also stated that in reference to what Councilman Autrey mentioned at the last meeting, the Mayor and the Council had said that motor vehicles not being visible from the property line would be included and as I read this I don’t see that.
- 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 Ordinance 2007-011 passed unanimously 5-0.

c. ORDINANCE NO. 2007-13 (2nd reading & Public Hearing)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ENACTING A NEW SECTION OF THE TOWN’S CODE OF ORDINANCES, ENTITLED **“PUBLIC NOTICE; ADVERTISING COST RECOVERY”**; TO PROVIDE FOR THE APPLICANT SEEKING LAND DEVELOPMENT APPROVAL TO PAY THE COST OF ADVERTISING ASSOCIATED WITH THE REQUIRED PUBLICATION OF PUBLIC NOTICE FOR LAND DEVELOPMENT APPLICATIONS SUBJECT TO APPROVAL BY THE TOWN COUNCIL; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

- Town Attorney Tolces conducted the 2nd reading of Ordinance 2007-13.

Councilman Louda MOTIONED to accept Ordinance 2007-013, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.

d. **ORDINANCE NO. 2007-09 (1st reading & Transmittal Hearing)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE 2007 COMPREHENSIVE PLAN AS ADOPTED BY CHAPTER 2006-328, LAWS OF FLORIDA; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR TOWN INITIATED AMENDMENT: (RURAL FLUA REVISIONS, LOXAHATCHEE GROVES), MODIFYING THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR PORTIONS OF LOXAHATCHEE GROVES, TOTALING APPROXIMATELY 5,750 ACRES, BORDERED BY INCORPORATED PALM BEACH COUNTY TO THE WEST A CONSERVATION AREA TO THE NORTH, BY SOUTHERN BOULEVARD ON THE SOUTH, AND BY "E" ROAD TO THE EAST, FROM RURAL RESIDENTIAL, 1 UNIT PER 10 ACRES (RR-10) TO RURAL RESIDENTIAL, 1 UNIT PER 5 ACRES (RR-5); PROVIDING FOR INCLUSION IN THE 2007 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

- Town Attorney Tolces conducted the 1st reading of Ordinance 2007-9. This is the transmittal hearing for the Land Use Plan Amendment.
- **Shelly Eichner-Calvin Giordano-** Ms. Eichner said when the County did their Plan Amendment they only changed 25% of the Groves to 1 & 5 leaving the remaining 75% 1 & 10, the proposed amendment for the Town will complete the Sector.

Councilman Lipp MOTIONED to go forward with Ordinance 2007-013, SECONDED by Councilman Louda and the MOTION and discussion was then opened:

- Mayor Browning asked if there were any additional comments from the Council.
- Vice-Mayor Herzog mentioned that the Town is not a member of I PARC.
- Town Attorney Tolces said it is the intent of the Town to join.
- Vice-Mayor Herzog asked if everyone who divides their property now would have to hold aside the 25%.
- Town Attorney Tolces responded at this point of time it is a requirement in the ULDC if you have that on your property.
- Mayor Browning asked if there were any comments from the Public.

MOTIO to approve Ordinance 2007-013 passed unanimously 5-0.

e. ORDINANCE NO. 2007-14 (1st reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING THE OFFICIAL TOWN SEAL PURSUANT TO SECTION 165.043, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

- Town Attorney Tolces conducted the 1st reading of Ordinance 2004-14.

Vice-Mayor Herzog MOTIONED to accept Ordinance 2007-014, SECONDED by Councilman Autrey and the MOTION and discussion was then opened:

- Councilman Louda asked if the Town should acknowledge the designer.
- Town Attorney Tolces responded that they did.
- Councilman Louda asked if we had a copyright release signed by her guardian.
- Town Attorney Tolces responded that there would be an agreement entered between the Town and Darlene Crawford, Catrina's mother.
- Vice-Mayor Herzog asked if additions could be made to the wording of the logo, such as the word Florida. She said she brought this up because many of the other municipality's flags have the word Florida on them.
- Councilman Lipp inquired if the artist had approved the changing of the color under the turtle to a solid background.
- Town Clerk Lippman said he work with Don Williams in to try and get some shading back in the logo.
- The Mayor and Councilman Louda both said they didn't see any need to add the word Florida to the logo design.
- Mayor Browning asked if there were any additional comments from the Council.

