



*Loxahatchee Groves Town Council Regular Meeting
Minutes
Location: LGWCD
Date: Tuesday, February 5, 2008*

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

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

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

5. Approval of Agenda.

Vice-Mayor Herzog MOTIONED to accept the Agenda, SECONDED by Councilman Autrey and the MOTION passed unanimously 5-0.

CONSENT AGENDA:

6. Approval of Minutes from:

January 8, 2008 Town Council Meeting
January 22, 2008 Town Council Meeting

Vice-Mayor Herzog mentioned that she had sent in her corrections to the minutes earlier.

Councilman Louda said that on Master Page 40 the motion had failed 4-1. He also questioned Master Page 28 where it said we should request all copies of communication back and forth regarding the Simon Property and asked if we had done so already.

Town Attorney Tolces said he would have an update for that under his comments.

Councilman Autrey MOTIONED to approve the Consent Agenda with corrections to the minutes as noted, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.

7. Financial Report

8. PBC Planning, Zoning, & Building Town Report

REGULAR AGENDA:

9. 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 Clerk Lippman reminded the Council that at an earlier hearing this project had been passes with the removal of certain conditions. He said after talks with the applicant and the County these items have been added back in.

Town Attorney Tolces announced this was a quasi judicial hearing and swore in anyone who would be speaking on the project.

Jon Schmidt, Jon E. Schmidt and Associates, Inc. Land Planners & Landscape Architects-introduced himself and said his firm had taken over this project. He asked the Council if they wanted him to present the project or just run through the conditions.

The Council agreed the conditions only would be fine.

Mr. Schmidt said that there were a few minor adjustments the applicant would like to see. He said they were hoping the requirement for the wood fence around the property would be changed because the applicant had already installed a 6 foot high hedge all around the property. He said in regards to lighting there was a requirement all lighting be set back 40 feet from the property and he said they would need lighting near the parking area which is 20 feet from the property line.

Vice-Mayor Herzog said that on Master Page 64 it asks all right of way deed(s) to be completed by December 21, 2007 and asked if that was done already. Mr. Schmidt said he wasn't sure if that had been done as of this point. He said they will still have to come back for final site plan approval.

Mayor Browning mentioned that when this was originally brought to the Council that extended hours were brought up. He said in here it says only until 7pm. Mr. Schmidt said that they didn't think the extended hours were something the Town wanted. He said with the 60 children limit it wouldn't be economically feasible.

Councilman Autrey asked if these extra hours would increase the lighting. Mr. Schmidt responded yes. Mayor Browning said they hadn't been adverse to it, just concerned about the lighting and the number of children there for the extended hours. Councilman Autrey said that his thinking was that the extended hours might limit the traffic on the road during the busiest hours. He said his 2 concerns had been the lighting and the traffic and there is not much that can be done about the traffic except for spreading out the times it is there. Mr. Schmidt said that they would love to have the extended hours option till 11pm. **Manny Seria, owner of Planet Kids**, said if there is not enough demand for the extended hours than it won't work. He said he has done it at other locations and it worked at some but not others. He said all of his locations are 24 hours and it has never been a limited condition before. He said they don't keep the kids that long but those hours are automatic.

Vice-Mayor Herzog asked about the locations that it had been done at.

The Council questioned whether they could approve the hours now as they are and add the extended hours later if they are needed. Town Attorney Tolces said that it could be amended later. Councilman Lipp asked about the lights and according to the Rural Vista Guidelines they

should be focused down. Mr. Schmidt said that is correct. Councilman Lipp also asked if we have talked to people about pervious paving or ogem (open grade emulsified mix.)

Vice-Mayor Herzog compared it to the churches that have their driving areas paved but the parking areas are all grass.

Town Attorney Tolces told the Council that the project would still come back before them with the site plan.

Mayor Browning asked if there were any comments from the Public and there weren't any.

Councilman Louda MOTIONED to approve the conditional use for Planet Kids with the submitted changes as noted, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.

