

TOWN OF LOXAHATCHEE GROVES  
Minutes of Regular Meeting, June 19, 2007

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**MEMBERS PRESENT:** Council Member Dave Autrey  
Vice Mayor Marge Herzog  
Council Member Dennis Lipp  
Council Member Bill Louda

**MEMBERS ABSENT:** Mayor Dave Browning

**OTHERS PRESENT:** David N. Tolces, Esq., Town Attorney; Nancy Handweg, Interim Town Clerk; Irv Rosenbaum, Town Manager; Matthew Lippman, Town Clerk; Reverend Gary Cecil.

The meeting was called to order by Vice Mayor Marge Herzog at 7:00 p.m. Council Member Bill Louda called the roll and the following Town Council members were present: Bill Louda, Marge Herzog, David Autrey and Dennis Lipp.

The Pledge of Allegiance was recited. Reverend Gary Cecil provided the invocation.

**Approval of Agenda:** Motion by Council Member Dennis Lipp to Approve the Agenda, seconded by Council Member Dave Autrey. The motion was approved unanimously.

**PRESENTATIONS:**

None.

**RESOLUTIONS AND ORDINANCES:**

1. **Resolution 2007-005 – Inventory of Municipally Owned Property that is Appropriate for Affordable Housing.** Proposed Resolution 2007-005 was read into the record by Town Attorney David Tolces:

**A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES,  
FLORIDA APPROVING AN INVENTORY LIST OF MUNICIPALLY  
OWNED PROPERTY THAT IS APPROPRIATE FOR USE AS  
AFFORDABLE HOUSING PURSUANT TO SECTION 166.0451,  
FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING  
FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Marge Herzog opened a Public Hearing. Town Attorney David Tolces advised Town Council that Florida Statutes requires that an inventory list of municipally owned property be considered and adopted at public hearing. The Town of Loxahatchee Groves currently owns no property. After hearing public comment, the public hearing was closed. Motion by Council Member Bill Louda to approve Resolution 2007-005, seconded by Council Member Dave Autrey. Motion was passed unanimously.

**REGULAR AGENDA:**

2. **Approval of Minutes for June 5, 2007 Regular Meeting.** Council Member Bill Louda moved to approve the minutes for the June 5, 2007 regular meeting, Council Member Dennis Lipp seconded the motion. Corrections to the minutes were identified and the minutes, as amended were unanimously approved.

**COUNCIL ITEMS:**

3. **Code Enforcement.** Town Attorney David Tolces provided an update on the Code Enforcement issue. Town Attorney Tolces forwarded the ILA to Terry Verner, Director of Palm Beach County Code Enforcement for the County's review and has not yet received a response. It was noted by Council Member Dennis Lipp that the Board of County Commissions did approve the ILA for Building Inspection Services. Town Attorney David Tolces provided a sample of a Code Enforcement Ordinances from another municipality for the Town Council's review. This municipality uses a Special Magistrate. He also provided the current Town Code provisions related to Code Enforcement Citations. This system provides the citation goes straight through to the court. A Special Magistrate would give the Town more control over the process. A discussion was held of the cost differences to the Town for each system. It was concluded that a Special Magistrate would probably be cheaper. Town Attorney Tolces advised that once the Town developed their own codes, they would probably need their own enforcement system. If we signed an ILA with Palm Beach County, they could respond to complaints until the Town has their own codes. The codes currently are the same as the Town had prior to its incorporation. Patrick Figuerella spoke to the council and advised that his company, Calvin, Giordaro & Associates, Inc. currently provides contract code enforcement for municipalities in Broward County. He provided his card to the Town Attorney. This item requires no action at this time.

