



Members Present:

Marge Herzog, Vice-Mayor
Dave Autrey, Council Member
Dennis C. Lipp, Council Member
Dr. J. William Louda, Council Member

Members Absent:

Dave Browning, Mayor

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

Vice-Mayor Herzog called the meeting to order at 7:00 p.m. She then requested the roll call by Town Clerk Lippman. Town Clerk Lippman noted that Mayor Browning was absent from the meeting. Upon completion of the roll, the Vice-Mayor requested everyone stand for the Pledge of Allegiance and Invocation.

Town Clerk Lippman asked Councilman Lipp to present his work to the Public.

Councilman Lipp showed the Town Logo he had saved from one of the Visioning banners and had mounted onto a large wooden circle with glass. It is now hanging in the LGWCD behind the podium.

5. Approval of Agenda

Councilman Lipp MOTIONED to approve the Agenda, SECONDED by Councilman Louda and the MOTION passed unanimously 4-0.

CONSENT AGENDA:

6. Approval of Town Attorney Invoices: June 2008 and July 2008
7. Approval of Town Council Meeting Minutes: July 1, 2008 and July 15, 2008

Councilman Lipp noted on the Minutes from July 1, 2008 he had a correction on Master Page 21. He said the word judiciary should read **fiduciary**.

Councilman Lipp also noted on the Minutes from July 1, 2008 that on Master Page 28 it reads Councilman Lipp said (blank). He said this should be taken out.

Councilman Lipp noted on the Minutes from July 15, 2008 on Master Page 13 the MOTION should read millage rate of **1.5** not 1.51.

Councilman Lipp noted on the Minutes from July 15, 2008 on Master Page 57 and Master Page 58 in the MOTION the word consume should read **assume** both times.

Vice-Mayor Herzog commented that she had sent her corrections in earlier via email.

Councilman Louda MOTIONED to approve the Consent Agenda, with changes to the minutes as noted, SECONDED by Councilman Autrey and the MOTION passed unanimously 4-0.

REGULAR AGENDA:

8. E-Road / 140th DCA ORC Report: Discussion

Town Clerk Lippman explained that Jamie Marcus had taken over as the Project Manager for the County on this Amendment. He said Donna Brosemer had met with Mr. Marcus on this issue. He pointed out that on August 21, 2008, at 9:30am, there will be a Public meeting held downtown on the 6th floor of PBC PLB&Z which will include E Road/140th on the Agenda.

Councilman Lipp noted that this will be the adoption hearing so we need to make sure the 5 votes we had we get again.

Town Clerk Lippman said Donna Brosemer is setting up the meetings and working with the County Commissioners to ensure their thought process. He said each of the Council Members should take the time to call the County Commissioners as well. He said I think it makes a difference when they hear from you and your efforts are very important here.

Councilman Autrey said the objection from DOT is strictly based on traffic. He said the issue that resonated the most was the threat of eminent domain and that wasn't mentioned anywhere in here. He asked Shelley Eichner, Calvin-Giordano if we should bring up eminent domain.

Shelley Eichner, Calvin-Giordano said the objection DOT issued was traffic. She said I think eminent domain would come up in the future if the road was ever actually to be widened. She said the thoroughfare map is a future road right of way reservation.

Councilman Autrey said in a political environment eminent domain has a lot more weight than in a bureaucratic one because when people have to make a decision; that is a big one. He said I am just wondering if we shouldn't forget about that.

Town Attorney Tolces said there are 2 different approaches. One is the technical approach with respect to the analysis and methodology which is included in the report the County will send to DCA and the second would be the practical and political perspective which is the property owners who might be directly affected if this road was to actually go in.

Councilman Autrey said they are affected right now.

Councilman Louda agreed and said there are things I am not doing to my property because I at the inflection point of the S curve.

Town Clerk Lippman said I think we are caught in the middle of a County mess and DCA does not feel there is enough connectivity between the North and the South. He asked is there an alternative to mitigate the North-South traffic. He said DCA is saying no. He said Councilman Autrey is absolutely right about eminent domain. He said DCA is looking at this from a logical standpoint and the interaction that is going on with the County is they feel they have satisfied DCA's request but there is potential for intervening.

Councilman Lipp commented that Karen Marcus at the Treasure Coast Regional Planning Meeting had brought up there would be extensive legal fees if this goes through. He said her compromise plan was the suggestion to keep E Road/140th on but to take off the section that goes through Loxahatchee Groves. He said the folks at Indian Trails have their issues as well. He said maybe there is a compromise to think about.

