

TOWN OF LOXAHATCHEE GROVES  
Minutes of the Regular Meeting of July 17, 2007

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1. **CALLED TO ORDER:** The meeting was called to order at 7:01 p.m. by Mayor Browning.

2. **ROLL CALL**

PRESENT WERE: Mayor Dave Browning (departed at 8:55 p.m.)  
Vice Mayor Marge Herzog  
Council Member Dave Autrey  
Council Member Dennis Lipp  
Council Member Bill Louda

Also present were Town Manager Irv Rosenbaum, Town Attorney David Tolces, and Town Clerk Matthew Lippman.

3. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

4. **INVOCATION**

Mayor Browning delivered the invocation.

5. **Approval of Agenda**

- a. Additions, deletions, or substitutions to the Agenda

Vice Mayor Herzog made a motion, seconded by Council Member Louda, to approve the agenda.

Council Member Autrey requested that the discussions concerning the budget be heard after discussion was held on those items that would impact the budget. There were no objections. Mayor Browning asked that item 7 be discussed after item 13.

Council Member Lipp stated that he had received a letter from Commissioner Santamaria who had requested that if the Town needed to pursue any interlocal agreements, the Town begin with contacting his office. He asked if he could have a consensus authorizing the Town Clerk to communicate with Commissioner Santamaria regarding any future need for interlocal agreements. There were no objections and the Town Council gave full consensus.

- b. Motion to approve and adopt entire agenda as set

In a voice vote, all voted in favor. The motion carried 5-0.

6. **Approval of Minutes from Town Council Meeting on July 3, 2007**

Council Member Autrey made a motion, seconded by Vice Mayor Herzog, to approve the minutes of July 3, 2007.

Vice Mayor Herzog stated that there had been a few typographical errors as they pertained to name spellings that she had submitted to Town Clerk Lippman, as well as a correction she wished added to the minutes. Town Clerk Lippman read into the record the following addition on page 8: "Vice Mayor Herzog stated that there was significant interest in the property on Southern and D Road from an equestrian organization in Wellington that might be better suited for this use".

Council Member Lipp referenced to page 12 and asked that "supposed" be changed to "proposed".

There were no objections to the proposed changes. In a roll call vote, all voted in favor. The motion carried 5-0.

7. **Town Budget: (David Tolces, Irv Rosenbaum, Mo Thornton)**
  - a. Adoption of temporary millage rate

This item was discussed later in the meeting.

- b. Set the date and time of 1<sup>st</sup> budget public hearing

This item was discussed later in the meeting.

8. **Resolutions:**

**Resolution No. 2007-007 – Requesting an established Equestrian Park Facility**

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA REQUESTING THAT THE COUNTY ESTABLISH AN EQUESTRIAN PARK FACILITY WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Tolces read Resolution 2007-007 into the record by title only.

Council Member Louda made a motion, seconded by Council Member Autrey, to approve Resolution 2007-007.

Council Member Autrey asked if the back-up to the resolution was part of the Neighborhood Plan and inquired if the property noted as being for sale was currently still for sale. Council Member Louda replied that the information had been obtained from the Neighborhood Plan but did not believe that it needed to be attached to the resolution. He felt that the information had only been provided for Council's review. Town Clerk Lippman confirmed that the Neighborhood Plan would not be attached to the resolution.

In a voice vote, all voted in favor. The motion carried 5-0.

9. **Ordinances:**

**Ordinance No. 2007-03 – Enacting a Public Services Tax** *(1<sup>st</sup> Reading)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, IMPLEMENTING A “PUBLIC SERVICE TAX” PURSUANT TO SECTION 166.231, FLORIDA STATUTES; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Tolces read Ordinance 2007-03 into the record by title only. He briefly explained the proposed ordinance and the process to be followed for final adoption. Attorney Tolces stated that the public service tax had originally been in place; however, once the Town incorporated, those funds were no longer collected on its behalf unless it specifically implemented the tax for its municipal boundaries.

Vice Mayor Herzog asked that the water service be explained. Attorney Tolces stated that if the Town obtained water services in the future, the public service tax would also be collected. Vice Mayor Herzog asked if the Town would obtain revenues from new developments required to obtain water services. Dr. Rosenbaum replied that the Town would collect the revenues from the taxes imposed regardless of who provided the services. Council Member Louda stated that he was under the impression that new construction did not have to connect to the County’s water service system. Some discussion followed, with Council agreeing that taxes for water usage would only be collected from those properties receiving the services.

Council Member Autrey asked if a graduating scale had been included to show what the Town was permitted to collect under the ordinance. Attorney Tolces replied affirmatively, stating that the scale appeared on page 2. He then briefly described the tax scale.

Council Member Louda made a motion, seconded by Vice Mayor Herzog, to approve the ordinance on first reading.

Council Member Autrey stated that the proposed budget showed revenues in the amount of \$100,000; however, the original estimates had been \$120,000 in revenues. Mo Thornton stated that she had changed the proposed revenue amounts as collection would not begin until January 1<sup>st</sup>.

Council Member Autrey stated that this tax was not deductible while property taxes were. He felt that the Town should consider including this cost with the property taxes so that property owners could take advantage of the benefits of deductions. Council Member Louda agreed that this would, in deed, be a good idea; however, since the tax was based on use, some property owners could be penalized by paying more than their fair share. He indicated that although he liked the tax deduction aspect of the idea, he did not believe residents would see the distinction if taxes were raised.