10. a. Ordinance 2008-001: Solicitation of Employment: *2nd Reading and Public Hearing*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF LOXAHATCHEE GROVES, BY ENACTING A NEW ARTICLE TO BE ENTITLED "SOLICITATION OF EMPLOYMENT"; TO PROVIDE SPECIFIC CONTENT NEUTRAL TIME, PLACE, AND MANNER RESTRICTIONS ON THE STREET-SIDE SOLICITATION OF EMPLOYMENT FROM PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE CREATION OF A NEW CODE SECTION TO BE ENTITLED "DEFINITIONS"; PROVIDING FOR THE CREATION OF A NEW CODE SECTION TO BE ENTITLED "PROHIBITION OF SOLICITATION OF EMPLOYMENT IN COMMERCIAL PARKING AREAS AND CERTAIN MULTI-FAMILY RESIDENTIAL AREAS"; PROVIDING FOR THE CREATION OF NEW CODE SECTION TO BE ENTITLED "VIOLATION PENALTY"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Tolces conducted the 2nd reading of Ordinance 2008-001.

Vice-Mayor Herzog MOTIONED to approve Ordinance 2008-001 Solicitation of Employment on the 2nd reading, SECONDED by Councilman Autrey and discussion was then opened:

Town Attorney Tolces said he would recommend the effective date of the Ordinance be changed to February 19, 2008.

Vice-Mayor Herzog asked about Master Page 74 where it says "support of the Town."

Town Clerk Lippman responded that means strictly philosophical and not financial.

Vice-Mayor Herzog asked if on Master Page 74 at the top of the page it should read "rural life" instead of "urban life."

Councilman Louda asked if the fines would be directed at the laborer for violating this. He also suggested the signs be posted bilingually.

Town Attorney Tolces responded that could be or directed at the person soliciting the employees. He said that needed to be discussed with Town Staff because there is no requirement that the signs are posted.

Vice-Mayor Herzog said it states within 25 feet of the sign. She asked what would happen if they were 30 feet or more away.

Town Attorney Tolces said that the Ordinance states private parking area and the surrounding 25 feet would be for residences not commercial.

The Motion passed unanimously 5-0.

b. Agreement between the Town and Good Faith Alliance

Calvin Lyerla, Acts II, said that he has a lot of concerns for the way the arrangement is being made. He said his point of reference is El Sol in Jupiter. He said in that situation the city donated the building and 3 years of free rent. He said in this situation with Buena Fe, the Town certainly recognizes the program but beyond that there is no financial relationship and no sharing of property or buildings. He said Buena Fe is willing to bear the entire liability from a legal and financial standpoint but he feels the agreement is overkill and overreach in some of its wording. He said it states Buena Fe would be required to report to the Town for everything it does and give open access to its records. He said his program does not want anything to do with the political side of this issue or any immigration issues. He said that the way the agreement is written says he must hand over any records and if a Federal Law is written that will make this null and void.

Town Attorney Tolces said due to the fact we haven't spoken prior about this, this should be tabled until the February 19, 2008 Meeting.

Councilman Louda MOTIONED to table the Item 10b-Agreement between the Town and Good Faith Alliance, SECONDED by Councilman Autrey and the Motion passed unanimously 5-0.

Councilman Louda said as he read this he felt that we were getting too involved.

Vice-Mayor Herzog said she felt that way too.

Mr. Lyerla asked if he could comment on Hope Estate.

Mayor Browning said the Council had received his letter.

Councilman Lipp invited Mr. Lyerla to attend the upcoming Visioning Sessions.

11. Logistics for enforcing Ordinance 2008-001:

a. Signage: regulations, cost, rights of way

Town Clerk Lippman said that Town Staff had done some research and that the placement of signs is not required but has been expressed by the Council is something we should do. He said there is no requirement to put bilingual signs up. He said we are recommending limited verbage, so if you do want to do bilingual there is not much additional cost to do that. He said that our understanding is once the Ordinance is passed then the rest of the execution and distribution of flyers to the day workers and laborers would come strictly from Buena Fe.

Councilman Louda said not to even mention Buena Fe on the signs.

