



*Minutes
Loxahatchee Groves
Town Council Meeting
July 15, 2008
Location: LGWCD*

Members Present:

Dave Browning, Mayor
Marge Herzog, Vice-Mayor
Dave Autrey, Council Member

Members Absent:

Dennis C. Lipp, Council Member
Dr. J. William Louda, Council Member

Others Attending:

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

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

Mayor Browning called the meeting to order at 7:01 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 approve the amended Agenda, SECONDED by Councilman Autrey and the MOTION passed unanimously 3-0.

CONSENT AGENDA:

6. Town Reports: PBC PLZ&B

Vice-Mayor Herzog MOTIONED to approve the Consent Agenda, SECONDED by Councilman Autrey and the MOTION passed unanimously 3-0.

REGULAR AGENDA:

Mayor Browning pointed out that Jim Du Bois from Seminole Improvement District and both John Ryan and Clete Saunier were here from the LGWCD.

7. Presentation: Emergency Management Strategic Planning Objectives

- *Chuck Tear, PBC EOC*
- *Helene Wetherington, Calvin-Giordano (approval of EMSPO workshop expenditure)*

Town Clerk Lippman said that Chuck Tear was not available to come this evening but we have a representative from the PBC EOC.

Everett Vaughn, Senior Planner PBC EOC- introduced himself and said he was going to give a brief update for hurricane season. He said you need to look at everything for an all hazards approach. He explained that PBC is currently revising their Comprehensive Emergency Management Plan which is hazard specific. He said the point I want to bring is the bigger brother plan is here to help the entire County and any other plan a municipality does we want to make sure goes hand in hand with it. He said they use the word TEAM which stands for TOGETHER EMERGENCIES ARE MANAGED. He said we are all in the same County and there are 38 municipalities working which can sometimes be a hindrance. He said that continuity of operations and being on the same page are important. He said NIMS helps us do so on a Federal level and we are in the process of becoming NIMS compliant.

Mayor Browning asked for questions and comments from the Council.

Councilman Autrey said you touched on the fact that you have to interface your plan with all the different municipalities, how do you assess what we can and can't do and interface that in your plan.

Mr. Vaughn said it is based on a Federal level and we don't ever expect to have help from the Feds for at least 7 days and from the State for at least 3-5 days. He said in the first 3-5 days the County will do everything we can do to assist you and to make sure we maintain as a Community and municipality. He said we set our basic plan for 3-5 days and we start assessing from the County level to see what aide the impacted areas need.

Helene Wetherington, Calvin-Giordano- introduced herself and said that she had met with Town Clerk Lippman and talked about the Groves being a new Town and we talked about things you could do immediately, not years down the road. She then did a presentation for the Council.

The first topic was **Disaster Preparedness Priorities.**

- EM Organization**
- EOC Procedures**
- Continuity of Government**
 - Resident Outreach and Communication**
 - Training (ICS, other)**
 - EM Exercise (Table-top)**

She explained that after 9/11 the NIMS system was incorporated which stands for NATIONAL INCIDENT MANAGEMENT SYSTEM.

National Incident Management System:

- Emergency Management Positions:**
 - Unified Command,**
 - Finance Section,**
 - Logistics Section,**
 - Operations Section, and**
 - Planning Section**
 - Public Information Officer / Town's Spokesperson**
- County EOC Liaison**
- Checklists for each position / Forms**
- Federal required ICS training (IS 700, ICS 100, 200, 300, and 400)**

She explained that the first two courses are offered on line and said that anyone could take them.

Mr. Vaughn said that Federal and State both talk the same language. He said this makes reimbursements easier at the end. He mentioned the County does have a daily conference call with the municipalities so you would be included in that call and that is where we discuss the things actually going on within the EOC.

The next topic was **Coordination with County Services.**

- Liaison, Process, & Inter-local agreements:**
 - Damage Assessment Procedure**
 - Search and Rescue Procedures**
 - Special Care / Vulnerable Populations**
 - Evacuation and Sheltering Status**
 - Health and Medical Services (open hospitals, etc.)**
 - Law Enforcement and Security Issues (curfews)**

Ms. Wetherington explained that if we need an ILA we can get that in place now so if there are any gaps we can figure out how to fill them

The next topic was **Continuity of Government.**

Lines of Succession

Alternate Facility

Vital Public Records

Storage of Vital Public Records: Identify where and how (electronic/hard copy) vital records will be stored in compliance with Florida Statutes Chapter 119.

Emergency Declaration

She said they would need to know if the entire Council was out who would be next in line of succession. She said she knows that CERT is also active in the Community.

Pat & Ken Johnson, Residents, CERT Team- mentioned that CERT has 15 ham radio operators and is ready for search and rescue.

Ms. Wetherington said that the Town could declare a state of emergency itself.

Mr. Vaughn said the earlier the better.

The next topic was **Disaster Procedures: EOC.**

Identify procedure for the Town's Emergency Operations Center

Activation Checklist

Command Briefings and Incident Action Planning

County Emergency Operations Center Coordination

Federal Emergency Management Agency (FEMA) Coordination

Communication / Back up communications

The next topic was **Emergency Information Hotline.**

Identify procedures for the Town's Emergency Hotline / Emergency Information

Staffing / Checklist

Questions and Answer guidance

Ms. Wetherington said that she doesn't think this is something the Town has done before in regards to an emergency information hotline. She said you want to have a way the citizens can get a hold of someone and to communicate with them consistently.

The next topic was **Executive Table Top Exercise.**

Table Top Exercise

Scenario Driven

Practice Roles and Responsibilities

The next topic was **Strategic Planning Sessions:**

Conduct a work session to prioritize and complete disaster preparedness tasks.