Dr. Rosenbaum stated that there were two different ways of collecting taxes. He indicated that based on a use tax, the revenues collected for services such as electricity historically showed a constant growth. He explained that property taxes fluctuated with the rise and fall of property value.

Council Member Louda stated that all residents had been paying this tax and that it had only been removed for a few months because of the Town's incorporation. He indicated that property appraiser's offices were always under great scrutiny to lower the appraisals on property. Council Member Louda stated that it would best serve the Town to maintain the tax as a use tax.

Council Member Lipp questioned if Council could repeal the ordinance if the Town later decided it did not need the revenues. Attorney Tolces replied affirmatively.

Council Member Louda asked if the Town could adopt the tax at a later date if it decided not to proceed at this time. Attorney Tolces replied affirmatively, but stated that there were specific dates throughout the year wherein the tax could be initiated. He indicated that as long as the Statutes were not changed and the tax was still permitted, the Town could initiate collection at a later date.

In a roll call vote, all voted in favor. The motion carried 5-0.

**Ordinance No. 2007-04 – Enacting a Communications Service Tax** (1<sup>st</sup> Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, IMPLEMENTING A COMMUNICATIONS SERVICES TAX PURSUANT TO CHAPTER 202, FLORIDA STATUTES; PROVIDING FOR A COMMUNICATIONS SERVICE TAX; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE, PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Tolces read Ordinance 2007-04 into the record by title only.

Vice Mayor Herzog made a motion, seconded by Council Member Autrey, to adopt the ordinance on first reading.

Vice Mayor Herzog referenced page 2, Section 2, and questioned how it benefited the Town to show that it "elects to require and collect permit fees". Attorney Tolces stated that the Town was not currently collecting on these types of fees and would benefit from the added revenues.

Vice Mayor Herzog asked if "2006" on page 3, Section 3, should be "2007". Attorney Tolces replied affirmatively, and indicated that the typographical error would be corrected prior to second reading.

In a voice vote, all voted in favor. The motion carried 5-0.

**10. Town Work Plan (Irv Rosenbaum)**  
a. 1-in-5 Option Discussion

Dr. Rosenbaum stated that staff was preparing to move ahead with the Comprehensive Plan and was looking for some direction to determine in which manner the Town wished to proceed. He expressed

his belief that the Town could move fairly quickly and expected that the County would be of great assistance to the Town.

Council Member Louda asked if staff had discussed this matter with the DCA. Dr. Rosenbaum stated that he had not spoken directly with a representative of the DCA, but expressed the importance of facilitating a process that streamlined the amendments and also ensured public input. Council Member Louda emphasized that the change in density had been as a result of the DCA

Shelley Eichner, of Calvin Giordano & Associates, stated that the Town had up to three years from the date of incorporation to adopt, through the State, its Comprehensive Plan. She indicated that the best method was to take the information that was already maintained by the County since the Town was newly incorporated. Ms. Eichner explained that using this method would lower costs as the information was current. She indicated that the County's Plan could be obtained, with the Town changing only those sections it believed needed to be amended.

Ms. Eichner stated that the State did not require a specific format for public input, but emphasized that it did require public input. She recommended at least two workshops that included public input so that the process was complete.

Ms. Eichner stated that the Town would need to allow the public to review proposed changes and should encourage participation throughout the entire process until adoption was approved. She explained the process that would be followed, which included a transmittal hearing and the first reading of the ordinance; sending the proposed amendments to the Plan to Tallahassee who would distribute them to other agencies, providing a review report within 60 days for the Town to address any questions or required changes. Ms. Eichner stated that once the Town made the required changes, it could adopt the Plan amendments, with an additional submittal to the State being made. She explained if no appeals were filed during the process, the Plan Amendment was then adopted by the State. Ms. Eichner briefly described the types of data that would need to be collected. She reiterated that there were several agencies that would need to review the proposed amendments before it was returned to the Town for final changes.

Council Member Louda asked if the amendment process took a full three years. Ms. Eichner replied negatively, stating that the Town could begin its amendment process now and complete the changes sooner. She explained that the maximum time the Town could take to adopt its amendments was three years.

Council Member Autrey stated that when Palm Coast incorporated in the 1990s, they had won awards for their budgeting management. He indicated that he had been greatly impressed with their strategic planning, stating that Palm Coast had supported their strategic planning for the municipality with their Land Use Plan and Comprehensive Plan to estimate their growth and tax base potential for the future without the need to continuously raise taxes.

Dr. Rosenbaum felt that the budgeted \$100,000 should be adequate to cover the cost of preparing the Comprehensive Plan this year. He agreed that a strategic plan was necessary and believed that the strategic plan should be put into place first to ensure that it tied into the Comprehensive Plan. Dr.

Rosenbaum stated that the strategic planning would begin with a visioning document that showed short term and long term goals, as well as a wish list that showed what changes were needed within the community. Council Member Autrey asked if the Neighborhood Plan could be used for this purpose. Dr. Rosenbaum replied affirmatively.

Council Member Louda stated that since two or three workshops would be needed, he felt that Council should set a date and begin moving this along. Dr. Rosenbaum stated that Council needed to agree on the type of sessions it wished to hold – whether a full day or two half days – so that the details could be worked out with a facilitator.