Town Clerk Lippman said it wouldn't be mentioned at all.

Councilman Louda said that he thinks a few words in Spanish we would be acknowledging the recipient.

Mayor Browning asked about the verbage.

Town Clerk Lipman said that the 2 things to keep in mind are the cost being \$395.00 per sign and that they would be done by the same people who do the County's and have the same dimensions as a No Parking sign.

Vice-Mayor Herzog asked if we were obligated to go with metal signs.

Mayor Bronwing asked if we can use campaign like signs.

Town Clerk Lippman said if you are looking at a temporary way to get the laborers off the roads than that would be the way to go.

Mayor Browning said his thought is to get the word out and spend as little money as possible.

Town Attorney Tolces said the Town shouldn't put out signs similar to the ones they might complain that local businesses put out.

Councilman Lipp asked what would happen if the signs got ripped down and were subject to vandalism. He said he would rather replace an \$18 sign than a \$395 sign.

Town Clerk Lippman said he got the direction and will have a sign made and if the Council approves it he will order more.

b. Enforcement: PBSO role

Town Clerk Lippman said that Councilman Autrey had met with PBSO on Tuesday, February 5, 2008 and they discussed a strategy of enforcement and any additional costs involved with this.

Councilman Autrey said he met with Captain Calloway and Dave Kronsperger and they understand what we are doing is a public safety issue and they are very supportive. He said they suggested the Town hire a deputy for 3-4 hours in the mornings.

Mayor Browning said he hopes that once we break the pattern this will work.

Town Clerk Lippman said that Town Staff will come to the Council with a figure and what days and hours per day and then we will contract it out. He also said we need to educate and serve for the first 30 days or so.

Councilman Louda inquired about the hourly rate.

Town Clerk Lippman responded \$35.00 per hour.

Howard Voren, E Road, said that he felt that by putting a sign on a 4x4 fence post would open a can of worms with people tacking things to it. He said he didn't know if it would be cost effective, but maybe to get posts similar to what the bottom part of stop signs are and put them in the ground with cement. He said once we are done advertising our point, the sign part could be removed and the metal post would remain. He said then later if the Town needs to put up another sign the posts would already be there. He said he didn't think it was expensive and a 60lb bag of concrete is not either.

Vice-Mayor Herzog said when LGLA wanted to put up holiday flags on the South side of Okeechobee Boulevard that they had to get permits from PBC because that is their right of way.

Councilman Louda said he believed that was LGWCD right of way.

Clete Saunier, LGWCD, said it would depend where.

Frank Shiola, Marcella Boulevard, said he thinks that in 30-45 days this problem will be solved and all these people want to do is work and be left alone.

12. Approval of Contract with Alberni Caballero & Castellanos (Auditor Services)

Town Attorney Tolces said he wanted to point out that this is a 5 year contract with an option to renew after that.

Councilman Louda MOTIONED to approve the contract with Alberni Caballero & Castellanos for Auditing Services, SECONDED by Vice-Mayor Herzog and discussion was then opened:

Councilman Autrey asked for an explanation of Page 3, Item E of the agreement where it reads "a management letter is required."

Town Clerk Lippman responded that a management letter won't take an opinion or recommend anything but it will summarize the financials and what they see in the process of doing your books.

Councilman Autrey asked if on the invoicing if they can project the monthly amount and what that will be.

Town Clerk Lippman said if we take the # above and divide it by 12 and then send them monthly payments.

Town Attorney Tolces pointed out that this year the audit would be done fairly quickly.

Councilman Autrey asked when the audit process would start and when we would get our first bill.

Town Clerk Lippman said he didn't know but would find out and we wouldn't have to pay until the audit is complete.

The Motion passed unanimously 5-0.

13. Approval of Contract with Analytica for Strategic Planning & Visioning

Town Clerk Lippman said that he and Town Manager Dr. Rosenbaum and Councilman Autrey had been working closely with Dr. Herb Marlowe in breaking down his proposal.