Facilitate Emergency Management Strategic Session

**Loxahatchee CERT Members
Elected Officials
Town Leadership**

Ms. Wetherington explained that a work session would be conducted to prioritize and complete disaster preparedness tasks. She said they would need probably 3 hours to get it all together and would invite the County and Fire Rescue, Law Enforcement and other important entities. She said certainly your CERT teams have been very active and we don't want to replace that or repeat items already in place, but to tie it in along with this. She explained the checklists would be developed at this Workshop.

The next topic was **Debris Management.**

Debris Management Contractor

Debris Management Plan:

Identify staff roles and responsibilities

Identify Temporary Debris Staging Areas complete environmental permitting.

Model estimated debris amounts

Detail a financial management and tracking procedures for reimbursement

The next topic was **FEMA Reimbursement.**

Maintain necessary documentation of services rendered for FEMA approval.

Ms. Wetherington commented that for 1 year my thought is that would get you where you need to be and should cover you pretty good.

Mayor Browning said it looks like a great plan. He said we usually lose phone service and power almost immediately and it stays out for a long time. He said the houses in the Groves are farther apart and a lot of the other stuff that applies to a typical Town doesn't apply here. He said I have gone out a few times after a storm and the neighbors and LGWCD are already out clearing up.

Ms. Wetherington said knock on wood, we have not experienced a real disaster in PBC in the last 2 decades, and the last disaster was Hurricane Andrew. She said we are talking about a disaster having wipe outs where you lose half the structures in your Town and they are just gone. She said you have always taken very good care of yourself and will continue to do so but I think the failure to meet your responsibility as newly elected officials would short side your Town.

Mr. Vaughn said it will affect reimbursement. He said you will not be able to rebuild because you would not have the money. He said they go back and ask the question did you have an Emergency Plan prior to an event.

Mayor Browning responded I understand from that point.

Councilman Autrey said I don't think the Mayor was saying we don't need a plan, he is just saying we are unique.

Mr. Vaughn responded I wish more communities thought like you did.

Councilman Autrey asked who determines the curfew and the times.

Mr. Vaughn responded the final decision for the County falls with the Sheriff but he meets with the Executive Policy Group at the EOC. He said he typically meets with all of the police chiefs from all the different municipalities to get together and agree on that. He said the Sheriff can supersede and make it across the County.

Councilman Autrey said the reason I brought it up is with the last 3 storms we had people with horses who sent them to the Wellington Show Grounds and trying to get over there to take care of them was hard to coordinate with the curfews.

Ms. Wetherington said that daily briefings are offered after a disaster where the Sheriff comes in and you can bring these issues to his attention. She said there might be some very good reasons why you couldn't follow the County curfew.

Mr. Vaughn said there are exceptions to the County curfew for healthcare providers, County personnel, and others so if there are exceptions to be made, they can be.

Vice-Mayor Herzog commented I think it is important we have a Workshop and designate a leader we can trust and follow. She said I have attended meetings and a lot of the other municipalities are way ahead of us in what they have.

Mr. Vaughn responded they may be ahead of you in many ways but they may not have the mentality I have heard here tonight and you have a lot to bring to the table with the will to take care of yourselves and knowing you might not get that support immediately. He said that is the message we are trying to get across that you might not have food delivered 6 hours after a storm or right after the winds stop blowing.

Town Clerk Lippman asked how many municipalities have an Emergency Plan.

Mrs. Wetherington said I would say almost every municipality has something (checklist or more).

Town Clerk Lippman asked so you are not recommending this Town do an Emergency Plan.

Ms. Wetherington responded no, just the basic organizational details to make it possible for reimbursement and to coordinate with the County.

Mr. Vaughn said one important thing is that you have a liaison with the major infrastructure you need. He said we will be there to help you through the damage assessment and reimbursement process. He said we have to know who our point of contact for your Town is going to be, so let's establish that and how that process is going to work.

Mayor Browning asked for comments from the Council.

Councilman Autrey asked about the 3 hour meeting/workshop and the product that would result from that.

Ms. Wetherington said the checklists would be finalized and we would sit down together and develop them. She said we could finish the products we need to prepare for Legal.

Town Attorney Tolces explained this could be done by a Resolution. He said we could prepare specific Ordinances that address issues that may arise, such as, curfews etc so if they arise we would be ready.

Councilman Autrey asked if the Sunshine Law is waived during an emergency.

Town Attorney Tolces replied no, you would still need a query and have to post a notice.

Mayor Browning asked for comments from the Public.

Pat Johnson, CERT- said we are having our first full exercise on July 26, 2008 where we are going into the field. She said some of us are already NIMS compliant so we are familiar with those items. She said I will be on an Agenda in August to report back on the exercise.

Town Clerk Lippman said I am indicating to you that I think CERT and LGWCD are important parts of the puzzle but we need to complete the puzzle. He said if you take what we are proposing here it is 1/10 of what other cities do and is 1/20 of the price. He said we do understand this Town has been self sufficient for many years and in no way are we taking that away or trying to push a large cost burden on the Town. He said all we are asking for is permission for Town Staff to meet with the Contract Monitoring Firm on an hourly rate to plan and have this Workshop.

Councilman Autrey asked what do we need to do ahead of time to make sure this is a successful Workshop.

Town Clerk Lippman said I would have a list of questions I would need to be answered by the Council before we have that Workshop. He said I think to have LGWCD at the Workshop would be a wise way to handle it.

Councilman Autrey MOTIONED to approve the expenditure to provide for the Emergency Management Strategic Planning Objective Workshop for 3 hours and for 5 hours of planning which is part of the Disaster Monitoring Contract previously approved by the Council, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 3-0.

Town Clerk Lippman said this is an Item that is already part of the contract which was approved at the last meeting. He said we are just asking for the MOTION to execute an Item out of it.