Some discussion was held regarding the amount of participation that could be expected. It was a majority consensus that a large turn out should be expected. Dr. Rosenbaum indicated that if the sessions were run in a manner that good dialog could be obtained, an atmosphere to bring together different interest groups could be easily created.

Ms. Eichner stated that the Town should keep in mind that the DCA had provided grants to financially assist municipalities with this process. Council Member Autrey stated that the Town had tried, but had not been successful in obtaining grant funds. Ms. Eichner offered to provide the contact person that her firm used.

i. Lisa Amera, Senior Planner, PBC PZ&B

Lisa Amera, with Palm Beach County, distributed copies of packets obtaining information regarding the history of growth management used within the County. She briefly described some of the information contained within the material and stated that pages 5 and 6 referenced the process for Comprehensive Plan Amendments and the requirements for the process. She provided some history to the density counts within the County and offered to provide the information needed by the Town to pursue its proposed amendments. Ms. Amera stated that she and her staff would make themselves available to assist the Town with the preparation of the needed report and ordinance as it had all the current maps and data for the Town.

Ms. Amera agreed with Ms. Eichner regarding the adoption process required by the State. She indicated that if Attorney Tolces had no objections to confirming with DCA if a corrective amendment could be made, it could be easier for the Town to proceed with the 1 in 5 option. Attorney Tolces had no objections and offered to contact DCA representatives to determine if a map amendment could be made prior to the actual Comprehensive Plan Amendment.

Vice Mayor Herzog asked if there were any negatives to having the Town change its zoning to 1 unit per 5 acres. Ms. Amera stated that the only negative she imagined could be an issue was traffic. She indicated that she believed the Metropolitan Planning Council could be contacted to obtain the proper figures.

Ms. Amera stated that the County had created corrective amendments on several occasion and believed it might be possible for the Town to proceed in the same fashion.

Vice Mayor Herzog asked what might be needed if a traffic concern was raised. Ms. Amera was unsure, stating that she was unsure how the trip generations were specifically calculated. Council Member Louda stated that when previously calculated, it had been determined that density would be increased by only about 332 units.

Council Member Autrey questioned if it were viable to make these types of amendments at this time without knowing what impacts the change could have on the Town. Ms. Amera stated that the Town would have to look at the numbers to make that determination. She indicated, however, that the Town had its Neighborhood Plan and a rural tier to use as a format.

Council Member Autrey asked if a request for proposal could be prepared. Dr. Rosenbaum replied affirmatively, stating that this would aid the Town in determining costs and time frames.

Ms. Amera stated that if the DCA accepted a corrective amendment from the Town, the Town could go to a transmittal hearing as early as September. She indicated that if that was the case, then the County could provide the report and the ordinance, and that a request for proposal would not be needed to be pursued for the 1 in 5 option.

Ms. Amera stated that she would be leaving on maternity leave in a few weeks, but indicated that Patricia Bains would be available to answer any questions for the Town.

Council Member Louda asked that Council Members be provided with copies of the Comprehensive Plan for their review. Town Clerk Lippman replied affirmatively, and informed that copies would also be made available for public requests. He indicated that a hard copy was now available in the Town Clerk's Office for the public's review and advised that the document could be reviewed on the web site.

Dr. Rosenbaum stated that the Comprehensive Plan could be used as the ground basis for the visioning sessions.

ii. Shelley Eichner, Calvin, Giordano, & Associates

Ms. Shelley Eichner spoke earlier in the meeting.

**11. Code Enforcement RFP's: (*Matthew Lippman*)**

Town Clerk Lippman stated that Mr. Stan Morris had withdrawn from the bidding process and that Palm Beach County had no interest in providing these services at this time. He stated that a new proposal had been submitted by Lynda M. Walker who wished to have an opportunity to address Council. There were no objections.

i. Calvin Giordano

George Keller provided a brief presentation regarding CGA Proposal 07-1179, describing the services that would be provided. He recommended using an educational approach at the beginning, with

emphasis on preservation and enhancement. Mr. Keller stated that after education was provided throughout the community, the Town could issue courtesy notices for violations, with emphasis being placed on compliance. He felt that this would provide the community with adequate time to become informed as well as providing the Town with an opportunity to review possible changes to its Code and enforcement policies.

Council Member Autrey stated that the Town wished to pursue enforcement on a complaint driven basis and asked how the complaints would be handled. Town Clerk Lippman felt that complaints would be received by the Town Clerk's Office, with violations being provided to the company being awarded the bid if additional attention or enforcement were necessary.

Council Member Autrey expressed concern that a situation could arise where one neighbor was fussing with another neighbor. Mr. Keller assured Council that each complaint would be addressed on an individual basis, emphasizing the importance of the Town having its own rules and regulations to ensure that its priorities were met. Attorney Tolces explained that the Town currently fell under the County's Code of Ordinances and agreed that during the education process, the Town could review the Code requirements and adopt its own regulations.

Council Member Lipp asked if the Code could be made available on the web site. Town Clerk Lippman replied affirmatively, stating that a link could be provided to the County's Code.

Attorney Tolces explained that there were two sections of the Code that were used for enforcement, with one being the development requirements, and the other being ordinances that identified nuisances. Dr. Rosenbaum agreed and indicated that there would be some work in reviewing the existing ordinances to ensure that the Town's priorities were addressed.