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

MOTION to approve Ordinance 2007-014 passed unanimously 5-0.

f. **RESOLUTION NO. 2007-17**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE ABATEMENT OF THE ENFORCEMENT OF CERTAIN SETBACK REQUIREMENTS WITH RESPECT TO PROPERTY LOCATED WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

- Town Attorney Tolces conducted the reading of Resolution 2004-17. He told the Council he had provided them with a memo relating to this Resolution.

Councilman Autrey MOTIONED to approve Resolution 2007-017, SECONDED by Vice-Mayor Herzog and the MOTION and discussion was then opened:

- Councilman Louda stated that he didn't feel that 50 feet was unreasonable.
- Town Clerk Lippman said leading up to the Resolution the Town had many discussions with the County about the broad spectrum of animals and how to interpret this.
- Councilman Lipp said as we move forward we need to clarify pets and animals that are kept for food. He also asked why this was a Resolution and not an Ordinance.
- Town Attorney Tolces said that since this is a Resolution it is easy to change it with no legal advertising needed.
- Mayor Browning asked if there were any comments from the Public.
- **.Larry Lefkowitz, 3585 D Road-** Mr. Lefkowitz asked the Town to consider doing an Ordinance. He said that by moving pens and cages 50 feet back the noise situation won't be helped.

- Councilman Louda said that he has been in a similar situation and that Mr. Lefkowitz is correct.
- Town Attorney Tolces said that to the extent that the private property owner is subjected to a nuisance on a day to day basis that they can file a complaint.
- Mayor Browning said that they are all protected under the Right to Farm Act.
- Councilman Louda questioned Howard Voren about the difference between his birds and why they are not heard as often as Todd McClendon's.
- **Howard Voren, E Road-** Mr. Voren said the difference is that he has done a lot of planting and that planting has had the chance to grow so the birds are not disturbed by cars or pets behind the planting. He said you only hear the birds when they are being fed or complaining that they want to be fed. He said when he moved in he took advantage of the entire place being grown over with Brazian Pepper and said when dealing with smaller properties the only thing you can do is plant.
- Mayor Browning asked if there were any additional comments from the Council.
- Mayor Browning asked if there were any comments from the Public.
- **Maureen Lefkowitz, 3485 D Road-** Ms. Lefkowitz said that it is time to be creative. She said she wanted to come to the Groves because she loved animals. She said it is about respect for each other. She said she didn't want the bird business on her property. She said there are probably some good farming processes you can employ to still have respect for your neighbor.
- **Todd McClendon, D Road-** Mr. McClendon said all this is doing is saying let us put this aside and figure out what we want to do. He compared it to the building Moratorium. He assured the Mayor he would not move his cages any closer than they are right now.
- **Morley Schloss, 14125 North Road-** Mr. Schloss said he had been listening to what people have said. He said at his request that the Code Enforcement officer had come

out and look at things that the trailer residents had questions on. He said the officer said that he would only respond if it was a problem that had been brought to his attention by Citizen Complaint. He said the officer said that before any punishment would be enacted they would give the resident the chance to act with reason.

- **Larry Lefkowitz-** Mr. Lefkowitz said that Mr. McClendon refuses to move his cages and the last time he checked the cages were within 50 feet. He said so they are not going to be moved any closer but they are already breaking the Ordinance.

MOTION to approve Resolution 2007-017 passed 4-1 with Councilman Louda opposing it.