8. Public Hearing:

a. (First SDA Church of Loxahatchee Groves) (Control No: 2001-013)

Title: Resolution approving a Final Site Plan of First SDA Church by Chris Barry,
Agent.

Request: To finalize the site plan.

General Location: Southwest corner of Okeechobee Blvd and E Road

Town Clerk Lippman said on January 22, 2008 this project received exemption from the Moratorium. He explained they are here to get approval on their final site plan.

Town Attorney Tolces announced this is a Public Hearing and swore in Chris Barry, Town Clerk Lippman, and Clete Saunier.

Chris Barry, Jon E. Schmidt & Associates introduced himself and said he was here to represent the applicant. He said I want to note that this project has been renamed since the last time it was before this Council and now appropriately is the First SDA Church of Loxahatchee Groves rather than of Royal Palm Beach. He then did a slide show presentation for the Council. He first went over the timeline of the project.

- **01/11/06:** Commencement of development date extended from 10/25/05 to 10/25/07
- **02/09/06:** Presentation of development plans to Church's Board of Directors
- **04/28/06 to 11/01/06:** Church permits and constructs upgrades of the on-site sewage treatment system
- **11/01/06:** Town is incorporated
- **03/09/07:** New title commitment prepared and survey is updated for submittal
- **03/17/07:** Church's Board of Directors agrees to proceed with final development approvals
- **06/18/07:** Church switches planners and hires Jon E. Schmidt & Associates (JES)
- **07/10/07:** ILA Agreement between PBC and Town entered into
- **07/20/07:** Church's Board of Directors requests and reviews construction cost estimates with K & M Construction
- **10/18/07:** JES files time extension request with PBC
- **11/06/07:** Town hears first reading of Ord. 2007-07
- **11/20/07:** Town hears second reading of Ord. 2007-07
- **12/17/07:** Moratorium exemption filed
- **01/22/08:** Moratorium exemption approved by Council
- **02/20/08:** Project submitted to PBC
- **06/11/08:** Project certified by PBC DRO

Mr. Barry said the total gross floor area for the project will be 15,904 square feet with Phase I encompassing 6,938 square feet and Phase II encompassing 8,966 square feet. There are two existing ponds that will remain on-site and one that will be removed. However, the storage for the one being removed will be picked up by an expansion of another pond. He commented we will comply with the Rural Vista Guidelines.

Mr. Barry then went over the Lighting. He said the photometric plans are not typically developed until time of permitting; however, they will be compliant with the rural vista standards. We would be willing to accept a condition from the Town Council as such.

Mr. Barry said regarding Traffic, the only ingress/egress point is onto Okeechobee Boulevard. The County's Traffic Engineering Department required that the ingress/egress point for First SDA Church of Loxahatchee Groves' line up with the ingress/egress point for Community of Hope, which has been done and can be seen on sp p1.

Mr. Barry said regarding Maximum Capacity: The plan has been designed to accommodate a maximum of 407 seats.

Mr. Barry said regarding Paved Parking, there are 36 spaces (or 26% of total parking spaces) paved while 103 spaces (or 74% of total parking spaces) are grass parking. We feel that only having 26% of the spaces paved shows an effort to maximum the pervious area on site; however, we would like to discuss this with the Council if they are now requiring that all paved spaces be of a pervious or semi-pervious material.

Mr. Barry said this plan includes the buffer details for the project. There will be a 20' ROW buffer along the north and east property lines, a 20' Type III Incompatibility Buffer along the west and a 50' Incompatibility Buffer along the south.

Mr. Barry went over the hours of operation and said they would be as follows:

Hours of Operation:

Weekdays

– 7:00 AM to 10:00 PM

Saturday & Sunday

– 8:00 AM to 10:00 PM

Mr. Barry said as for Special Events, we were looking to do 6 per year which was the same number granted to the Community of Hope project.

Mr. Barry went over the architecture. The County's Architectural Review section has certified the plan and is only allowed to do so if the project is in compliance with the Rural Design Guidelines of ULDC Art.5.C.1.H.1.j, Rural Design Elements. As such, both buildings include covered porches as required by these guidelines.

Vice-Mayor Herzog asked what type of material would be used on the roof.

Mr. Barry responded metal.

Councilman Autrey asked is the buffer open space or trees.

Mr. Barry responded all 4 of them are required to have trees as well as shrubs.

Councilman Autrey said if you look at the South end there is a pond which cuts significantly into the buffer. He asked are you going to use Cypress.

Mr. Barry responded there has been some conversation with County Staff that some of the ponds encroach the buffer but the material we haven't decided yet.

Councilman Autrey said in my mind the buffer is there to create a buffer and the County had an issue with and I also have an issue with it as well. He said we don't want to set a precedent and I've heard you reference the Community of Hope project twice already.

Mr. Barry responded there is some flexibility we have with these existing ponds.

Vice-Mayor Herzog said there is a wooden fence there also.

Councilman Autrey said I understand the fence but is opaque.

Town Clerk Lippman asked how many feet are around the lake for landscaping.

Mr. Barry responded 15-20 feet.

Town Clerk Lippman asked do you plan on putting landscaping there.

Mr. Barry responded yes.

Town Clerk Lippman asked will you be able to shield what is going on at the property.

Mr. Barry said it would be supplemented with a 6 foot high fence as well.

Town Clerk Lippman said Councilman Lipp always brings up pervious parking and if you are planning on going with asphalt what kind of storm water run-off will you have.

Mr. Barry showed that by extending the pond we will meet the drainage requirements. He said we met congruency with the storm water run-off plan.

Mayor Browning said obviously we have some concerns with the buffer.