Town Manager Dr. Rosenbaum said that he had the fee reduced by \$5000.00 and had the process concentrated so that there will be 3 sessions and no public participation will be sacrificed. He said he feels we accomplished our objectives and are trying to expedite and conclude the process from our point of view. He said that Town Staff will be proactive here in order to get the Comprehensive Plan done but also in developing a Vision. He repeated that public participation is the main thing here and that the tone is being set for many years. He said he feels that Dr. Marlowe is very sensitive to our values, especially rural, but there are values he may not aware of, such as, our history. He said this is the time to really define the future and the more community participation we have the more the community will be defined. He said we want to get this going but we don't want to sacrifice any public participation in the process.

Vice-Mayor Herzog MOTIONED to authorize the Mayor to execute an agreement consistent with the proposal between the Town and Analytica for Strategic Planning & Visioning-Dr. Herb Marlowe, SECONDED by Councilman Autrey and discussion was then opened:

Councilman Louda asked if Dr. Marlowe would have more than just a Facilitator's role and would be guiding us through the process. He also asked if the Council could mandate that he read both the Neighborhood Plan and the Loxahatchee Yesteryears by Ellie Hope.

Town Manager Dr. Rosenbaum said in situations where he has worked with Dr. Marlowe he was well versed in the history of the Towns.

Councilman Autrey said when he gets into these focus groups he lists 3 groups of people. He said if you add up the number of people it only totals 90-135 people and he didn't feel that was adequate. He said his concern was especially with the last group listed when it said 10-15 people on a first come basis and said he didn't feel we needed to be turning people away.

Councilman Louda said he couldn't think of anything where the Town had over 100 people in attendance.

Town Manager Dr. Rosenbaum said he thinks we want to keep this open ended and he didn't think we would get a number we couldn't control.

Mayor Browning said he thought we need to include anyone we can.

Councilman Autrey asked who would participate in the Visioning/Strategic Planning Session

Town Manager Dr. Rosenbaum said he would find out.

Councilman Lipp said he would have something about Southern Boulevard put in the agreement. He said he spoke with some people in Wellington and they have some ideas. He said he thinks we should get all stakeholders involved.

Councilman Autrey asked if that should be for this or for the Comprehensive Plan.

Councilman Louda said it should be part of the Visioning/Strategic Planning process.

Town Manager Dr. Rosenbaum said it would be a good idea to get Dr. Marlowe here to answer these questions.

Town Clerk Lippman said that NCS will have extra man power to make sure this works and runs smoothly. He said this document is just a tool and I am asking the Council if there are specific topics you feel are important to this so I can start to compile a list. He said he has also been compiling a database of interested people who have contacted him and said they want to be kept in the loop. He said he just needs direction from the Council who they want the invitation extended to.

Town Manager Dr. Rosenbaum said the Council can participate in the focus groups.

Town Clerk Lippman said that there are 2 key elements to keep in mind, one, that it will be our responsibility to come up with the outline and our role will be to manage that outline to make sure they are staying on task, and two, any resources the Council might have in their possession, such as, old documents to please forward them to him. He said he wants as much information as possible and will have an inventory of the items and will use what we can.

Town Manager Dr. Rosenbaum said a lot of new municipalities don't have the resources the Groves has. He said we have a unique situation here and we can go straight to the people. He said we can skip the source document here.

Councilman Louda asked if when sending in names of people to invite did Staff want email addresses also.

Town Clerk Lippman said yes, as much contact information as possible.

John Ryan, 3508 A Road, said his comment was on the focus groups. He said he would hope that LGWCD be included as an entity and not just as individuals speaking on behalf of themselves.

The Motion passed unanimously 5-0.

14. Update of Water Variance Request by LGWCD

Town Clerk Lippman said he provided the Council with the actual request for extra information from the SFWMD for the Water Variance Request. He said that any requests for additional information about fire safety he would take care of personally. He said LGWCD had until February 15, 2008 to provide the extra information.

Vice-Mayor Herzog asked if Mr. Lippman had spoken with Scott from the Division of Forestry.

Town Clerk Lippman responded that he hadn't yet but he will get the information.