Vice Mayor Herzog expressed concern with having a Code Enforcement individual driving through Town just to identify violations. She did not believe that the residents would be too happy with this type of arrangement. Town Clerk Lippman stated that Code Enforcement had to be followed equally for everyone and, therefore, it was important for the Town to look at the existing Codes to determine which ones they wished to amend or repeal.

Council Member Louda asked that the public be informed that the Town was not using the County for these services as they had opted out of providing the services. He felt it was important to ensure that Town residents were aware of the reason why the Town had to seek for these services elsewhere.

Council Member Autrey questioned how many complaints had been received by the County with regards to property within the Town. Dr. Rosenbaum stated that during the fiscal year 2005-2006, staff from the County had responded to 60 complaints within the year. Council Member Autrey stated that the proposed contract allowed the Town to cancel services with seven days notice, feeling that the proposal did not lock the Town into a service that it might not need in the future. Mr. Keller stated that he understood that Code enforcement was a sensitive issue and indicated that the contract could be modified at any time to suit the Town's needs. He reiterated that pursuing an educational system was beneficial as it provided residents with an opportunity to bring their properties into compliance without being cited.

Vice Mayor Herzog asked for confirmation that Town Clerk Lippman was handling complaints being received. Town Clerk Lippman replied affirmatively, stating that there had only been five incidents within the last four weeks. He briefly described the complaints that had been received.

ii. Stan Morris

Mr. Stan Morris withdrew his proposal.

iii. Palm Beach County

The County did not have any representatives present as they were not interested in providing these services.

Lynda Walker, 13875 61 Lane North, stated that her proposal was based on her experience and ability to help the Town with the rewriting of its Code.

Attorney Tolces stated that his office was perfectly capable of assisting the Town with the preparation of its ordinances. Mayor Browning stated that the Town was unique in its needs and character and felt uneasy about using an individual to rewrite the Code that did not reside or know the area and its needs.

Council Member Autrey made a motion, seconded by Council Member Louda, to approve the proposal from Calvin, Giordano & Associates, subject to having legal counsel and Calvin, Giordano & Associates negotiate a contract, and authorizing the Mayor to execute an appropriate agreement.

Mo Thornton, Manager of the City of Atlantis, stated that the proposed contract seemed reasonable as it would allow residents to become familiar with the process and give the Town time to tweak the contract as needed.

In a voice vote, all voted in favor. The motion carried 5-0.

The Town Council thanked Mr. Keller and his firm for the assistance they had provided the Town to date.

**12. Banking: (Matthew Lippman)**

a. Bank Sweeping Agreement with Riverside Bank vs. SLA Option

Gregg Orenstein and Lisa Keller, representing Riverside Bank, were present. Ms. Keller briefly explained the account that was currently held on behalf of the Town, stating that there was a current yield of 4.15, with a yearly yield of 4.25; with no charges for a minimum of a one year period. She explained that she did not expect the "no charges" article to change.

Ms. Keller explained how a sweep account worked, stating that since anything over \$100,000 was not insured by the FDIC, it was guaranteed with collateral within a sweep account. She indicated that the

Town did not have to choose to create a sweep account, but felt it would be beneficial to the Town in the long run, especially when property taxes began to get collected.

Ms. Keller stated that the proposed contract had been modified to change jurisdiction to Palm Beach County, as well as the mailing address for the Town.

Council Member Lipp asked if it were not typical for municipalities to use the State fund. Dr. Rosenbaum stated that it was usually the case when the account was more sizable. He explained that the Town could opt to use the State's sweep account in the future.

Ms. Thornton stated that the City of Atlantis used both accounts to ensure the city could take advantage of all the benefits offered.

Beck Hyslop asked if the Town would be charged any fees for the use of a sweep account. He questioned if there was any possibility that the Town could use a money market account. Ms. Keller stated that money market accounts had a limited number of transactions and, once reached, the bank was mandated by regulations to close the account. She advised that there were no fees for the use of this type of account.

Council Member Louda made a motion, seconded by Vice Mayor Herzog, to approve the public fund investment agreement with Riverside Bank. In a roll call vote, all voted in favor. The motion carried 5-0.

#### b. Town Credit Card Approval

Town Clerk Lippman stated that he was requesting Council's approval for a commercial credit card, stating that it was tailor made to municipal accounting practices. He explained that the credit card would be used solely for purchases for the Town and indicated that a credit limit of \$1,000 would be sufficient.

Vice Mayor Herzog made a motion, seconded by Council Member Lipp, approving the completion of an application for the credit card, with a limit of \$1,000, with the Town's and Matthew Lippman's names on it.

Council Member Autrey stated that the Town's regular meetings were held only twice a month and expressed concern that late charges might be incurred if the credit card was not paid in a timely manner. Town Clerk Lippman explained that the procurement policy being created would include a policy for the payment of the credit card.

Council Member Autrey asked if the \$1,000 credit limit would be sufficient. He questioned if the limit could be changed if the Town found that it needed a higher credit limit. Ms. Keller replied affirmatively, explaining that the Town Council set the limits per card, as well as the types of purchases that could be made with the card. She confirmed that both the Town's name and the user's name would be embossed on the card.

c. Lisa Keller & Greg Orenstein

This item was discussed earlier in the meeting.