Clete Saunier, LGWCD Administrator- said I noticed in the conditions of site plan approval that Exhibit C on Page 17 under the Engineering Section says the property owner was required to convey right of way to PBC before July 1, 2002 or prior to the issuance of the first Building Permit whichever shall first occur. He asked if this has already been done. He asked is that right of way going to be abandoned should the E Road/140th corridor not be required. He said during site plan review with the County I did request an overlapping easement in which we have canal maintenance access and if you look at it there is no room. He asked if the Town would consider a 24 foot canal maintenance should the right of way be abandoned and they recoup that as part of the property.

Mr. Barry responded the right of way has been dedicated on our site plan along the East side there is an expanded intersection that shows the additional 15 foot right of way that has been dedicated and a 24 foot LGWCD easement.

Mayor Browning asked Clete are we good.

Mr. Saunier replied yes.

Councilman Autrey asked about the dedication.

Town Attorney Tolces responded that has already been done. It was already dedicated to the County prior to incorporation.

Town Clerk Lippman said at this point right now you can approve the site plan with the conditions of approval as the County put on there or you may add your own, if you are concerned with landscaping, you can come up with your own conditions of approval. He asked what else would you like him to do to satisfy your concerns and said now would be the time to talk about it.

Mr. Barry said when we go through the building permit process the County has its own team of Landscaping Consultants that have to evaluate also.

Vice-Mayor Herzog said the pond is the thing that is taking away a lot from the buffering.

Mayor Browning said the pond takes away from the visual buffering but it gives some separation distance otherwise.

Town Clerk Lippman asked if there was a property with a residence there.

Mr. Barry said they are outside of 100 feet otherwise we would have to show them on the site plan.

Vice-Mayor Herzog said there is a considerable distance between a living structure and the arena.

Councilman Autrey asked do you know why the buffer is only required on the South side.

Mr. Barry responded that the Loxahatchee Groves Neighborhood Plan says that.

Councilman Autrey said I wonder why it says that.

Town Clerk Lippman commented you can fix that.

Vice-Mayor Herzog asked how much of the tree canopy that is there now is going to be preserved.

Mr. Barry said most of the trees that will be preserved on the site will be pine.

Vice-Mayor Herzog asked is there room for the equestrian trail along the LGWCD easement.

Mr. Barry responded we can leave room for that.

Vice-Mayor Herzog asked how wide the F Road equestrian trail is.

Mr. Saunier responded it is a minimum of 12 feet and that was the recommendation from Parks and Recreation. He said we could move the easement if the applicant receives an abandonment from the County.

Town Attorney Tolces said if that were to happen it would be taken care of at that time.

Mayor Browning asked for comments from the Public.

Ken Johnson, 15409 Collecting Canal Road- asked about the hours of operation and said I notice you intend to start at 7am. He asked if there were plans for a day school or child care on the property.

Mr. Barry responded no.

Mr. Johnson asked why are you starting at 7am then.

Mr. Barry responded the hours of operation were for flexibility to be able to have services early in the morning. He said it won't be 5 days a week but the congregation just wants that flexibility.

Town Clerk Lippman said it sounds like one condition of approval you want on the property is an equestrian trail.

Town Attorney Tolces said we can say the applicant will provide a 12 foot easement for the Town to construct a horse trail and the easement will be dedicated prior to the issuance of the First Building Permit.

Town Clerk Lippman asked as far as landscaping is there anything more you think you want done in this area. He said I know Councilman Autreys' concern is precedent.

Town Attorney Tolces stated each property does stand on its own.

Vice-Mayor Herzog MOTIONED to approve the site plan for First SDA Church of Loxahatchee Groves with the addition of an equestrian trail as an extra condition of approval, SECONDED by Councilman Autrey and discussion was then continued:

Councilman Autrey commented my problem with this project is what the County made you guys do with pushing everything to the back and that is now where all the activity is going to be. He said that is also where the closest neighbor is going to be.

Mayor Browning commented I am curious on why you said you didn't like the pervious paving as opposed to asphalt. He said they look and feel the same.

Mr. Barry said after a certain amount of time it does not maintain its pervious ability.

Councilman Autrey said I've heard similar things.

The MOTION passed 2-1, with Councilman Autrey opposed.

Town Clerk Lippman said we will transmit the Resolution with the extra condition of approval to the County.

9. Budget:

a. Preliminary Budget Discussion

Town Clerk Lippman said this evening we will be discussing the SWA Assessment for 2008-2009 and adopting the millage rate.

Mayor Browning said the full blown would be better with a full Council here as well.

Town Clerk Lippman said I did speak with Councilman Lipp and Councilman Louda and they did relay to me that they want to keep the millage rate the same a well. He said we did get impacted on our Ad Valorem due to Amendment 1. He said the estimated total tax value decreased 9% from last year to this year. He said the good thing about not having a lot of overhead is you do not need to raise the millage past 1.5 and you are still putting yourselves in a good position for the future. He said you will not hinder yourselves at all by keeping it the same.

Town Clerk Lippman mentioned the CST is a troubling amount and I will be working with the Town Attorney in getting more of our share but according to the Department of Revenue, our share is only \$50,000 this year.

Town Clerk Lippman explained the format is the governmental acceptable budget I told you to expect to see. He said I need to emphasize to you that you need to have the ability to hire a lobbyist and have a line item on the budget for if you wish to take advantage of it. He said this is not a line item telling you to hire a lobbyist. He explained that Rent and Leases is higher because I budgeted an extra \$250 per month so the Town could acquire the office next to us starting in September of this year.

Town Manager Dr. Rosenbaum said you don't want to look at a budget in terms of a year; you want to look at a little more than a year.

Town Clerk Lippman pointed out that Legal would be 9% more than last year.

