

TOWN OF LOXAHATCHEE GROVES  
Minutes of Regular Meeting, May 15, 2007

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**MEMBERS PRESENT:** Council Member Dave Autrey  
Council Member Dave Browning  
Council Member Marge Herzog  
Council Member Bill Louda

**MEMBERS ABSENT:** Council Member Dennis Lipp

**OTHERS PRESENT:** David Tolces, Town Attorney, Bill Gurney, Environmental Consultant.  
Clete Saunier, Loxahatchee Groves Water Control District, District Administrator

The meeting was called to order by Mayor Browning at 7:05 p.m. Council Member Marge Herzog called the roll and the following Town Council members were present: Dave Autrey, Marge Herzog, Dave Browning, and Bill Louda. Council Member Dennis Lipp was absent.

The Pledge of Allegiance was recited. Mayor David Browning provided the invocation.

Council Member Bill Louda requested approval to leave on his cell phone anticipating a call regarding Palm Beach County Commission vote concerning the Calary Judge vote. Permission was given by Mayor Browning.

Approval of the Agenda was requested at which time Council Member Dave Autry requested that Agenda be added. Town Attorney David Tolces also requested the addition of an item approving payment to the Interim Town Clerk, Maria Pisz. A motion to approve the Agenda and authorize payment to the Interim Town Clerk was made by Council Member Dave Autry and seconded by Council Member Bill Louda. Accordingly, agenda item 16 and 17 were added.

Mayor Browning also indicated that Clete Saunier from the Water Control District had asked to make a presentation. There being no additional discussion or comments, the Motion to add Item 16, "Agenda" and Item 17, Authorization for payment to Interim Town Clerk passed unanimously.

**Water Control District – Presentation by Clete Saunier:**

Presentation by Clete Saunier: WCD District Admin. Presents ILA for funding of construction, reconstruction, and maintenance of road located within the Town, approved for submittal to you by Board of Supervisors at the meeting of May 14, 2007. This agreement authorizes the Town of Loxahatchee Groves to include roads owned and operated by the District and the calculation of the amount of local option gas tax revenues to be received by the Town and the distribution of local option gas tax revenues received by the Town to the District for the regular maintenance and repair of the roads located within the Town's municipal boundaries. The Agreement language retains the District's statutory obligation to maintain all District owned and operated

roads including roads outside of the Town's municipal boundaries. The Agreement also retains the District's statutory responsibility to collect non ad-valorem maintenance assessments from all land owners within its benefited area including those land owners outside of the Town's municipal boundaries to fund its road maintenance obligations. The Board requests review by the Town for approval by June 6, 2007 to be submitted to the Board for approval at its meeting scheduled for June 11, 2007. Once approved, requesting the Agreement then be forwarded to the League of Cities in the hopes of collecting the gas tax revenues next year using the District's lane mile calculation of the local option gas tax revenues.

Council Member Louda made a motion to receive the file, for review by the Town Attorney, and approval at the Town's next meeting. Council Member Autry seconds.

Council Member Autry inquired of the Town Attorney if he had time to review the Agreement. Town Attorney indicated that timing to enter into the Agreement was not critical. The Motion passed unanimously.

Town Attorney Tolces indicated that he had a list of comments provided by Council Member Lipp for each item. At the appropriate time, the comments would be read into the record and the comments attached to the Minutes. Mayor Browning indicated that these comments would be read into the record when Council Members Comments were requested.

## **PRESENTATIONS**

1. **Update on US Postal Facility** – Kenny Griffin, Real Estate Specialist – SE Facility Service Office, Lawrenceville Georgia

A brief history of the project was given. The postal service is looking at the site known as the "Hope" site. There was discussion regarding costs, funding, traffic impact, alternate locations and community consensus for the need for the facility. It was determined that a Council Workshop should be conducted prior the October 1, 2007. The Town Council accepted public comment on the matter. No action was taken on this item. Council Member Louda added that this item would be discussed at another advertised meeting.