Clete Saunier, Administrator LGWCD, said that the District has been working diligently through the efforts of Vice-Chairman Don Widing who has been in touch with the Director of the Division of Forestry in Florida. He said he had received a written response from the Fire Marshall of the County and he hoped to get approved. He said the deadline was actually February 28, 2008.

Councilman Louda asked Mr. Saunier if dropping the levels of canals would affect the water table.

Mr. Saunier said that canal level doesn't control ground water level. He said we can artificially raise the canal water so we have fire protection source, but over time it would drop back down to the regular canal level.

Councilman Lipp asked if it would be appropriate for the Town Council to try and set up meetings with the Board of SFWMD.

Town Clerk Lippman said that he feels that with the Town supporting Mr. Saunier and with the knowledge he has that LGWCD has a good handle on the situation.

John Ryan, LGWCD Board Member, said he felt Mr. Lippman was correct as how Mr. Saunier and Mr. Lippman are responding to Staff comments which lead to their recommendation. He suggested Town Council members meet with Carol Ann Wehle and that they get across the point that if the Groves has a wild fire it will be a disaster and that if we don't have any canal water out here we won't be able to fight it.

Town Attorney Tolces suggested adopting a Resolution supporting LGWCD in getting the variance. He said if any meetings are then scheduled individually the person attending can bring this with them.

Councilman Louda MOTIONED to approve a Resolution for the Town's support of LGWCD's Water Variance Request, SECONDED by Vice-Mayor Herzog and discussion was then continued:

Mayor Browning said it would be great to send a copy of the Resolution to the Governor to let him know it is a public safety issue in the Groves.

Mr. Ryan said Mr. Saunier can help Mr. Lippman with some specifics that we are recommended to do for fire safety.

Town Clerk Lippman said 2 names to keep in mind are Fred Rapach and Cynthia Gefvert from SFWMD.

Councilman Autrey said hopefully we won't lose focus on what I addressed in my memo at the last meeting which was we need to look at water and see what we can do as a Town. He said he would like to hear from LGWCD to see if this is something they are willing to work on with us. He said he was told this did not come up at the last LGWCD meeting.

Councilman Louda asked Mr. Saunier if he had a chance to look over the grant information he gave him at the last meeting.

Mr. Saunier said he did and it wouldn't be applicable to the Groves.

Mr. Ryan said that LGWCD has a newsletter going out and they are going to put some fire safety recommendations in that. He said in terms of the variance request that we are trying to keep to our current lifestyle and they have already suggested we tie into the County lines. He said we want to keep our rural lifestyle here so I think balance is the right approach.

Bill Gurney, E Road, said we have been talking back and forth about the fire threats and no one seems to have addressed other environmental issues that are involved about having water in the Groves. He said he knows when the canals are elevated his pond goes up and when they are down his pond is down so he is confused to what Mr. Saunier is saying about the grounds not affecting the canals.

Town Clerk Lippman said if we develop some sort of systems, such as, weirs to divide the canals up

Mr. Saunier said that at the Drought Impact Solutions Workshop he had touched on the subject of when the canals are high it is usually after it rains. He said a pump would have to run for 4 days straight to equal that amount of water. He said as far as weirs being constructed you have the same issue, we are controlled by nature and if there is no rain than there is nothing we can do about it unless you put a pervious border around the entire District border and that would be very expensive. He said we would have to conduct an intensive engineering study to determine

what the impact to the Public would be if we raised that water on the North system. He said septic systems could cease to function.

Mr. Ryan said he tries to look at things with common sense and the engineering study is related to septic tanks and that is where there is equilibrium and once we start trying to change things; that is where we run into consequences. He said it is an entirely different situation from the dry season to the wet season. He said the biggest problem we have is seepage.

Councilman Louda asked how much trouble it would be to hold at 15 ½ instead of 16 feet.

Mr. Ryan said that when we do keep water in the canals it keeps the trees and the grass and foliage from drying out and becoming a fire hazard.