Councilman Louda said ERM's suggestion years ago was 130th /Crestwood. He said his only other comment regarding this Item was to be at the upcoming downtown meeting.

Vice-Mayor Herzog asked for comments from the Public.

There were no comments from the Public.

Vice-Mayor Herzog moved to Item #9.

9. Land Use Plan Amendment (1 in 5): Petition discussion

Town Attorney Tolces said I provided you with a Memo as well as a copy of the petition filed by Callery Judge Grove, LP. He explained this will be assigned to an Administrative Law Judge and in my Memo I outlined for you the process we are in now. He said there will be a final hearing where Callery Judge Representatives can present why the information the Town provided to DCA was incorrect. He said the goal would be to meet with the Representatives from Callery Judge Groves and find out what they would be interested in talking with the Town about to resolve this matter. He said at this point we are involved and will keep you advised but there is no action for us to take other than meeting with them and discussing the issues.

Shelley Eichner, Calvin-Giordano- said our recommendation would be as you move forward with your Comprehensive Plan to keep the 1 and 5 there. She said you felt this was the right thing 8 months ago and we should still keep moving forward with what the Town wants.

Councilman Louda commented I think all the citizens of the Groves should obtain a copy of the petition that was filed and read it.

Town Clerk Lippman said he would post the petition on the website for the Public to read.

Councilman Louda said some of the arguments in here petition blow me away.

Town Attorney Tolces said what we are going to do is review the petition and discuss it with Shelley and Matt and the time for responding to these allegations would be through the Administrative Hearing Process and naturally when you file a petition such as this you throw a lot up on the wall. He said we have the County's information on this.

Councilman Louda said the main reason to going to 1 and 5 is historic. He said we were 1 and 5 and DCA made us 1 and 10. He said we showed all the data and it makes complete sense.

Vice-Mayor Herzog asked that the Town Attorney go over it and make a recommendation.

Town Attorney Tolces said our goal is to get this resolved as quickly as possible because the Town has more pressing ways to spend our time as well as funds.

Councilman Lipp asked for a ballpark figure if this did go the full length through the Administration Hearing. He estimated between 10 and 20 grand.

Town Attorney Tolces responded probably somewhere between those amounts.

Councilman Lipp asked if someone on A or B road has a 10 acre property they want to divide into 2 5's without the 1 and 5 designation can they come to the Town and ask permission.

Town Attorney Tolces said it wouldn't be consistent with the Comprehensive Plan if it wasn't 1 and 10. He said as far as residential units right now it is 1 and 10 so if you were going to divide into 2 5 acre parcels it is a question if it is consistent with the Comprehensive Plan. He said as long as it is consistent with the Land Use Designation.

Councilman Autrey said I wanted to remind everybody that the DCA found us in compliance and agreed with it and I am comfortable with the recommendation that Ms. Eichner gave us to move forward.

Town Clerk Lippman said we have 6 State Agencies that all know this is the right thing but any intervener has the right to do what he did. He said I can tell you it is favored on our side and we feel very confident.

Vice-Mayor Herzog asked if there were any comments from the Public.

Bill Gurney, 1453 E Road- asked the procedure for the objection this goes to a judge in Tallahassee.

Town Attorney Tolces responded is an Administrative Law Judge.

Mr. Gurney asked if he determines whether the objection is a valid one or can he not accept the objection.

Town Attorney Tolces responded that due to the fact that they filed comments during the adoption process they have the right to file the petition. He said there is no option to dismiss like in a civil suit. He said the hope is the hearings can be set 3-6 months down the road, it tends to move a little more quickly than a civil matter in a circuit court.

10. Comprehensive Planning: Update

Town Clerk Lippman said I want to thank the Council for battling it out last Saturday. He said there were a lot of tough subjects and we were really able to give the facilitators and planners some good direction. He said we will bring the comments back to you at a Regular Meeting and make sure the Agenda is pretty light that night to give us time. He said all the Public input has been great and one thing to understand too is that in this Town there are a lot of different interests and if there was one document where everyone would be happy it would be the worst document in the world.

Councilman Autrey said Saturday was a good session and I appreciate everyone who showed up. He said I look forward to moving ahead with this.