12. Rev. Calvin Lyerla (Acts II): Update on Day Labor Center

- **Reverend Calvin Lyerla-Acts II Church-** Mr. Lyerla introduced himself and said that he was there to give an update and report on the Day Laborer's Program. He said that the City of Jupiter has the same program and that it works very well for them. He said the name of the program would be Buena Fae which is Spanish meaning "good faith." He said the center is scheduled to open on January 2, 2008 and it would be located on his church's property. He said the hours of operation would be Monday thru Friday from 6AM-10AM and Saturday and Sunday from 6AM-9AM. He explained that it would function as a place for the migrant community to come and get work. He said this will keep them off the lettered roads. He said in order to make the program successful that they would need to publicize and advertise. He explained that the program has nothing to do with the legal or immigration status of the workers. He said most of the men do not speak English. He thanked the Town and told the Council that the Church was looking forward to an increased partnership with the Groves. He invited the Council to contact

him with any questions or suggestions. He mentioned that there is already a phone line in action for this project that is being monitored by Church Staff.

- Councilman Lipp asked if any signage had been planned so employers know what is going on.
- Mr. Lyerla responded that there is a big sign already on the Church.
- Councilman Autrey asked if the property has two entry ways.
- Mr. Lyerla responded that there is only one.
- Councilman Autrey asked if there was anything the Town could do to make traffic flow safer and better in the mornings.
- Vice-Mayor Herzog asked Mr. Lyerla to explain where the Church was getting financial backing from.
- Mr. Lyerla responded that the Church has a grant writer and that Buena Fae is a separate non-religious charity.
- Vice-Mayor Herzog asked several questions about the free Thanksgiving Meal that would be given out for the upcoming holiday.
- Councilman Autrey asked if this program would be for any residents seeking work and not just immigrants.
- Mr. Lyerla answered yes it is a public center and all records of the workers are held in private and are confidential.
- Vice-Mayor Herzog mentioned that the Council has received so many nice comments from the Public and how much the program means to the residents of the Groves and the neighboring Western Communities.
- Mr. Lyerla also mentioned a bicycle drive to raise money to buy bicycles for those workers who don't have them.
- Mayor Browning thanked Mr. Lyerla.

13. Designation of Town Attorney

Councilman Lipp MOTIONED to clarify on record that the firm of Goren, Cheroff, Doody, and Ezrol P.A. is designated the Town's Attorney, SECONDED by Councilman Louda.

- Mayor Browning asked if there were any comments from the Council.
- Mayor Browning asked if there were any comments from the Public.
- Mayor Browning stated that the Town really appreciated the firm's hard work.

MOTION to clarify on record that the firm of Goren, Cheroff, Doody, and Ezrol P.A. is designated the Town's Attorney, passed unanimously 5-0.

14. Water Utility and Conservation

a. Water Utility Discussions with Palm Beach County (update)

- Town Manager Dr. Rosenbaum said Staff is asking for direction to negotiate with Palm Beach County.
- Councilman Louda asked which option gives the Town the least involvement financially. He also asked if we receive franchise fees from Options #2 and #3 what if we purchase in bulk and then can't sell it.
- Town Manager Dr. Rosenbaum replied that the Town would not be obligated to purchase. He said this gives the Town the ability to control what it has in its area. He said he thinks the Town would want to capture some revenues here.
- Councilman Louda asked Town Attorney Tolces if crossing people's right of ways is factored into this between Options #2 and #3.
- Town Attorney Tolces said we will have to work hard to get an agreement that deals with those issues.