Mr. Gurney said that is our canopy and we are so proud of it and it reflects the character of our community. He said the elevations in the canal can be lowered so there is no loss of tree nourishment.

The Motion passed unanimously 5-0.

15. Administrative:

a. Approval of purchasing A-Frame signs

Town Clerk Lippman said this doesn't have to be decided tonight but we need to get some feedback on which way we want to go. He said he provided quotes for everything Staff has looked into. He said this will be an Agenda Item at the next meeting. He said if there is concern about the signs blowing away not to worry because the signs would be secured with sand bags and would only be out for a short period of time. He said the signs would be used to announce meetings and official events for the Town.

Vice-Mayor Herzog said she was in favor of the signs that the Village of Wellington uses. She said she thought kids could misplace letters that could be switched around.

Councilman Lipp said he had been researching the big electronic orange signs that are used in construction zones and at the South Florida Fair, and is looking into where we can rent those.

Vice-Mayor Herzog said those are very expensive.

Town Clerk Lippman said that the signs will be the right way to get the Strategic Planning & Visioning Meetings advertised and out there.

b. LUPA (1 and 5) Update

Town Clerk Lippman said that Staff received a letter from DCA today indicated they conducted an inventory and are satisfied with what we gave them. He said April 1, 2008 we will receive word from them and in addition to that, Staff also received a letter from Treasure Coast Regional Planning Committee that they will add their comments and submit them to DCA.

c. Waste Pro Contract Update

Town Clerk Lippman said there are 2 things Staff is looking for with this. First, we are looking for direction if you want to do the 6 cubic yards for vegetation or the unlimited. He also said Staff is looking for feedback on the contract which was included in the Agenda Packet.

Councilman Louda asked if a household can say they only want vegetative waste and not recycling.

Town Attorney Tolces said he was in the process of reviewing the agreement as well and would be in contact with Brad Avery (Waste Pro).

Councilman Louda said at the last meeting he had brought up his situation where he and his neighbors put their waste in a collective area for pick up.

Town Clerk Lippman said he spoke with Brad Avery and they discussed that Waste Pro would need to learn and be familiar with the lay of the land.

Brad Avery, Waste Pro, introduced himself and said that the company would have advisors in the area to make sure the drivers don't drive by and think a property is just one house when it is multiple. He asked if the Town had any maps that showed this. He assured the Council that his company would do something to make sure they stayed on top of this and that the problem wouldn't be an issue.

Mayor Browning said in reality you can always go by the # of mailboxes on the property.

Town Attorney Tolces said Staff will bring the agreement back to the Council for final approval.

Town Clerk Lippman said in the agreement you have in front of you they added the unlimited vegetation to it. He said if you want to go with the 6 cubic yards we would have to vote on that tonight.

Vice-Mayor Herzog asked how they are handling illegal dumping.

Mr. Avery said we are giving you 100 yards per year and anything else we would address.

Bill Gurney, E Road, asked if we are now looking at a limited amount.

Councilman Louda responded yes, 6 cubic yards per household.

Mr. Gurney said he lives on the West side of a canal and the property owner across from him put up a large fence so he can no longer put his waste on the street. He said Solid Waste Authority has been picking up his waste across from his property. He asked if there were other situations such as his and how they would be handled.

Town Attorney Tolces said the ultimate goal would be to have the collection in one unique spot but it will address working with special situations.....

A GENERAL CONSENSUS WAS GIVEN TO GO WITH THE 1ST BID FROM WASTE PRO WITH THE 6 CUBIC YARDS PER WEEK PER HOUSEHOLD.

Councilman Louda mentioned emergency situations and inquired about being billed extra for hurricanes.