Town Clerk Lippman pointed out that Planning and Zoning is an area I know we will look at a little more. He said what this number is here is using LRMI-Kevin McGinley and we will be working to get some of this money back. He explained this budget does not reflect us getting any of the money back.

b. Tentative Millage Rate Discussion

Vice-Mayor Herzog MOTIONED to approve the millage rate at 1.5 and hold the Public Hearing on September 2, 2008 with a time of 6:45pm for the Public Hearing, SECONDED by Councilman Autrey and discussion was then opened:

Vice-Mayor Herzog said I think you have done a great job of sparing it where it needs to be spared.

Councilman Autrey said the totals are fine but we need to talk about where we can move around the distributions.

The MOTION passed unanimously 3-0.

c. Budget Workshop and Hearing Discussion

Town Clerk Lippman said I think we can accomplish this in the next 2 meetings and not need to have a Budget Workshop separately like we did last year.

Town Attorney Tolces said as part of the MOTION we need to set the date for the first public hearing. He said whatever proposed millage rate that is adopted this evening will be included in both the Public Notice and the preliminary TRIM notice that goes out to all the landowners.

Town Clerk Lippman said the date would be Tuesday, September 2, 2008 at 6:45pm.

Vice-Mayor Herzog MOTIONED to approve the Public Hearing to be held on Tuesday, September 2, 2008 at 6:45pm, SECONDED by Councilman Autrey and the MOTION passed unanimously 3-0.

d. Congressman Tim Mahoney Financial Discussion

Town Clerk Lippman said Councilman Autrey and I had the opportunity to meet with Congressman Mahoney last week and discuss possible funding opportunities for the Town. He said they will come back to us in November to work with us and let us know what is available.

10. Resolution 2008-019: Solid Waste Collection Services Assessment

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES AND FACILITIES AND PROGRAMS ("SOLID WASTE COLLECTION SERVICES") IN THE TOWN OF LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Town Attorney Tolces conducted the reading of Resolution 2008-019-Solid Waste Collection Services Assessment. He explained the Town is required to adopt a proposed special assessment for the Solid Waste program so it can be included on the Ad-Valorem tax notices that go out in August. He said for the upcoming year the assessment is \$376.42 and if you didn't pay this year it will be \$337.29 plus the \$376.42 and you will be hit with over \$700 on your tax bill. He said we also need to set the date for the Public Hearing and we have an obligation to send out by 1st class mail individual notices and you have to give at least 20 days notice from your Public Hearing. He said we can do it for the September 2, 2008 meeting at the regular meeting.

Vice-Mayor Herzog MOTIONED to go with the proposed and insert the date of September 2, 2008 with a time of 6:45pm for the Public Hearing, SECONDED by Councilman Autrey and discussion was then opened:

Councilman Autrey said I would like to assume the legal fees.

Vice-Mayor Herzog agreed and amended her MOTION.

Ken Johnson, 15409 Collecting Canal Road- asked how many parcels did not pay the SWA last year.

Town Clerk Lippman responded 205 parcels.

Mr. Johnson asked what we are doing for the 205 parcels that didn't pay. He asked if this is Residential only and what a Commercial business would do.

Town Clerk Lippman responded they have to have a contract with Commercial.

Mr. Johnson asked will the Town know if Commercial businesses have actually done that or not.

Town Clerk Lippman responded I met with Waste Pro and they have one specific person who visits every parcel in the Groves.

Mr. Johnson asked what if they have a residence and a business on their property.

Town Clerk Lippman said I spoke with Waste Pro and they will educate that they should have separate pick-ups for the residence and have a contract for the business.

Councilman Autrey asked what the % for the late charges was.

Town Clerk Lippman responded I looked at other cities and as long as we get our money back that would be the important part.

Town Attorney Tolces repeated the current amended MOTION.

Vice-Mayor Herzog MOTIONED to go with the proposed and insert the date of September 2, 2008 with a time of 6:45pm for the Public Hearing, also to assume the legal fees, SECONDED by Councilman Autrey and the MOTION passed unanimously 3-0.

11. Resolution 2008-020: Adoption of Tentative Millage Rate

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES ADOPTING A PROPOSED OPERATING MILLAGE RATE OF _____ FOR GENERAL OPERATING BUDGET PURPOSES FOR FISCAL YEAR 2008/09; APPROVING AND AUTHORIZING TRANSMITTAL OF THE FORM DR 420 TO THE PROPERTY APPRAISER; PROVIDING FOR THE ESTABLISHMENT OF AND SETTING FORTH THE DATE, TIME AND PLACE OF THE PUBLIC HEARING TO CONSIDER THE FY 2008/09 MILLAGE RATE AND TENTATIVE BUDGET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Tolces conducted the reading of Resolution 2008-020-Adoption of Tentative Millage Rate.

Vice-Mayor Herzog MOTIONED to approve Resolution 2008-020-Adoption of Tentative Millage Rate, SECONDED by Councilman Autrey and the MOTION passed unanimously 3-0.

12. Discussion of PBC Cooperative (Storm Water Pits)

Town Clerk Lippman said this Item was tabled at the last Council meeting. He said I spoke with Mike Erickson, Commissioner Koons, and Ken Todd. He said it there is a premature idea out there right now that Commissioner Koons is going to bring to the County Commission in August and will then come and talk to us at a meeting later that month. He said we need to find a way to store our water and this was talked about in our Community a year ago with Bill Gurney and Councilman Autrey.

13. Approval of Grant Writing Agreement

Town Clerk Lippman said this Item was tabled at the last Council meeting and a few times before and we want to get it taken care of. He said if the Town wants to get a grant this would allow us to contact this firm. He said we would research the grant and come to a decision on what we would want to do. He said we would then have In Rem Solutions write it and get it out to the proper agencies.

Town Manager Dr. Rosenbaum said to summarize we do the labor. He said you are not paying someone at this hourly rate to do the labor. He said this company would put together a final package and do what is necessary to contact the right people. He said the things we talked about such as horse trails and recreation are what we want to be in the grant game for and that is what we are doing here.