## **RESOLUTIONS AND ORDINANCES**

Public Hearing:

2. **Proposed Ordinance 2007-02 was read into the record by Town Attorney David Tolces.** Public Hearing has been scheduled at this time. The Ordinance was approved on 1<sup>st</sup> reading.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING THAT AN ADDITIONAL HOMESTEAD EXEMPTION EQUAL TO FIFTY THOUSAND DOLLARS (\$50,000.00) FOR PERSONS SIXTY-FIVE (65) YEARS OF AGE AND OLDER SHALL BE AUTHORIZED TO**

**TAXPAYERS SATISFYING THE REQUIREMENTS AS SET FORTH IN SECTION 196.075, FLORIDA STATUTES, WHICH INCLUDES BUT IS NOT LIMITED TO THOSE PERSONS WHOSE HOUSEHOLD INCOME DOES NOT EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00) AS ADJUSTED BY THE CONSUMER PRICE INDEX AS AUTHORIZED BY FLORIDA STATUTE; PROVIDING THAT A TAXPAYER SEEKING THE ADDITIONAL HOMESTEAD EXEMPTION SHALL SUBMIT ON AN ANNUAL BASIS A SWORN STATEMENT TO THE PALM BEACH COUNTY PROPERTY APPRAISER'S OFFICE; PROVIDING FOR AN ANNUAL ADJUSTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE SUBJECT TO THE ACCEPTANCE OF THE ORDINANCE BY THE PALM BEACH COUNTY PROPERTY APPRAISER'S OFFICE.**

Motion by Vice Mayor Marge Herzog to adopt Ordinance 2007-01, seconded by Council Member Dave Autry. The Town Attorney called for public hearing and Council discussion.

After discussion, the motion was approved unanimously.

## **REGULAR AGENDA**

### **Approval of Minutes.**

3. Motion to approve the minutes from the May 1, 2007 regular meeting by Council Member Autry, seconded by Vice Mayor Marge Herzog. The motion was approved unanimously

## **COUNCIL ITEMS:**

4. Banking services – selection: Motion to retain one of two companies for Town Banking Services. Motion was made by Council Member Herzog in favor of the proposal submitted by Riverside Bank; the Motion was seconded by Council Member Autry. There was Council discussion on the proposals submitted for review. The Town Attorney read Council Member Lipp's comments into the record. Council Member Lipp is in favor of Riverside Bank and requests the Town Attorney Prepare an RFP for Banking Services as an agenda item for the July 17<sup>th</sup> Council meeting. There was public comment on the proposals. There being no further discussion, a vote was taken. Council members Louda, Herzog and Autry approved, Mayor Browning opposed. The Motion passed 3-1.
5. Land Planning Consultant – Motion to approve Agreement with Land Research Management, Inc. for planning services is association with the establishment of the Town's Local Planning Agency and the Development of the Town's Comprehensive

Plan. James P. Fleischmann of Land Research Management, Inc. was available for discussion and questions. The proposed Agreement was presented to the Town Attorney for review. The Town Attorney noted deficiencies of the company in the insurance requirements provision. A motion was made by Council Member Louda to approve the Agreement. The motion was seconded by Council Member Autry. There was discussion by the Council and it was recognized that there are projects stacking up and there was a need to move forward. An RFP could also be utilized for planning services. Council Member Autry indicated he felt a moratorium on large-scale projects should be considered until the Comprehensive Plan was done. There was public comment by Veronica Close who supported a moratorium on Comp Plan changes and on zoning boundaries and text changes. Veronica Close suggested that the County process zoning reviews of building permits and occupational licenses, site plan reviews, conditional reviews, special exceptions, variance requests and indicated that using subcontractors was common for professional consultants and requiring the applicant to pay those fees. She recommends going out for an RFP for a Comp Plan, for subsequent land development regulations and zoning changes. She recommends that the Council remain the local planning agency and not assign that to a Planning & Zoning Commission. She supports establishing a Planning & Zoning Commission and offered some form ordinances when this is being considered.