Linda Isaac asked if reward points were issued on these types of credit cards. She also inquired as to how many signatures were required on the Town's checks. Ms. Keller replied that this type of credit card did not provide for reward points. Vice Mayor Herzog advised that two signatures were required on Town checks.

Doreen Baxter agreed with Ms. Isaac stating that perhaps the Town should change the type of credit card account to be used so that it could benefit from the accumulation of reward points. Ms. Keller stated that the Town could look into the use of that kind of credit card, but reiterated that this particular program did not provide reward points. Ms. Baxter stated that there could be a great advantage to the Town if reward points were obtained. Attorney Tolces advised that large expenditures would be paid by check and that the credit card would only be used for daily expenses.

In a voice vote, all voted in favor. The motion carried 5-0.

At 8:55 p.m., Mayor Browning advised that he needed to depart the meeting, with Vice Mayor Herzog taking the gavel.

**13. PBSO Contract: (*Irv Rosenbaum*)**

a. Discuss 2 different options presented to the Town

Dr. Rosenbaum referenced the letter received from Major Michael Veccio, indicating that the cost for services from the Palm Beach Sheriff's Office had been offered with two options as follows:

- \$518,232.60 annually (\$43,186.05 monthly), guaranteeing one law enforcement deputy assigned within the town boundaries 24 hours a day, 365 days a year.
- \$240,000 annually (\$20,000 monthly), guaranteeing full coverage for police services, supplemental coverage, and special needs; however, it does not guarantee a deputy assigned exclusively within the town boundaries at all times.

It was the general consensus of the Council that additional information was needed for the second option. Council Member Autrey stated that he was under the impression that the services being proposed were exactly what the Town was currently receiving. He believed that deputies would continue to be dispatched from the same substation and felt that any additional services could be augmented through the use of the hourly rate. Council Member Autrey stated that most concerns were based on traffic issues. He felt that paying the hourly rate to deal with specific traffic issues would still be less costly than paying for the first option.

Town Clerk Lippman stated that staff was looking for direction as to which contract was preferred so that specifications could be obtained from the Sheriff's Office. He indicated that specific concerns or requests could be provided to the Sheriff's Office as part of the negotiations for the final contract.

Council Member Louda expressed concern that the first option was too expensive at this time. Dr. Rosenbaum stated that the Town could begin with the basics and, if needed, request additional services. Attorney Tolces agreed that during negotiations, Council could request the option to review the contract every three months to determine if sufficient coverage was being provided. Vice Mayor Herzog asked if the Sheriff's Office would be willing to provide the Town with the option of paying hourly for additional coverage. Attorney Tolces stated that he was unsure if this request would be honored, stating that he had not begun negotiations in order to obtain direction.

Vice Mayor Herzog asked if funds from the citations issued would be provided to the Town. Attorney Tolces stated that he believed the Town would receive a percentage, but was unsure how the Statutes allowed for the actual split in fees. Council Member Lipp stated that he was under the impression that court hearings for citations issued during "hourly" services would need to be paid for by the Town and, in that event, it would not be cost effective.

Council Member Autrey asked when the contract would need to become effective. Attorney Tolces stated that the Town would want the contract in effect by October 1<sup>st</sup>, beginning with the new fiscal year.

Town Clerk Lippman asked for direction with regards to beginning negotiations. Council Member Autrey asked that the Sheriff's Office be invited to come in and make a presentation.

Council Member Lipp felt that perhaps the Town should agree to go with the budgeted amount, with the choice of option 2 being considered at a later time.

Council Member Autrey stated that further discussions were needed in order to obtain additional information so that Council could make an informed decision on this matter.

Frank Schiola stated that the supplemental services would be extremely expensive if an investigation had to be carried out on an hourly rate under option 2. Dr. Rosenbaum explained that the services were all inclusive. He explained that the difference was that a deputy would not be exclusively assigned to the Town with option 2.

Doreen Baxter stated that she was under the impression that police officers were paid \$70,000 per year and believed that the Town did not need 24 hour/7 days a-week coverage. She felt that the Town's needs should be further investigated to determine the specific coverage required for the Town.

Nancy Handweg, 14878 19 Street, stated that there were many people who did not feel that the Town needed round-the-clock coverage. She stated that the Town had always been a "love it and leave it alone" community and felt that since the second option provided the same coverage the Town had been receiving, Council should concentrate on keeping taxes lowered.

Beck Hyslop stated that he was happy with the level of services the Town had been receiving, but indicated that there were times that the traffic issue became a problem. He indicated that the coverage for the options cited seem to be a bit vague and asked that the Council obtain specific information.

Town Clerk Lippman stated that the difference was that there was a guarantee that one deputy would be patrolling within the Town all day, every day. Council Member Autrey replied that this was the extra coverage being considered at an hourly rate.

Council Member Louda indicated that better response and cooperation had to be requested with regards to traffic issues such as speeding. Town Clerk Lippman stated that this issue would be discussed with the Sheriff's Office as part of the negotiations. Vice Mayor Herzog asked if the Town would need to provide the Sheriff's Office with a sub station if a deputy was stationed within the Town at all times. Town Clerk Lippman stated that the Town could obtain information regarding this issue during negotiations.