Town Attorney Tolces said revisions need to be included that the Town can terminate the agreement at any time by providing 7 days written notice and any documents prepared by the consultant would become property of the Town. He said these would be my 2 suggestions to add to the agreement.

Vice-Mayor Herzog MOTIONED to approve the Grant Writing Agreement with the 2 changes suggested by Town Attorney Tolces, SECONDED by Councilman Autrey and discussion was then opened:

Mayor Browning asked if with each grant Town Staff will let us know if there is a hot item even if there is not a Council meeting.

Town Manager Dr. Rosenbaum said yes, we have the general direction of where we want to be and a lot of the grants in here do not fit with the government light model.

Councilman Autrey asked if Lisa Mulhall is keeping track of what grants are coming up.

Town Manager Dr. Rosenbaum said yes, I just got an e-mail from her the other day with suggestions in terms of FEMA. He said we are anxious to get this going.

Vice-Mayor Herzog stated it is long overdue.

Mayor Browning said the thing that comes to mind is there are millions of dollars every year that are set aside for young children who never apply for it and the same for this.

The MOTION passed unanimously 3-0.

14. Palm Beach County League of Cities Update

Vice-Mayor Herzog said she and Town Clerk Lippman had attended the League of Cities Board Meeting and the following topics were discussed:

League of Cities Board Meeting Atlantis, Florida July 9, 2008

Palm Beach County Cameras at Red Light

- County wants to try cameras at 10-30 lights where accidents are high
- Cameras are used in Orlando, Jacksonville, and Pembroke Pines presently
- Municipalities can opt out or in with and inter-local agreement
- Signs will warn drivers of the cameras in use
- The first three months—warnings only would be given
- These are not ticket violations—they are code violations—issued by PBSO
- PBSO issues the tickets after reviewing the red light cameras
- League wanted more facts before taking a stand on the issue

Palm Beach County Vehicle for Hire Ordinance

- Presently county does not restrict the number of companies
- Set limits on the rates
- County Protects Public by Requiring
 - Drivers must have 3 years good driving record
 - Company must carry insurance
 - Drivers must have two way communication equipment
 - Drivers must speak and understand English language
 - Drivers must understand the roads and geography of PBC
 - Vehicle must be under 10 years old
 - Municipalities can opt out if their vehicles meet standards of vehicles for hire

Committee Reports

- Education—Selection of Participants will be made by July 11
 - Youth Delegates for Florida League Convention—Tampa & Youth Delegation for National League Convention –Orlando
- Gold Coast League of Cities
 - Register for the Gold Coast Breakfast to be held in Tampa

- Scholarship/Golf
 - Sponsors needed—Contact local businesses
- Transportation
 - Loxahatchee Groves officially recognized as eligible for gas tax revenue now that the ILA was rescinded

Town Clerk Lippman asked Vice-Mayor Herzog what the scholarships benefit.

Vice-Mayor Herzog responded they are for people in youth education. She said I know Matthew mentioned Loxahatchee Groves is not receiving our fair share of traffic ticket monies. She said the Town was approved by the Transportation Committee that we are in compliance with receiving our local gas tax revenue.

Other Business

- Let Us Vote—PBC Charter Amendment
 - Will give municipalities the opportunity to win true Home Rule
 - Municipal voters would have to vote to accept A County Charter Change
 - If the residents reject the Charter Change----It would not go into effect
 - Contacts speakers:
 - Jack McDonald 561-838-5414
 - Beth Rawlins----727-797-9333
 - Dani Dahlberg---813-884-3782
- League letter to Sharron Bock asking for explanation of traffic ticket revenue
- General meeting on July 23—Candidates for National & State Offices Forum
- August 27—Speaker—Carol Wehle—Big Sugar Buy Out

Master Page

Vice-Mayor Herzog commented that the next League of Cities Meeting would be on August 27, 2008.

Mayor Browning and Councilman Autrey both thanked Vice-Mayor Herzog for her report.

Mayor Browning asked if we had to have a presentation on Right to Vote.

Town Clerk Lippman responded yes, I have been in contact with Beth Rawlins and they are going to all the municipalities about Home Rule. He said it is a very important issue.

15. Administration Update:

a. ILA Between the Town and LGWCD for Road Maintenance Funding

Town Clerk Lippman said Dr. Rosenbaum and I met with Clete Saunier and Dave DeMarios this past Saturday and had a productive meeting. He said we decided at that time that there will be no signed agreement between the Town and LGWCD for Road Maintenance Funding. He said LGWCD balanced their budget without the gas tax revenue and any project they come up with they will come to the Town Council and you will have the opportunity as far as some of the revenues of what you would like to see. He said the process will be in general. He said we will ask them and they will ask us. He said I think we learned a lot over the past 8 weeks. He pointed out the following 3 things:

- LGWCD has a balanced budget
- the tax payers won't have an increased assessment
- they recognize the gas tax revenues have been above and beyond the normal operating revenue

Town Clerk Lippman said it is a rocky road but this is good moving forward and working things out for a simpler process with the LGWCD.

Mayor Browning said I would like to add each will be project specific.

Town Clerk Lippman said an upcoming item is for you to think of some items, maybe Non-District roads that are out there.

Vice-Mayor Herzog said this process is very similar as to what they are used to doing with the County.

Mayor Browning said in LGWCD position, the Town is now replacing the County.

Councilman Autrey asked what we are doing with the remaining of this year.

Town Attorney Tolces responded we don't have an agreement so the funds will go to the Town's account for future use.

Councilman Autrey asked, so if we wanted to do something quickly we could do it.

Mayor Browning said and either side can do it.

Vice-Mayor Herzog said such as some of these Non-District roads that have been neglected.

Town Clerk Lippman said as of right now we don't owe them any of the money so you can anticipate around \$6000 per month for the rest of the year.