Town Clerk Lippman said after this contract is completed a separate RFP would go out for emergency situations and other companies can bid on this along with Waste Pro.

d.Seat 5 Qualification Final Candidate List

Town Clerk Lippman said that as of 12noon today (Tuesday, February 5, 2008), only 1 candidate qualified which was Councilman Dennis Lipp. He said since Councilman Lipp was unopposed there will not be an election in March. He said he notified the papers and sent a letter to the Supervisor of Elections.

e.Lobbyist

Town Manager Dr. Rosenbaum updated the Council that Town Staff has been working with Calvin Giordano as the Traffic Engineer. He mentioned that he had received 2 proposals for lobbyists from Geoff Sluggett and Donna Brosemer and that on Thursday Town Staff will give their recommendation concerning that. He said he won't be at the Comprehensive Planning Special Meeting on Thursday, February 7, 2008. He said the main reason for the lobbyist would be Southern Boulevard.

Councilman Louda said he believed Geoff Sluggett would be a conflict of interest for the Groves.

Vice-Mayor Herzog said she had asked Mr. Sluggett if he thought it would be a conflict of interest and he said he didn't think it was.

Town Attorney Tolces said after you receive the recommendations from Town Staff on Thursday night you will vote on it at a future meeting.

Town Manager Dr. Rosenbaum said this is very important and we need to make this case very strong and at the very least we will get our position out there and hopefully this will bring DOT to the table.

f.Calendar

Town Clerk Lippman asked that for any upcoming meetings the Council email him everything they are planning on attending or any significant events so he can coordinate a calendar and email it out every 3 days outlining these events. He said this will help for 3 reasons: it will avoid overlapping of 2 Council members attending the same event which we need to be careful about, you each have your own interests and we can know what you are attending, it will help Town Staff know what events are going on and which ones we should be involved in.

16. Public Comments

Frank Shiola, Marcella Boulevard, said that he knows Waste Pro will take the right attitude with customer service. He also suggested that along with the signage for day laborers that the Town does press releases to the media and especially the Spanish speaking radio stations.

Ann Parker, Collecting Canal, asked if when printing the Agendas if the top line could be moved down to not get cut off. She congratulated Councilman Lipp on his recent election. She asked if in regards to the Planet Kids project if everything had been solved with the traffic and how cars will enter the property. She also offered her property for a place to put a sign advertising Town Council Meetings.

17. Town Clerk Comments

Town Clerk Lippman said he wanted to remind everyone about the Phase 3 water restrictions and that the information is on our website. He said Code Enforcement will be proactive with it and issuing violations. He said if anyone sees a violation they may call our office or SFWMD as well.

Mr. Lippman said he put a cleaner version of the Neighborhood Plan on the website.

Mr. Lippman said that we will put future Ordinances and Resolutions on the website before they are brought to the Council to vote on. He referred to the Moratorium as a special circumstance where this wouldn't have been possible due to all the constant changes and revisions. He said doing this will give people an opportunity to read them in advance of the meetings.

Mr. Lippman said that the 1st installment of Solid Waste Assessment was paid to SWA and the Town would owe them \$9700.00 each month. He said to date we had collected \$208,000 of the \$378,000 owed.

Mr. Lippman said that he had received quotes for the flag and will go over them with Vice-Mayor Herzog.

Mr. Lippman noted that the personal business cards he handed out to the Council had 2 email addresses on them and that he recommended getting away from using the personal one and only using the one set up through the Town's website. He said if the Council liked them he would print more.

Mr. Lippman also let everyone know that the Financial Report would be available on Wednesday since he had received the bank statements late.

18. Town Attorney Comments

Town Attorney Tolces congratulated Councilman Lipp on his recent election. He mentioned that Simon Property is encouraging the Town to be more involved in the process with the settlement proposal.

Mr. Tolces said he would like to have authorization from the Council to see if they want to get involved in the Comprehensive Plan Process. He asked for a general consensus for this. A general consensus was given.

Mr. Tolces also said that maybe they would want to come out and talk to you at a meeting. He said the County was encouraging them to do that as well.

Mr. Tolces ended his comments saying it was good to be back.

19. Council Member Comments

Councilman Louda said that most of the Council members had been at the Western Communities Overlay Meeting where Commissioner Santamaria said he would like the Town to send a resolution to have Mecca put back into the Central Western Communities Overlay area.

Vice-Mayor Herzog said she thought Highland Dunes was strongly encouraged.