Ms. Issacs stated that she felt like she was missing an important part of the discussion as she was under the impression that an officer made approximately \$50,000 yearly, yet the Sheriff's Office was charging \$240,000 for part time coverage. Council Member Louda stated that there were other issues that were included in this cost, such as insurance, worker's compensation, extra personnel, pension costs, helicopter services, etc. Council Member Autrey stated that when the Town incorporated, the Town received approximately \$500,000 from the State's revenue sharing that would have been issued to the County. He indicated that in order to continue to receive County services, the Town would be charged for the cost of those services. He indicated that using option 2 provided the town with an extra \$260,000 to use elsewhere.

Council Member Autrey stated that during his conversations with Major Veccia, he had been provided with a figure of \$114,000 per deputy, with their worker's compensation being doubled in the last couple of years. He explained that four years ago, the cost per deputy was quoted at \$84,000 per deputy.

Ms. Thornton stated that the City of Atlantis had its own police department and went on to explain the differences between having your own services and using an outside service for police services. She indicated the Town was offered a regular patrol with option 1, with response to calls with option 2.

## 7. Town Budget

### a. Adoption of temporary millage rate

Council Member Louda made a motion, seconded by Council Member Autrey, to go with a tentative millage rate of 1.5 mils for fiscal year 2007/08, adjusting the millage rate later, if needed.

Council Member Autrey hoped that the millage rate could be lowered. Council Member Louda agreed.

In a voice vote, with Mayor Browning being absent, all voted in favor. The motion carried 4-0.

b. Set the date and time of 1<sup>st</sup> budget public hearing

Council Member Autrey made a motion, seconded by Council Member Louda, to set the first public budget hearing for September 4, 2007, at 7:00 p.m., to be held at the Water Control District Headquarters. In a voice vote, with Mayor Browning being absent, all voted in favor. The motion carried 4-0.

Council Member Autrey asked if further conversations would be held on the individual line items. Dr. Rosenbaum replied affirmatively, stating that each item could be discussed until Council felt comfortable with the budget. Brief discussion followed concerning some adjustments that could be made, with Dr. Rosenbaum assuring Council that staff would follow Council's direction.

**14. Town Administrative Office Copier (*Matthew Lippman*)**

a. RFP's to be discussed

Town Clerk Lippman stated that staff was gathering a little more information regarding the proposals and asked that this item be tabled to the next meeting.

Council Member Autrey made a motion, seconded by Council Member Louda, to table this item to August 7, 2007. In a voice vote, with Mayor Browning being absent, all voted in favor. The motion carried 4-0.

**15. Business Tax License & PBC PZB Process (*Dennis Lipp, Matthew Lippman*)**

Town Clerk Lippman provided information regarding the interlocal agreement for the Zoning Department as adopted by the Palm Beach County Commission on July 10, 2007. He described how the interlocal agreement would benefit the Town. Town Clerk Lippman advised that current maps had been received and were available for review during office hours at the Town Clerk's Office. He indicated that the County had been very cooperative in moving the process forward and advised that links had been provided on the Town's website to ensure easy access to information for all residents.

Town Clerk Lippman stated that staff was working to negotiate an interlocal agreement for the planning, land use, and engineering departments at the County and would advise Council as to the progress in the near future.

Town Clerk Lippman stated that there had been some applications that had been stopped within the process, with meetings to be held to assist those individuals in completing the application process. He indicated that staff would attend the meetings to aid applicants in successfully completing their applications so they could move forward to obtain the necessary permits. Council Member Autrey asked if staff would be attending every meeting being proposed. Town Clerk Lippman replied affirmatively, stating that it was his hope to assist each of the residents of Loxahatchee Groves within the process until all the glitches were corrected.

Attorney Tolces explained the process in which the Town would be notified when Council needed to review an application.

The Council commended staff for their assistance and support to the residents and property owners of the Town.

**16. Status of Post Office (*David Tolces*)**

Attorney Tolces stated that he had tried to communicate with Mr. Griffin regarding the Post Office; however, he indicated that Mr. Griffin had been on vacation and he had not yet been able to further discuss this matter with him. Attorney Tolces stated that he would continue to update Council with respect to the Post Office.

Council Member Louda stated that he did not wish to leave the Post Office with the idea that Council was not being cooperative and suggested that staff ensure they were aware that there were other sites that would better suit their needs as well as the Town.

**17. Palm Beach County Comprehensive Plan Amendment and Annexation Survey (*David Tolces, Bill Louda*)**

Attorney Tolces stated that Council had requested that a petition be filed as interveners and advised that this process had been completed and approved. He provided copies of the documentation and indicated that he had been a participant in the status conference regarding the case, with another meeting would be held during the coming week wherein the parties would be able to identify issues of concern. Attorney Tolces stated that due to the late date in which the Town intervened, the Town was limited to the amount of participation it was allowed and could not identify new issues to address. However, Attorney Tolces stated that the Town could follow up on any issues raised by the Department of Community Affairs or any other parties. He indicated that equestrian and density issues would be closely monitored in order to ensure that the Town's interests were served.

**a. Simon II Property Update**

Attorney Tolces distributed copies of a proposed settlement agreement which was currently being reviewed by the County, the DCA and other parties involved in these proceedings. He asked that Council review the documentation and advised him of any concerns so that they could be addressed in a timely manner.