Councilman Lipp said there was one area I was sort of confused on and it came up when we got back from the break. He said we had a discussion about the transition density and as I recall we were not going to use the language from the Visioning Statement and we were going to keep the whole corridor at 1 and 5. He said we also discussed drawing a reference line that extended from border to border, that reference line being E Citrus Drive the street that borders on the Northern end of the park. He said so below this line would be Non-Residential development that could take place along both sides of Tangerine, so there is some need for clarification here. He said if we are looking at a density of 1 and 5 South of Collecting to Southern Boulevard and we are also looking at Non-Residential going South of E Citrus Drive then aren't we essentially changing the density in that Non-Residential area. He asked, what is the process for those developments to change the density, and doesn't this represent a lot of work for each parcel to come forward to ask for a land use change. He asked Ms. Eichner if going from 1 and 5 to Commercial Low would be considered a Text Amendment.

Ms. Eichner said that would be a Land Use Plan Amendment.

Councilman Lipp said let's say we create a new Land Use Category.

Ms. Eichner responded that could be done too. She said that would be a Text Amendment to the Comprehensive Plan. She said in the 1st draft we put in a higher density of 1 to 2.5, however, from the feedback of the first Public workshop and the majority of the Town Council this designation was eliminated. She said the land uses that are on the map today are the same land uses that will be on the map for tomorrow. She said the point would be if someone wanted to in the future change the use of their property to Commercial they could file a Land Use Plan Amendment application and Staff would review it and you would be the ultimate decision makers.

Councilman Lipp asked time wise if we do 2 a year. (Comp Plan Amendments)

Ms. Eichner responded that small scale could be done 4 xs per year. She explained a small scale would be less than 10 acres. She said a large scale could be done 2 xs per year and would be more than 10 acres.

Councilman Louda asked how long the whole process takes.

Town Attorney Tolces said an example is our LUPA which was started in October and it is August so a process could take 12 months.

Ms. Eichner said if there is a challenge.

Councilman Lipp said in the Visioning we didn't have any talk about approving Commercial, we only looked at transitional density.

Ms. Eichner said we used the word considered and we have in the Comp Plan that Residential uses would be considered South of E Citrus extended. She said what we are saying Commercial would not be encouraged in the Town everywhere else. She said keep in mind it is an acknowledgement of where Commercial would be appropriate or considered. She said you all would make the ultimate decision. She said I want everyone to really understand we are not changing the Land Use on anyone's property. She said what you have today is what you will have tomorrow.

Councilman Lipp said what troubles me on this is that it is our opportunity to have a master plan for the corridor. He said we are looking at a master plan for traffic.

Town Attorney Tolces said in your Comprehensive Plan you are setting what your goal for the Town would be, but it is not set in stone. He said at any time someone can come before the Town Council to ask for something.

Town Clerk Lippman addressed Councilman Lipp and said to answer your question directly in lieu of making the density change in the Comp Plan we have agreed to do this corridor study which will answer the exact question you are asking which is where is it appropriate? What can it handle? What is the traffic impact? He said this will give us something to go by which you can adopt and use as a baseline.

Councilman Lipp asked where do we stand on the corridor study.

Town Clerk Lippman responded we are at the tail end of it now, probably 2 months away.

Patrick Figurella, Calvin-Giordano- responded 2 months at the most.

Ms. Eichner said the ultimate results of this traffic study are for you to have a report to refer to when an applicant comes in with a Land Use Change.

Councilman Louda asked if the corridor study is considering Councilman Lipp's concept of Tangerine as an internal road.

Jeff Maxwell, Calvin-Giordano- said we are looking at different scenarios and have taken counts at 22 intersections of all different levels. He said we are going to have different scenarios for improvements, levels of service, and how they will interact with the different Land Uses.

Vice-Mayor Herzog asked if there were any comments from the Public.

There were no comments from the Public.

Vice-Mayor Herzog moved to Item #11.

11. Site Plan Approval:

a. (Palms West Chamber of Commerce)

Title: Resolution approving a Final Site Plan of P.W.C.C. by Mike O'Dell, Agent.

Request: To finalize the site plan.

General Location: Southwest corner of Southern Blvd and F Road

Town Clerk Lippman explained that back on November 20, 2007 when we passed the Moratorium there was specific language in the Ordinance exempting them from the Moratorium. He noted they are not subject to DRO certification from the County so there is no need for the Town to do a Resolution; we would just need to transmit a letter approving the final site plan.