Councilman Autrey questioned if it is common for municipalities to express all of their desires in resolutions or if letters could simply be sent instead.

Town Attorney Tolces said a Resolution is typically the way a governing body expresses its interests or its desires to another governmental entity.

Councilman Autrey questioned if the Town is thinking about costs when doing resolution after resolution.

Vice-Mayor Herzog asked if including Highland Dunes with Mecca would draw down the cause of the level of approvals for Highland Dunes already.

Town Attorney Tolces said he didn't know if combining them would be beneficial or not.

Councilman Louda MOTIONED to draft a Resolution to bring Mecca back into the Central Western Communities Overlay Area, SECONDED by Vice-Mayor Herzog and discussion was then opened:

Councilman Lipp mentioned that items such as this not being on the Agenda don't allow for Public Comment. He said we shouldn't make a habit of this.

Councilman Autrey asked if we wanted to mention in this Resolution the County Staff's point that it didn't make sense to put it back in because of connection of Vavrus Ranch.

Vice-Mayor Herzog said that was shut down because of the logic of it.

Bill Gurney, E Road, asked if we could set that up for 2 different requests, one for Mecca and one for Palm Beach Aggregates-Highland Dunes.

Town Clerk Lippman responded that we had already done a Resolution for Palm Beach Aggregates-Highland Dunes the week before.

Town Manager Rosenbaum said we will put the Resolutions on the Consent Agenda from now on and you can pull them from that or you can suggest them at this time.

Town Attorney Tolces said in the future to let Town Clerk Lippman or himself know so they could be placed on the Agenda.

Mayor Browning said we could bring it up along with the approval of the Agenda.

The Motion passed unanimously 5-0.

Town Attorney Tolces requested that Councilman Louda provide him with some historical information to help come up with the language for the Resolution.

Councilman Louda said he was involved in the USGS global warming and how it affects the Everglades and that he would like to attend the workshop on February 21, 2008 regarding this.

Town Clerk Lippman said he could post a Public Notice at the Town Office stating that 2 Council members would be attending this workshop.

Vice-Mayor Herzog mentioned that Riverside Bank is joining the Town on the Adopt a Road project for Okeechobee Boulevard. She said they are providing bottled water for all the participants who show up to help pick up the litter on February 23, 2008.

Town Clerk Lippman said that Riverside Bank would also contribute to our Strategic Planning and Visioning sessions.

Councilman Autrey said he wanted to thank Bill Gurney for helping fix the ceiling in the Town Office this past weekend. He also mentioned that he hopes we can move forward with getting things worked out with Dr. Marlowe and the public notification of the process. He said if we are going to do a newsletter that we need to outline the process and everything we are going to do.

Town Manager Rosenbaum said that Staff will do a mailing ONLY focusing on this.

Councilman Lipp said he wanted to thank all who didn't oppose him in the election. He said he is looking forward to the next 3 years and that he feels the Council is a cohesive group and that sometimes disagreeing is a good thing. He asked Town Staff to put an Agenda Item for the next meeting addressing and exploring looking at tablet PCs which lay flat and eliminate the thick paper Agenda Packets that we print 12 of for every meeting. He also said that Commissioner Santamaria had asked him to mention the meeting on February 20, 2008 is get feedback on how he is doing meeting. He also asked if it would be possible to post the Agenda Packets on the website for the Public and the Press to view.

Town Clerk Lippman said it would be possible to do that.

Councilman Autrey said his only concern would be Staff time and logistics.

Mayor Browning thanked Staff and congratulated Councilman Lipp. He also mentioned that he thought we were supposed to have a bid from Treasure Coast.

Town Clerk Lippman said the RFP had been posted and the information was out there and they didn't respond.

Councilman Autrey stated that they can't compete or approach us we have to approach and ask them.

20. Adjournment

Councilman Lipp MOTIONED to adjourn the meeting, SECONDED by Councilman Autrey 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

Dave Browning

ATTEST:

Matthew Lippman, Town Clerk

Date Approved:

Matthew Lippman
2-17-08