4. **Update Concerning Traffic Calming on Okeechobee Boulevard.** Council Member Dennis Lipp advised that he spoke to Dan Weisberg, Director of Palm Beach County Traffic Division and that Mr. Weisberg stated that the cost for a roundabout on Okeechobee Boulevard would be between one million and \$1.4 million dollars. The typical cost for a standard roundabout is \$300,000. Council Member Lipp also advised that he had attended the Western Communities Council Meeting at which a schedule indicated the Okeechobee expansion was not scheduled to be funded until 2009 or 2010 and that the Seminole Pratt Whitney Boulevard expansion will be done in 2008. After discussion, a Motion was made by Council Member Dennis Lipp that the Town Attorney draft a resolution that the county should not commit to any funds for the widening of Okeechobee Boulevard as indicated in the County's five-year road plan until such time as the widening of Seminole Pratt Whitney Boulevard has been completed from Northlake Boulevard to Southern Boulevard, at which time the County should complete a traffic study to see if the Okeechobee Boulevard expansion is still needed. This motion was seconded by Council Member Bill Louda. After discussion this motion passed unanimously.

5. **Discussion Concerning Enforcement of Anti-Littering Ordinance Provisions.** Town Attorney David Tolces provided the Council members copies of Florida Statutes relating to the

Florida litter law. After discussion, it was requested that Town Attorney David Tolces determine whether the Town could use money collected in fines to pay rewards to residents who turn in violators of the litter laws. In the meantime, residents are encouraged to call the Palm Beach County Sheriff's Office if they witness violators. Additionally, the Town will consider posting anti littering signs.

**6. Discussion Concerning Business Tax Receipts and Establishment of an Equity Study Commission.** Town Attorney David Tolces provided provisions from the Florida Statutes relating the Business Tax Receipts (formerly known as Occupational Licenses), together with sections from the Village of Wellington Code of Ordinance, for the Council Member's review. If the Town desires to adopt a Business Tax Receipt Ordinance, there must be at least fourteen days between the first and last reading. Town Attorney Dave Tolces advised that Mayor Dave Browning received a letter from Palm Beach County Tax Collector's Office offering assistance with tax collection services. Town Manager Irving Rosenberg was requested to obtain for Council Members the revenue estimation if the Town does adopt a Business Tax Receipt Ordinance. Town staff is directed to research and propose a Business Tax Receipt Ordinance for businesses operating within the Town for the Town Council's review.

**7. Establish a Town Council Workshop Meeting Date for Discussion Considering Manure Dumping.** July 24, 2007 at 7:00 pm was proposed as the date for the discussion concerning manure dumping. Town Clerk Matt Lippman will see if the Water Control District meeting room is available. Council Member Dennis Lipp provides copies of History of Horse Bedding Waste Issues, which he received from Dan Kaufman of the Horse Council. For this workshop, Council Member Bill Louda will present a 15 minute PowerPoint presentation. Jay Foyd will be invited to attend to provide an overlay on how Towns come into compliance with the National Pollution Discharge System. Additionally, Dan Shalloway will be invited to attend.

**8. Discussion Concerning Land Planning Issues.** Town Council has previously discussed a moratorium ordinance regarding land planning issues. Motion by Council Member Dave Autrey to authorize the Town Manager to obtain proposals from Planning Consultants to assist with drafting an ordinance that would implement a temporary moratorium within the Town and to assist with other planning and comprehensive issues, seconded by Council Member Bill Louda. If enacted, this would be a temporary moratorium until the Town establishes land planning. After discussion, the motion passes unanimously.

**9. Discussion Concerning Public Notices, Public Records Requests, and Communication with the Town Council.** The Town's Webmaster is currently a volunteer position. Council Member Dave Autrey raised concerns regarding this person's exposure for liability because he is maintaining public records. The Town Manager will speak with the Webmaster to clarify the process of posting this information on the website. Originals of all public records are currently in the Town Attorney's office and will be transitioned to the new Town office. The Town can charge for copies of the public documents and if extensive records are requested by an individual, the Town can also charge for labor.