Mike O'Dell-Agent for Palms West Chamber of Commerce- introduced himself and said the architectural design, ingress and egress, parking, landscape, buffering and lighting are the items I believe are important to you. He said we received notification from the County today and will be meeting with Staff to move forward with the building permit process in the next 2 weeks. He said we would like to make our application to the building staff for our administrative hearing next Tuesday which will bring all our permitting processes to a conclusion.

Town Clerk Lippman asked the Council if they wanted Mr. O'Dell to summarize the conditions he mentioned or go straight to comments.

Vice-Mayor Herzog said go to comments.

Councilman Autrey asked what is the seating capacity of the large meeting room.

Mr. O'Dell responded I don't know the seating capacity, but the square feet is about 960.

Councilman Autrey said in your letter you use the word will endeavor to comply (when referring to storm drainage). He said if you read the letter from the LGWCD there seems to be a need to comply.

Mr. O'Dell explained he used the word endeavor because that is exactly what they would try to do. He said as you know we are a not for profit organization. He said at this time I can't commit to funds we do not have. He said I spoke with Clete right before the meeting tonight and there is a section of SR80 that overlaid F Road and there is section of existing pavement. He said the overlay section to the existing pavement is not a problem but then we have to actually pave and replacing the culvert. He said this is not something we have budgeted right now.

Town Attorney Tolces said the interesting thing about this building is that it is on County property which they lease from the County. He said as far as whether or not they would have to get a permit from the Town I would have to research that. He said we can provide that comment on our letter to the County saying we would like to see that paved.

Councilman Autrey said the site plan doesn't show much between the building and SR80. He said we have had conversations with the Parks Department about ingress and egress on E Citrus and the funds to maintain that road are actually funded by residents. He said one of the alternatives that came up was to run the road I believe from the North side of the property.

Councilman Louda asked where is Citrus Drive East because this doesn't show any of our roads. He then asked about the project Groves Medical Plaza.

Town Clerk Lippman said after the Moratorium expires they will reintroduce their application to the Town Council.

Councilman Lipp asked has Dennis Esherman talked to you at all about putting that connection road in as being a good neighbor as connecting the park to F Road.

Mr. O'Dell responded no.

Town Clerk Lippman said I will follow up.

Councilman Lipp said the folks living on E Citrus are getting a lot of wear and tear.

Mr. O'Dell said to reiterate the donations are funding this. He said to burden the project with a roadway that wasn't planned will just stall it.

Town Clerk Lippman said I have spoken to Jean Matthews who is the one negotiating the lease for the County and she asked if this would be a good meeting spot for our Town. She had said the room would have a capacity of 35-50 people.

Mr. O'Dell said that he didn't see 960 square feet holding 35-50 people as a problem.

Vice-Mayor Herzog asked would this be offered to the Town at no fee. She said she was concerned because it mentioned there would be a fee for use and she had understood there would be no fee.

Town Clerk Lippman said I will follow up with Jean Matthews on that.

Vice-Mayor Herzog said I notice that you mentioned well and septic tank.

Mr. O'Dell said we will tie into the County water system but will be using septic tanks and not tie into the sewage system.

Vice-Mayor Herzog asked if there were comments from the Public.

There were no comments from the Public.

Councilman Louda MOTIONED to approve the final site plan for Palms West Chamber of Commerce, SECONDED by Councilman Autrey and the MOTION passed unanimously 4-0.

Councilman Autrey noted that the occupancy of the room is 65.

Town Clerk Lippman addressed Mr. O'Dell and said I will send you the letter tomorrow.

Vice-Mayor Herzog moved to Item #12.

12. Information Relating to Dependent Districts: Presentation by Town Attorney and Staff

Town Attorney Tolces explained this is an Item which explains what it would take to convert the LGWCD to a Dependent District. He said I prepared a memo for you outlining the process that would be entailed in converting the District. He said at the July 1, 2008 meeting I was asked to come back to you with this information. He explained right now they have their own power and own authority. He said there are water control districts that are governed by the City Commission and the Commission meets as both. He said whether or not you would want to have any type of referendum involved to have the registered voters be able to vote on whether or not they want the option to take place would be up to you, it is not required though.

Town Manager Dr. Rosenbaum said I think this is talking about the governing process. He said the assessment process can or cannot be changed. He said we are just here to provide information on this and I just want to make points clear because somewhere along the line we had miscommunication on what was said.