The Mayor called for a vote to approve Agreement with Land Research Management, Inc. for planning services; All opposed. The Motion fails at this time.

The Town Attorney indicated that he would locate some sample documents to be provided to the Council for their review.

6. ILA with Solid Waste Authority: Motion to approve the Interlocal Agreement with the Palm Beach County Waste Authority for Disaster Debris Removal. A motion was made by Council Member Louda to approve the ILA. The motion was seconded by Council Member Autry. There was additional Council discussion. Vice Mayor Herzog indicated there was a Hurricane Debris Management meeting on June 4, 2007. A representative of the town should be present. It was agreed that Council Member Louda would attend the June 4, 2007 meeting. There was public comment. The Mayor called for a vote and the motion passed unanimously.
7. Update on Status of Interlocal Agreements with Palm Beach County for Building Permit Services and Zoning services. The Town Attorney presented the Agreement in final form and stated that if approved, the original executed agreements could be delivered to Palm Beach County on May 16, 2007. A motion was made to authorize the Mayor to execute the Interlocal Agreement with Palm Beach County for Building and Inspection Services. Council Member Herzog seconded the Motion thereupon discussion was had by the Council. Council Member Autry inquired if the Town was able to opt out of the preserve provision. The Town Attorney will confirm this. There being no additional Council or public comment, a vote was taken. The motion passed unanimously.

At this time the Rev. Calvin approached the podium for the Council to address permitting items being delayed at the church property. He expressed his concerns about

safety issues and inquired how long it would take for permits to be issued for work to commence at the property. The Town Attorney advised that the Agreements would be delivered to Palm beach County the next day. The County is processing items for new construction. It is anticipated that it would not be more than 30 days before applications for permits would be processed.

The Town Attorney advised the Council that other agreement models for planning and code enforcement had been requested by neighboring Village of Wellington and that he expected documents within the next week or so. Council Member Louda inquired what the Village of Wellington is doing regarding violations for water restrictions. The Town Attorney indicated that Wellington's recommendation was not to use Code Enforcement to enforce water restrictions.

8. Office Lease update – The Town Attorney presented the draft Lease with Comtemco Management Associates, Inc. for an office suite at Palms West Plaza. The lease is for 300 square feet at a rental amount of \$576.76. Rent was not due until June 1, 2007; however, the Town may occupy the premises now. No action is necessary. The terms of the Lease have been confirmed. A motion was made by Council Member Louda to approve the Lease. Council Member Autry seconded the Motion. There was Council discussion including inquiries regarding improvements to the property. The Town Attorney indicated that Paragraph 10.2 of the Agreement provides for reimbursement of costs for improvements. Mayor Browning inquired as to the term of the Lease. The Town Attorney indicated that the lease begins June 1, 2007 through September, 2008 and suggested that a termination provision giving 60 days notice should be added. A vote was taken and the Motion to approve entering into the Lease was approved unanimously.
9. Authorization of the acquisition and associated expenditure for computer equipment and related materials – Recommendations compiled by Council Member Dennis Lipp were presented to the Council. It was determined that the VAIO and Toshiba both met the needs of the Town at this time. Council Member Autry recommended an upgrade on RAM on the Toshiba. It was generally decided that the Town's preference was to use Windows XP. Council Member Herzog made a motion to authorize the acquisition and associated expenditure to purchase the Toshiba Laptop with Windows XP, Microsoft Office, and upgrade of memory to 2 Gig with a cap on the expenditure not to exceed \$1,600.00. Council Member Louda seconded the motion. There were no public comments. A vote was taken and the Motion passes unanimously.
10. Discussion regarding committees – At this time the Town Council discussed the need to establish a process for service on advisory committees. Mayor Browning indicated the Town needed some suggestions. It was the consensus of the Council that most of the needs for committees had to do with planning at this time. Council Member Louda inquired if the Town had received any applicants from the solicitation. If not, then perhaps a mailer to the residents could be utilized asking for volunteers. Council Member Louda indicated that a mailer could work but that it should be sent to registered voters in the Town or from property owners. His recommendation would be to send it to registered voters. There was public comment on this matter. Marge Herzog volunteered

to talk with other municipalities to identify needed committees. Mayor Browning indicated that the League of Cities may also be able to assist in this area.