Vice-Mayor Herzog asked how is that going to be coordinated.

Town Clerk Lippman responded Clete and I will discuss when the revenue is flowing in and for budget reasons they would spend the money and we would reimburse them. He said it is

very planned and will be very clear what the money is for and what it is used on. He said we mapped out the revenue flow and discussed it with Clete.

Mayor Browning said we can put money on all the Non-District and District roads.

Ilene Rindom, 14285 Collecting Canal Road- said I would like to commend the Town Staff, Michelle and Matthew for sticking through this and getting together. She also asked if we could refer to the roads as Town Roads.

Mayor Browning responded that from our standpoint they are just Town Roads, but from LGWCD because they are governed by Florida Statute 298 they have to make the distinction.

b. Financials: June 2008

Town Clerk Lippman went over the projections year to date that are included on the budget. He stated we will have a very good balance sheet to move forward with next year. He asked Assistant Town Clerk Kantor where we are at with the SWA.

Assistant Town Clerk Kantor responded about \$328,500.

Town Clerk Lippman went through the other categories and said that Code Enforcement will come over Budget.

See Financials on Next Page:

Town of Loxahatchee Groves
Financials
Budget vs. Actual
10-07 to 6-08

	<u>Oct '07 - Jun 08</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Income				
Ad Valorem Tax	438,548.46	520,000.00	-81,451.54	84.34%
Charges for Services - ONYX	307,567.43	400,000.00	-92,432.57	76.89%
Communication Tax	54,601.36	126,000.00	-71,398.64	43.33%
Franchise Tax - FPL	173,959.47	101,250.00	72,709.47	171.81%
Gas Tax	49,042.00	52,500.01	-3,458.01	93.41%
Miscellaneous Revenue				
Business Tax Licenses	640.13			
Legal Advertising	2,000.00			
Miscellaneous Revenue - Other	11,181.28			
Total Miscellaneous Revenue	<u>13,821.41</u>			
Public Utility Tax	0.00	75,000.01	-75,000.01	0.0%
Revenue Sharing	40,133.74	46,125.00	-5,991.26	87.01%
Sales Tax	148,015.94	176,625.00	-28,609.06	83.8%
Total Income	<u>1,225,689.81</u>	<u>1,497,500.02</u>	<u>-271,810.21</u>	<u>81.85%</u>
Expense				
Advertising	9,890.86	4,500.00	5,390.86	219.8%
Capital Outlay	0.00	3,750.02	-3,750.02	0.0%
Code Enforcement	29,667.63	37,500.02	-7,832.39	79.11%
Communications	7,546.19	1,500.02	6,046.17	503.07%
Comprehensive Plan	54,325.39	55,000.00	-674.61	98.77%
Contingency Reserve	0.00	167,625.00	-167,625.00	0.0%
Garbage Service - ONYX	262,353.68	350,000.00	-87,646.32	74.96%
Insurance	0.00	10,000.00	-10,000.00	0.0%
Law Enforcement	181,386.00	390,000.01	-208,614.01	46.51%
Legal Fees	93,307.34	97,501.00	-4,193.66	95.7%
Legislative	10,300.00	4,500.00	5,800.00	228.89%
Office Salaries or Contract	63,000.00	75,000.01	-12,000.01	84.0%
Office Supplies	229.18			
Operating Supplies	6,221.86	2,100.01	4,121.85	296.28%
Other Professional Services	5,125.00	37,500.02	-32,375.02	13.67%
Postage	1,590.35	1,875.01	-284.66	84.82%
Printing	4,124.29	3,750.02	374.27	109.98%
Rent Expense				
LGWCD Rental Fee	2,595.00			
Rent Expense - Other	6,814.74	5,400.00	1,414.74	126.2%
Total Rent Expense	<u>9,409.74</u>	<u>5,400.00</u>	<u>4,009.74</u>	<u>174.25%</u>
Road Contract - LGWCD	49,042.50	52,500.01	-3,457.51	93.41%
Total Expense	<u>787,520.01</u>	<u>1,300,001.15</u>	<u>-512,481.14</u>	<u>60.58%</u>
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Surplus	<u>438,169.80</u>	<u>197,498.87</u>	<u>240,670.93</u>	<u>221.86%</u>

Mayor Browning said I appreciate your work on this and the work the Incorporation Group did on this and it really shows that it works.

c. Procurement, Investment and Financial Policies

Town Clerk Lippman commented I have been working with Town Attorney Tolces on developing our financial procedures for the Town and we will be coming forward with a Resolution at the next meeting that we will present to you as well as a manual of how our internal system works. He explained the next step would then be developing a very basic procurement plan.

d. Lox Groves Park Southern Blvd Entrance Update

Town Clerk Lippman said there was a meeting back in June with Clete, Ron Jarriel, Councilman Lipp, Commissioner Santamaria, a few other local residents, and myself regarding this Item. He said I have a letter from Dennis Esherman that is can be done but the next issue is the money. He said Commissioner Santamaria did commit to us that he will do whatever it takes to get us the money but they can't approve it until October 1, 2008. He said the County will work with the Palms West Chamber of Commerce to run an extension from F Road to the park. He said they have agreed as soon as the Southern Boulevard entrance has been added that they will then look at the traffic impacts and see if they can close off the entrance on Citrus.

Vice-Mayor Herzog noted there is an equestrian ring that needs to factor in here somewhere.

Councilman Autrey asked did you get any idea of the cost to do this.

Town Clerk Lippman said no, but Commissioner Santamaria has expressed that he will do whatever it takes and would find the money for it.

Ilene Rindom, 14285 Collecting Canal- said I know that when we worked on the Neighborhood Plan there was an original plan on which the County promised us the park would be built out. She asked if we are having any discussions with the County based on the original plan.