- Councilman Autrey said when Staff met with the County that they said they would provide the Town with a cost if they were to put pipes in here. He asked if going with Option #3 they would still do this.
- Mayor Browning said he would personally like to know the difference. He said he believes in the K.I.S.S theory to keep it simple and if there is no financial difference that maybe the Town should let them do it.
- Town Attorney Tolces said Staff could provide for these provisions in the agreement.
- Town Clerk Lippman said if the Town opts out of Option #1 which was to build their own water plant, then we just have to consider Options #2 and #3.
- A general consensus was given to Town Staff to continue to meet with the County.

b. Workshop with LGWCD regarding Water Issues

- i. **Monday, November 26 from 7:00 p.m. – 10:00 p.m. at the Loxahatchee Groves Elementary School Cafeteria**
- ii. **Agenda for workshop**

- Town Clerk Lippman confirmed the date and time for the Workshop meeting. He said the School will provide the audio equipment and the Town will be responsible to take the minutes. He provided the Agenda and said that it creates a framework. He said the idea is to think outside the box and to create structure.
- **Clete Saunier-LGWCD-** Mr. Saunier said that Fred Rapach from South Florida Water Management was confirmed to be at the meeting. He said what needed to come out of the meeting is a unified front. He said we need to go back to the regulatory authority that governs the Town and discuss the drought season. He said the Town has limited options as to what they can do locally and that we have never faced a situation where Lake Okeechobee has been as low as it is.

- **John Ryan, A Road-** Mr. Ryan said that the meeting will be the best opportunity to express the Town's needs to South Florida Water Management. He said he hoped through the website and a direct mailer that notice of the meeting would be communicated.

15. Planning Consultant Contract – Land Research Management

- Town Attorney Tolces referred to the agreement in the Agenda. He said the rate would be \$125 per hour. He mentioned that in respect to insurance, he had recommended liability insurance for the Consultants. He said that they were not able to carry the insurance and that it was not cost effective for them.
- Town Clerk Lippman said that this firm does work with other local municipalities and does not have insurance with them. He said he did research with the Town's insurance company and that they are not able to provide that type of insurance. He also said the fee had increased from \$95 per hour to \$125 per hour due to the increased demands of the Town. He said that he has relied heavily on them for support a lot the past few weeks.
- Town Attorney Tolces suggested lowering the liability insurance to \$100,000 and seeing if they could provide that.

Councilman Louda MOTIONED to execute the agreement with Land Research Management with the change of the Professional Liability Insurance to \$100,000, SECONDED by Councilman Lipp, and the MOTION passed unanimously 5-0.

16. Approval of amended Loxahatchee Groves Office Lease with Contemco

- Town Attorney Tolces said that PBSO will use Unit #4 which is 345 square foot space adjacent to the Town office. He said this should commence as of December 1, 2007 to run concurrent with the Town's existing lease.

Councilman Lipp MOTIONED to approve the amended Loxahatchee Groves Office Lease to include PBSO, SECONDED by Vice-Mayor Herzog and discussion was then opened:

- Councilman Autrey asked if PBSO had been out to look at the space.
- Town Attorney Tolces said the Motion could be made contingent to that.
- Town Clerk Lippman said he would invite PBSO to see the space. He told the Council he had been working with Major Michael Veccia on this.
- Mayor Browning asked if there were any additional comments from the Council.
- Mayor Browning asked if there were any comments from the Public.

MOTION to approve the amended Loxahatchee Groves Office Lease to include PBSO, and the MOTION passed unanimously 5-0.

17. Discussion of terms of lease with PBSO (rent & utilities to be handled by the Town)

- It was discussed that PBSO would not pay rent or phone.

Vice-Mayor Herzog MOTIONED to authorize the Mayor to execute the sublease with PBSO consistent with the terms of the Agenda Memo, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

18. Discussion regarding the removal of the 4-laning of Okeechobee between Folsom Road and C Road

- This item had been removed from the agenda at the beginning of the meeting at the request of Councilman Lipp.