11. Authorize town expenditures – A motion was made Council Member Louda and seconded by Council Member Autry to approve payment to the Palm Beach Post in the amount of \$269.42 from funds being held by Goren, Cherof, Doody & Ezrol, P.A. for the publication of the Notice of Public Hearing for Ordinance 2007-02 regarding homestead exemption. There was Council discussion regarding how the Invoice was to be paid. The Town Attorney indicated that once approved by the Council, the law firm would send the checks. There was no public comment. Upon Motion duly made and seconded, the Motion passed unanimously.
12. Town manager discussion – The Town Attorney explained that the criteria for a town manager is contained in the Town Charter. There are specific minimum requirements for town manager. The City of Fort Myers provided a model through our law firm to give the Town some ideas might go about soliciting for a Town Manager. The Town Attorney indicated that there was a proposal from Dr. Rosenbaum's company, New Community Strategies, for a flat fee of \$7,000.00 per month to provide the Town with financial services, administrative functions that the Council could further define. The Mayor wanted to look into this proposal because they had to ability to cover the Town's needs as they came up. He also indicated that he was not ready to hire a manager per se. Council Member Louda indicated he would like to see a full-time clerk to receive input for the Town. Council Member Autry indicated he did not see a full-time clerk but supported the proposal because they could provide a suite of services. At this time Dr. Rosenbaum was recognized and approached the podium for additional clarification and questions. Dr. Rosenbaum indicated his company is very flexible for the Town's unique circumstance. It was the Council's recommendation to bring this matter for discussion and possible motion on the June 5, 2007 agenda. There was no public comment on this item.
13. Agenda for 6/5 meeting – Items for placement on the June 5, 2007 agenda were brought forth at this time as follows:
  - a. Mayor Browning would like to have the High School students from Jupiter recognized at the meeting. The High School won an award for a program on migrant workers and their living conditions. They would be willing to make a short presentation of their findings. The Mayor would contact the school and provide the Town Attorney with the agenda back up.
  - b. Council Member Louda would like an item that was not on a previous agenda regarding Palm Beach County Water Wells
  - c. Council Member Louda would like discussion regarding FPL Power Plant at 20 mile bend in Palm Beach County;
  - d. Council Member Louda would like an item for discussion regarding input from citizens not able to attend council meetings

- e. Council Member Louda would like an item for discussion regarding PBC Gang Violence symposium which will occur this Friday and he has volunteered to attend this meeting;
- f. Council Member Louda would like an item for discussion regarding Cast-Netting in Canals. This would cover turtle and fish taking from the Town's canals;
- g. The Town Attorney indicated there should be an item regarding the proposed Town Manager;
- h. The Town Attorney indicated that an item should be placed on the agenda regarding the Interlocal Agreement with the Water Control District with WCD;
- i. The Mayor indicated there should be an item regarding County Code Enforcement;
- j. Council Member Lipp requested an Ordinance re: manure dumping;
- k. Council Member Lipp requested discussion regarding the placement of overhead utility lines underground;

There was public comment at this time concerning the need to finalize the ILA with the Water Control District. Additional public comment was offered regarding the need for a formal method for citizens to have an item heard by the Council.