Attorney Tolces stated that the architect for the Simon property had requested that he be added to the agenda for the regular meeting of August 21<sup>st</sup>; however, he indicated that he would first contact the attorney representing the applicant to obtain further information prior to allowing a presentation. He explained that he was a little sensitive to the request as there was on-going litigation in this matter.

**b. E-Road/140<sup>th</sup> Avenue Thoroughfare removal**

Attorney Tolces stated that Council had been copied on various electronic correspondence concerning this issue and that the removal of the road had been initially removed from the proposals, but then was added back in.

Council Member Louda expressed his belief that the removal of the thoroughfare needed to be included. He indicated that everyone agreed that the removal needed to be included and that no impact could be noted; however, it appeared that the consensus was that no one wanted to upset the sector plan process or vote.

Council Member Lipp stated that Commissioner Santa Maria had indicated that after meeting with Barbara Altermann, he had been convinced that this would be done. He indicated that Commissioner Santa Maria had provided Ms. Altermann with 60 days to complete the process. Council Member Lipp stated that if the sector plan was sent back to the County for additional review, a separate amendment would be filed.

Council Member Louda stated that he was unsure if this item was scheduled to be considered by the LAUB and the request was denied, did the application go before the BCC for review. Council Member Lipp replied affirmatively, stating that the LAUB only provided a recommendation.

**18. Workshop Announcements: (*Matthew Lippman*)**

Town Clerk Lippman provided an update of the upcoming workshops as follows:

- a. Issues relating to Manure Dumping: Tuesday, July 24, 2007, at 7:00 p.m.
- b. Code Ordinances: Thursday, August 23, 2007, at 7:00 p.m. and
- c. Street side Solitication: Tuesday, August 28, 2007, at 7:00 p.m.

He advised that the three meetings would be held at the Water Control District Headquarters.

Some discussion followed concerning how the Manure Dumping workshop was scheduled to proceed, with Town Clerk Lippman stating that there were currently nine individuals scheduled to speak. He requested that if Council wished to include any additional speakers, the information for each speaker be provided so that those individuals could be included on the agenda.

Council Member Lipp asked if there was a vision for how the workshop would be handled, stating that he wanted to have the vision as to the direction the Town wished to take prior to beginning the workshops. Council Member Louda stated that protecting the water had to be a priority. He indicated that the new rate for the Everglades was 40 parts per billion.

Vice Mayor Herzog asked what would occur if the Town experienced an overflow of individuals wishing to attend the meeting. Attorney Tolces stated that everyone would be provided with an opportunity to speak, but that the overflow would need to wait outside. He indicated that his impression from Council had been to collect as much information as possible so that informed decisions could be made in setting regulations for dealing with the problem. Attorney Tolces felt that this method would allow Council to identify the issues of concern and the best manner to address them individually.

Council Member Lipp referenced a different vision for street side solicitations, stating that “moving forward” to manage the situation was important. He indicated that he had visited Jupiter and that there was a lot that could be accomplished. Council Member Louda stated that there were grants the Town could apply for to obtain assistance with improvements. Attorney Tolces stated that his understanding was that the City of Jupiter would have a representative here for the workshop to make a presentation. Some discussion followed.

**19. Approval of Expenditures: (Matthew Lippman)**  
a. NCS Office Expenses

Town Clerk Lippman provided a brief description of the expenditures made.

Council Member Louda made a motion, seconded by Council Member Autrey, to approve Statement 7, for office expenditures, in the amount of \$199.89. In a voice vote, with Mayor Browning being absent, all voted in favor. The motion carried 4-0.

Council Member Louda made a motion, seconded by Council Member Lipp, to approve Invoice 100, from New Community Strategies, in the amount of \$7,000 based on the contractual agreement. In a voice vote, with Mayor Browning being absent, all voted in favor. The motion carried 4-0.

**20. Town Management Report (Irv Rosenbaum)**

Dr. Rosenbaum briefly went through the Management Report for June 2007. He indicated that NCS was retaining the services of Julia Trevarthen, a director at the Institute for Community Collaborations, Inc. to act as the facilitator for the Town. Dr. Rosenbaum provided updates for the work being performed for the special masters and planners, stating that a list of individuals would be provided for Council’s review.

Vice Mayor Herzog stated that there were several planners who resided within the Town and she had requested that they submit proposals as well.

Council Member Louda stated that he did not want to have “head-to-head” negotiations from the podium and asked that a policy be initiated to review and consider the individual proposals. Attorney Tolces stated that Council would be provided with information for all the individuals responding to the request, with Council having the opportunity to review the separate proposals on their own merits and proposed costs.

Dr. Rosenbaum stated that the all the original documents were being scanned in order to begin the records management program. He stated that this project would be on-going and would ensure that the Town’s records were safely maintained. Dr. Rosenbaum stated that a daily back-up was completed to ensure that an updated record for the Town could be taken off the premises for security purposes. He added that a process had been created to respond to all public records requests made to the Town.

Dr. Rosenbaum stated that requests for proposals were being prepared in an effort to retain an auditing firm, stating that the target date for completion of this project was October 1<sup>st</sup>.