Town Attorney Tolces said we did contact the County regarding the equestrian ring and it came down to money for any expansion of the park.

Town Clerk Lippman said I know that Dennis Esherman did indicate there would be no more money for that park but we will investigate more.

Ms. Rindom said there was supposed to be a second all sports area as well to be used for baseball, football, and soccer. She said there was also supposed to be a 2nd kids park. She said there was also supposed to be a small camping area cleared with hook up. She said we didn't feel we should give up. She said it is a County park and the County took responsibility.

Councilman Autrey said I know in the relationship we have in our Charter we have joint custody of the park, so I don't think the County would mind if we got grant money.

Town Manager Dr. Rosenbaum said we can work on that, recreation has not been cut as much as people thought.

Ms. Rindom asked are they still committed to getting rid of the exotics. She said once you get into the park the vegetation is still there.

Town Clerk Lippman responded, I don't know but I will find out.

e. ONYX Waste Assessment Collection Update

This item was addressed earlier in the meeting.

f. Comprehensive Planning Update

Town Clerk Lippman started by saying this past Saturday we had a great opportunity to listen to the concerns of the residents.

He explained the next Meeting will be held on Saturday, August 2, 2008 with the Council members and the Public can attend to listen only. He said on Saturday, August 9, 2008 there will be another Public Workshop at Loxahatchee Groves Elementary School at 10am. He said the information will be on the website and all of the minutes from this past Saturday's session are on it already. He explained that there is a comments page that sends the feedback directly to the Town Clerk and is specific to the Comprehensive Plan. He explained this is not a blog or a comments page about other items. He said if you have a concern and you weren't at the session this will give you the opportunity to ask a question.

Vice-Mayor Herzog asked are you taking care of the signs.

Town Clerk Lippman responded that he already ordered the covers for the signs with the new meeting's date and times.

16. Public Comments

Bill Gurney, 1453 E Road- commented on the discussion about keeping the park canopy intact at the park and a number of things might have affected the canopy. He asked what date Commissioner Koons would be presenting to the Council.

Town Clerk Lippman responded we don't have a date as of yet.

Mr. Gurney said I hope we all go down to support him, I'm sure Indian Trails will be there as well. He also complimented Town Clerk Lippman on his work on the Budget and his conversation with Congressman Mahooney.

Howard Voren, 1538 E Road- said I want to remind the Council that Irv (Town Manager) had once gotten a grant to get a horse bridge built over a roadway. He said that was something I didn't want to be buried by the wayside. He said it was his idea and I think it is a marvelous one. He commented that he was disappointed with this past Saturday's Comprehensive Planning Workshop. He said the work Calvin-Giordano did was cut and paste work from other Comprehensive Plans and one major glaring thing I saw that really bothered me was it placed the burden on the property owner who chose to build to contact not only Fish and Game but Florida Wildlife Service as well to determine if there are any species that are permitted on that land. He said they will never rule on that, they don't have the budget or the man power to rule on that. He said I was disappointed because Calvin-Giordano themselves didn't seem to know the nature of our Community. He said we didn't get through half of the material we were supposed to cover because of addressing issues like that. He said I don't think any of us could take for granted there are issues with the Plan the way it still stands.

Alan Tobin, 2141 B Road- said he had a few questions about the site plan approval process. He said I drive Okeechobee everyday and how come I never knew about the church.

Mayor Browning responded that the church is an existing old house and barn and referred to it as Tarzan's old property. He explained they meet on Saturdays.

Mr. Tobin said have we gotten to the point where there are guidelines and if so, how did my neighbor starting a business slip through the cracks.

Town Attorney Tolces said the guidelines are included in the ULDC that was adopted when the Town incorporated so we are operating under those until the Town adopts their own. He said we have contracted with the County for these services.

Town Clerk Lippman said the answer is, if there is a parcel that has a business that is developed and does not follow our Code Enforcement, then it needs to be reported to Code Enforcement. He said if someone builds an office there it needs to be uniform to the ULDC and if not it needs to be reported.

Ilene Rindom, 14285 Collecting Canal- commented like Howard Voren brought up, I would like to show anyone from Calvin-Giordano around the Town. She said I will drive you around and show you how we live Loxahatchee Groves style.

17. Town Clerk Comments

Town Clerk Lippman commented we got a lot accomplished tonight and you as a Town Council should be proud of what you have achieved. He said we have a great team here.

18. Town Attorney Comments

Town Attorney Tolces said he had no comments.

19. Council Member Comments

Vice-Mayor Herzog commented I am pleased with the turnout for the Comprehensive Planning and am pleased with the quick turn-around time. She said the only negative comment she heard was that the groups were a little too close together and there was an echo. She suggested spacing out the groups for the Public Meeting on August 9, 2008.

Councilman Autrey said I appreciate all your comments Howard and hopefully we can address them.

Mayor Browning said I was kind of disappointed we didn't have our whole Council here tonight. He said Dave brought up some good comments on the project and it would have been nice to have everyone here to comment on it. He thanked Town Staff for the hard work on the Budget and the Comprehensive Plan.

20. Adjournment

Councilman Autrey MOTIONED to adjourn meeting, SECONDED by Vice-Mayor Herzog and the Motion passed unanimously 3-0.

There being no further discussion and no additional public comment the meeting was adjourned at 9:22 p.m.

Dave Browning
MAYOR DAVE BROWNING

ATTEST:

Matthew Lippman
Matthew Lippman, Town Clerk

8-5-08
Date Approved

STATE OF FLORIDA
COUNTY OF Palm Beach

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:

7-15-08 Minutes
as recorded in the _____ of the Town Clerk.

WITNESS my hand and seal this 5th day of August, A.D. 2008

TOWN OF Loxahatchee Grove
BY: Matthew Lippman