- l. There was public concern regarding safety issues involving the pick-up and drop off of migrant works and laborers on corners. The Mayor indicated that this item should come on for discussion before the Council on the June 5, 2007 agenda.
14. Date for June budget workshop meeting - It was determined that there was a need for a Budget Workshop in June. The Mayor and Council gave dates they were unavailable. The Council's consensus was to have the meeting on June 7, 2007. The Town Attorney would confirm the date and meeting place availability with the Water Control District. The meeting would take place at 7:00 PM. If this date was not available, June 12, 2007 would be the alternate date.
15. 2010 census local update of census address program – There was discussion by the Town Council regarding this program. Mayor Browning requested and received info. Council Member Herzog indicated there was a meeting but no one attended because of the short notice provided. There was a form provided and the Town was advised they could participate. The Town Attorney clarified they were looking only for contact information for future participation. Additional information would be forthcoming in July, 2007. There was public comment on this matter confirming that this data/information should come from County as they are already doing this. This should be included in the ILA for Planning Services.
16. Agenda. Council Member Autry requesting the Town develop a procedure for getting something on agenda; resident forwards request to council member. The Town Attorney

confirmed the requests should come from the resident to a council member and if the member found it worthy, it would be placed on the agenda or come before the Council for discussion. The requests would then go to the Mayor for a determination. Council members have priority for agenda placement; if we get calls to agenda access that would be communicated to Council. There was public comment on this matter.

17. Acting Town Clerk – This item was added to the agenda to approve the payment of \$200.00 for the attendance of the Acting Town Clerk, Maria Pisz, for attendance at the meeting and transcribing of minutes. Council Member Herzog made a motion to approve the payment to the Acting Town Clerk; Council Member Autry seconded the Motion. A vote was taken and the Motion passed unanimously.

**Public Comments.** Public comment was received.

**Council Member Comments.**

Council Member Herzog reminded the Council that the LOC Dinner will take place on June 2, 2007. She will be installed. There was a complaint about stump dumping and she inquired where those should be sent. The Town Attorney advised that illegal dumping should be reported to the Sheriff; Phase 3 water regulations are in place; a property tax workshop was taking place on May 23, 2007 from 1:00 to 3:00 PM at Lake Park Town Hall. There would be no public input. It was for the Legislative Delegation and Elective staff. She was invited and plans to attend.

Council Member Louda indicated he would be attending the Gang Violence Symposium and inquired if any of the Council were aware of any gang activity. Council Member Herzog indicated there was some gang activity on A Road. Community signs, business signs all have markings from local gang activity. Palm Beach County Road Patrol officers confirm two gangs fighting for control in the Town.

Council Member Autry reported that Paul Scofield was able to intervene on behalf of Eric Valencia regarding his trailer permit issue. Council Member Herzog also indicated that Mr. Scofield also assisted with the permitting for Cinco De Mayo.

Mayor Browning expressed his thanks to Doreen Baxter for her efforts and the good news on good news on Calary Judge

Council Member Lipp's comments were read into the record by Town Attorney David Tolces.

- I have been very involved with Commissioner Jess Santamaria's efforts to reduce the density of the planned 10,000 homes in the Calary Judge Groves DRI.
- The Town send a resolution to the BCC asking for a density of .2 units per acre.
- I support Commissioner Santamaria's compromise density of .8 units per acre with .4 units bonus with 60% open space for Calary Judge and .8 units per acre with 60% open space for all other development in the unincorporated western communities.

- If the BCC has not reached a decision at today's meeting and the final vote is once again postponed, I propose that the Town Council send another resolution to the BCC supporting the Sector Plan and the new densities.

Council Member Louda stated that the Enclave Bill as proposed at 2307 units on property was presented and rebutted by the Board of County Commissioners.

**Town Attorney Comments.** The Town Attorney stated that he is working on a memorandum regarding the public service tax and that numbers were forthcoming from FPL; There was discussion tonight regarding moratoria, although I prefer to use the words zoning in progress. At the Council's request, I can prepare a brief memorandum explaining the Town's rights with respect to the a zoning in progress under the Charter as well as state law on how to adopt some type of zoning in progress to give the Council a rest period in addition to what we've already had with respect to zoning and land use changes.

On motion by Council Member Autry, seconded by Council Member Herzog, the meeting was adjourned at 10:11 pm.

Submitted by: DAVID N. TOLGES  
Print Name: DAVID N. TOLGES  
Title: TOWN ATTORNEY

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