Dr. Rosenbaum advised that the contract with Waste Management for fiscal year 2007-2008 was in an amount of \$388,914, which represented a fee of \$318 a unit, with 1,600 units within the Town. He indicated that staff would follow up with the Palm Beach County Tax Collector's Office to handle the billing and collecting. Dr. Rosenbaum stated that requests for proposals for the 2008-2009 fiscal year was being prepared as the contract needed to be negotiated and approved by January 1, 2008, in order for the fee to be included on the property tax bill. Attorney Tolces explained that the billing and collection process would be discussed at a later date.

Dr. Rosenbaum stated that the procurement procedures were being finalized and believed that a proposal would be ready for Council consideration during its August 7, 2007 meeting.

Dr. Rosenbaum briefly discussed a travel policy, stating that a draft policy was still being created. He indicated that a draft policy would be forthcoming in the near future.

Dr. Rosenbaum referenced an on-line back up facility he had toured in Fort Lauderdale, stating that it had been a state-of-the-art facility geared towards ensuring the proper maintenance and security of records in the event of a disaster. He indicated that additional research was being made and an update would be provided at a later date.

Dr. Rosenbaum addressed the issue of the Town's newsletter, stating that estimates of cost for design, layout, printing, and mailing were being obtained. He indicated that it would appear that the cost would be approximately \$2,425 for 1,000 newsletters. Vice Mayor Herzog suggested that staff contact the same company that prepared the mailings for the Water Control District. Council Member Autrey stated that there were 1,600 units in Town and felt that the minimum number of newsletters ordered needed to be raised.

Town Clerk Lippman stated that information regarding decisions made at past meetings, as well as information regarding upcoming meetings would be included in the newsletter. He indicated that information would be gathered from the Town Council as to information they would also like to have included. Town Clerk Lippman indicated that the first newsletter would be handled by NCS, including labor, printing, and postage.

Town Clerk Lippman advised that he was working with the current Webmaster to enhance the Town's website and stated that the hours of operation for the Town Clerk's Office had been extended from 9:00 a.m. to 4:00 p.m., Monday through Friday. He indicated that the office would be covered by himself and other qualified staff members each day. Town Clerk Lippman stated that ordering the official sign for the Town Clerk's Office had been postponed until the Town's official logo was chosen.

Council Member Autrey referenced the requests for proposals for waste management companies and asked if the County would be contacted as well. Dr. Rosenbaum replied affirmatively, stating that information would be obtained and, if the Town did not believe the services fit the needs of the

community, the Town could move forward with its own request for proposal. Some discussion followed concerning the services that the Town was looking for, including number of weekly pick-ups, vegetation pick-up as opposed to trash collection, etc.

Council Member Louda indicated that it was important to obtain public input, with Town Clerk Lippman stating that he would provide information on the website, encouraging residents to provide comments regarding this matter.

**21. Public Comments**

There were no public comments at this time.

**22. Town Clerk Comments**

Town Clerk Lippman encouraged residents and property owners to contact the Town Clerk's Office with any problems they might be experiencing.

**23. Council Member Comments**

Council Member Lipp thanked Attorney Tolces for providing such quick response in obtaining interveners' status for the Town, ensuring that the Town would be updated concerning the Comprehensive Plan changes it could be facing. He thanked NCS for their assistance and praised Town Clerk Lippman for his diligence in working on behalf of the Town.

Council Member Autrey commended Ms. Medina on her minutes and thanked Dr. Rosenbaum and Town Clerk Lippman for their diligence on their work on behalf of the Town.

Council Member Louda agreed with previous Council Member comments, stating that the Council was able to move forward and complete projects in a timely manner with the assistance of NCS.

Council Member Louda stated that he had been contacted by Dr. Charles Finkle, who wished to be on the agenda for August 7<sup>th</sup> in order to discuss GIS mapping. He felt that perhaps this assistance could be helpful to the Town. Town Clerk Lippman stated that he had received Council Member Louda's electronic correspondence and was currently following up on this matter to obtain additional information.

Vice Mayor Herzog agreed that the working relationship between the Town and NCS was running smoothly and thanked staff for their work on the Town's behalf.

Vice Mayor Herzog stated that she had received a request for attendance at a gang prevention conference to be held at Florida Atlantic University and, since Council Member Louda had volunteered to attend workshop at FAU, she was passing on the invitation to him.

**24. Town Attorney Comments**

Attorney Tolces stated that it had been a good working experience with the Town, stating that NCS staff had assisted greatly and had created a good working relationship with his office as well.

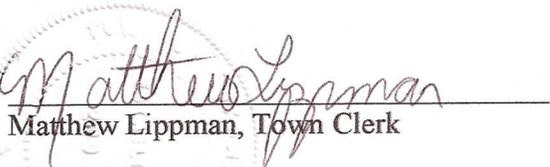
**25. Adjournment**

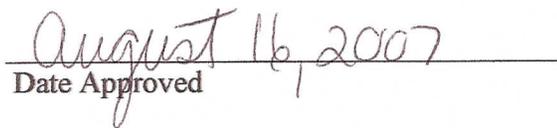
Council Member Lipp made a motion, seconded by Council Member Louda, to adjourn the meeting.

As there were no objections or further business to discuss, Vice Mayor Herzog adjourned the meeting at 10:10 p.m.

  
MARGARET A. HERZOG

ATTEST:

  
Matthew Lippman, Town Clerk

  
Date Approved