**10. Authorize Town Expenditures.** Council Members reviewed the following invoices:

- a. **Invoice from Western Communities Council, Inc. in the amount of \$100.00 for Services from June 2007 to June 2008.** This is a membership fee. Motion by Council Member Dennis Lipp to authorize payment of this invoice, seconded by Council Member Bill Louda. Motion passes unanimously.
- b. **Invoice from New Community Strategies for Telephone, Facsimile, and DSL Services.** Town Clerk Matt Lippman advised that his invoice reflected an agreement for services from Bell South for four telephone lines and DSL services. The amount would be \$138.75/month for the 4 lines and \$54.95/month for DSL. The agreement is for 36 months which provided a 25 percent discount. If the Town cancelled the services prior to 36 months, there would be a \$20.00 per month penalty for each month left on the agreement. Motion by Council Member Bill Louda to authorize payment of this invoice subject to annual budgeting and appropriations, seconded by Council Member Dennis Lipp. Motion passes unanimously. The telephone number for the Town office is 561-793-2418 and the fax number is 561-793-2420. The email account is [thetownofloxahat@bellsouth.net](mailto:thetownofloxahat@bellsouth.net).
- c. **Invoice from New Community Strategies for expenses related to office setup in the amounts of \$576.37 and \$94.91.** Motion by Council Member Bill Louda to authorize payment of this invoice, seconded by Council Member Dave Autrey. Motion passes unanimously.
- d. **Invoice from Vice Mayor Marge Herzog for items purchased from Office Depot in the amount of \$105.96.** Motion by Council Member Dennis Lipp to authorize payment of this invoice, seconded by Council Member Bill Louda. Motion passes unanimously.
- e. **Invoice from the Loxahatchee Groves Water Control District for use of the facilities for five meetings in the amount of \$585.00.** It was noted that the cost is for the employee's wages and not rental of the building. An employee of the LCWCD is required to be in attendance during Town meetings to open and close the building and is responsible for the building per the Town's agreement with the Water Control District. An employee is in attendance only if Clete Saundier is not at the meeting. Motion by Council Member Bill Louda to authorize payment of this invoice, seconded by Council Member Dennis Lipp. Motion passes unanimously.

**11. Agenda for July 3, 2007 Meeting.** Items currently on the agenda for July 3, 2007 include a discussion of benchmarks and timelines; the creation of committee to recommend a Town logo, seal, flag and motto; Code Enforcement update; and Business Tax Receipt update.

**PUBLIC COMMENTS.** Lisa Hyslop would like to see a vision statement which would guide everyone involved in the decision making process. Council Member Bill Louda reminded residents that the Loxahatchee Groves Neighborhood Plan is being used as a guideline.

**COUNCIL MEMBER COMMENTS.**

Council Member Dennis Lipp: He visited El Sol in Jupiter and feels it was inspiring and a good idea.

Council Member Bill Louda stated he will be attending the Land Use Advisory Board meeting on Friday and will submit the Town resolution regarding E Road/140<sup>th</sup> Street, requesting that it be removed from the thoroughfare identification map. At that meeting the Sluggert property will also be discussed and he requested Council approval to speak on behalf of the Town on how this development could affect traffic within our Town. The meeting on the gas pipeline was cancelled and has been rescheduled for July.

Vice Mayor Marge Herzog stated that FPL would like to meet with the Town to discuss what the Town needs to do to be prepared for an emergency. She requested that the Town send a letter to the Board of County Commissioners requesting an update on the status of the Simon Property and the Guest Property. Town Clerk Matt Lippman will send a letter. She stated that County Commissioner Koons stated that he felt it would be the most beneficial for the Town to use the Treasure Coast Regional Planning Committee for assistance with the Comp Plan. The Town Council noted, however, that this committee supported the Callery Judge project.

Council Member Dave Autrey stated that he met with Palm Beach County Fire Rescue and the meeting was nothing formal, but just a hello. He stated that PBCFR offered to have the local Battalion Chief speak to the Town and let us know what services are available.

**TOWN ATTORNEY COMMENTS.** Town Attorney David Tolces indicated that he received a call from the Palm Beach County Fire Arson Investigation Division regarding a previous fire on "A" Road which left a burned out trailer. A letter needs to be sent to the owner asking them to remove the trailer. He is drafting an ordinance regarding the Public Service tax.

**TOWN MANAGER COMMENTS:** Town Manager Irv Rosenbaum stated that he had ordered a digital recording system which will provide better services. He also stated that he has a picture which could be hung in the new Town office with a cowboy theme, if the Council likes the picture. He stated that the Town has already begun to receive public input at the new office.

On motion by Council Member Dennis Lipp and seconded by Council Member Bill Louda, the meeting was adjourned at 9:18 pm.

Submitted by Matthew Lippman  
Matthew Lippman  
Interim Town Clerk

/nlh