19. Discussion regarding the SWA Landfill by the 20 mile bend *(the proposed 792 acre western landfill site near the Arthur R. Marshall Lox Wildlife Refuge)*

- Councilman Louda said that at the next Town Council meeting that Solid Waste Authority would be on the Agenda to make a presentation about the new Landfill. He mentioned that he had just attended a meeting about this with a poor turn-out. He said the two things we need to worry about are the issues with FPL and dump trucks. He mentioned the Landfill will have an environmental impact because birds eat food and worms and rodents love landfill sites. He said he feels the Council should oppose this because of what it will do to the lifestyle of the Groves.
- Councilman Lipp said he had spoken with Commissioner Santamaria and that the mood of the Commission is to find another location for this.

ITEM ADDED TO THE AGENDA AT THE BEGINNING OF THE MEETING.-TOWN ATTORNEY INVOICE TO BE PAID.

Vice-Mayor Herzog MOTIONED to authorize Staff to pay the invoice for the Town Attorney for over \$9999.99, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

20. Public Comments

- **Morley Schloss, 14125 North Road, Sunsport Gardens-** Mr. Schloss thanked the Council for authorizing Town Staff to write the letter to Indian Trails for him to be able to connect to water and sewer. He explained that the Health Department forced them to connect to Seminole Water because their well water was too salty. He said his property

completed all engineering studies needed for the hookup. He requested the letter to be given to Indian Trails before their November 28, 2007 Meeting.

21. Town Clerk Comments

- Town Clerk Lippman said that there is a lot going on right now. He reminded the Council of the reconsideration of the 2 projects on Southern Boulevard and also the presentations from the firms who answered the Town's RFP for Strategic Planning and Visioning. He said he received applications from firms all over the state.
- Councilman Lipp inquired about the amount of time each presenter would have.
- Town Manager Dr. Rosenbaum recommended starting the meeting earlier to accommodate all the presenting firms.
- Town Attorney Tolces suggested selecting a committee to interview the firms to reduce the presentation time.
- Councilman Autrey suggested dedicating the Town Council Meeting on Tuesday, December 4, 2007 to these presentations.
- Town Clerk Lippman replied that they couldn't because there would have to be a few other select items on that agenda. He said that they could start the meeting at 6:30PM and plan accordingly. He said he would contact the firms to make that work. He then asked the Mayor to review the Town's Calendar for 2008 and pointed out that they were only scheduled for one meeting in the months of January and November due to elections.

22. Town Attorney Comments

- Town Attorney Tolces thanked everyone and wished them a Happy Thanksgiving.

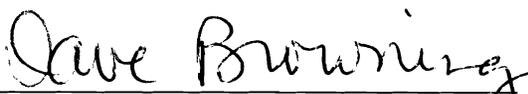
23. Council Member Comments

- Councilman Louda mentioned that the 85 House Race is coming up and he had been contacted by the people running for office and that he didn't want to meet with them individually. He asked if we could invite them to a Council meeting.
- Town Attorney Tolces responded that they could come to a meeting and introduce themselves during Public Comments time.
- Vice-Mayor Herzog asked the Town to send a welcome letter to Bland Eng, the new Executive Director of Palms West Hospital. She mentioned there would be a welcome party held on November 29, 2007 at 4:30PM. She also mentioned that Florida League of Cities was having a meeting on November 28, 2007 and encouraged all of the Council members to be there.
- Councilman Autrey said that he felt the Town only has one opportunity to get Southern Boulevard right. He said he senses the frustration and agrees we need to get Mr. Miller to work with us.
- Councilman Lipp mentioned that he had spoken with Commissioner Santamaria and he is in support with the Town's efforts to get our part of Southern Boulevard right because he is responsible for Southern Boulevard from start to finish. He stated that he is looking forward to the next meeting on Tuesday, December 4, 2007 and hopes to get something settled and workable.
- Mayor Browning said he is happy the Town has a complete slate and he is glad everyone had the guts to step up and say how we are going to do it.

24. Adjournment

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

There being no further discussion and no additional public comment the meeting was adjourned at 10:36 p.m.


MAYOR DAVE BROWNING

ATTEST:

Matthew Lippman, Town Clerk

Date Approved