Councilman Lipp asked if the deadline had already passed to get something on the November 2008 ballot.

Town Clerk Lippman responded yes, the date has already passed.

Councilman Autrey said I don't have any questions. He said this is something that has obviously been discussed for a long time. He asked if someone was to hire a consulting firm to look at the construct of Loxahatchee Groves and the 2 different governmental entities how long would that take. I think they could look at efficiencies, duplication of government, and cost savings.

Town Manager Dr. Rosenbaum responded that it sounds like a bigger project than it is. He said to do that you just have to go to your authority.

Town Attorney Tolces said we could put together a list of pros and cons with respect to what the Town can do and the LGWCD can't do.

Town Clerk Lippman said to get the analysis you are looking for we would recommend going out for an RFP and this is something that could be turned around in one month's time.

Councilman Autrey said we have issues. He said we are trying to do a Comprehensive Plan here and roads come up right in the middle of it. He asked how do we get our Comprehensive Plan finished. He said I see the ability for us to actually come up with a Plan is hindered because of the relationship. He said and then we have the financial aspect. He said I think the residents deserve to know what they are paying in taxes and if there is an opportunity to have a more efficient government. He said an independent firm should take a look at the duties of the 2 different entities as to what they should do and shouldn't do and why and that would craft legislation. He said that is what I would be in favor of doing.

Councilman Louda said I think it is not a good idea of this list of pros and cons because there has already been some perceived Agenda. He said this whole topic is full of angst. He said this Community has run for years with the LGWCD and change is a violent thing usually. He said I would like to see the analysis done by a totally independent body and then with that data I would like to see a referendum done.

Councilman Lipp said I agree with Councilman Louda.

Town Attorney Tolces asked are you talking about a straw ballot.

Town Clerk Lippman clarified your next elections are the municipal elections in March 2009.

Councilman Autrey said we can file legislation and just like we did for incorporation.....(he never completed the thought)

Councilman Lipp said if this goes forward without a referendum I think it will die a horrible death in front of the Palm Beach Legislative Delegation with a no vote.

Councilman Louda said if we file legislation before the outcome of the analysis that tells us which way to go, what the hell are we filing.

Councilman Lipp said I think we need to have the LGWCD dependent eventually but trying to get it all done right now I think when people get a look at what it will cost to OGEM the roads may not want to do it. He said I think we will hear a lot about that in the next few weeks.

Councilman Autrey said I disagree with that whole premise because the onus would always go back to the residents at the referendum. He said the Legislature looks at that and says that is not our problem. He said the Legislature looks at any opportunity to make government more cost effective as a good thing. He said if you are going to straw vote it is not binding.

Town Clerk Lippman clarified there are 2 ideas here. He said one is to do a straw poll before you file legislation and a straw poll is not binding. He said however if the legislation passes and you have a binding referendum and the referendum fails, the legislation dies with the referendum. He said either way you still get the opportunity for the residents to vote but with the binding referendum the vote is meaningful.

Councilman Lipp said I don't even think it will get to the floor for an up down vote from either House.

Vice-Mayor Herzog asked for comments from the Public.

Ron Jarriel, 2800 161st Terrace North- said I have one question for the Council. He asked if in the Town Charter it states the LGWCD would remain the same as it now-independent.

Councilman Louda responded that is how it is stated.

Vice-Mayor Herzog said that is how it is stated but it doesn't say in what form.

Mr. Jarriel asked if to do a referendum it would cost money. He asked if the referendum to incorporate cost us any money.

Town Attorney Tolces said he didn't think so.

Councilman Lipp said it had been in the Charter to not.

Mr. Jarriel said if we are going to have a referendum, I have a lot of people who are dissatisfied with this Town Council and the Town of Loxahatchee, would it be possible to have a referendum to unincorporate at the same time we had a referendum to make the District dependent. He said so the people could kill two birds with one stone to find out if we still want a Town of Loxahatchee or to go back to just the LGWCD with the County controlling us like we had for a long time.

Town Attorney Tolces said there is a process for getting items on a ballot and I think it would be hard getting two questions let alone one on the ballot for November. Town Attorney Tolces corrected Mr. Jarriel that the Town is not of Loxahatchee but of Loxahatchee Groves.

Councilman Louda said we knew Mr. Jarriel's stand on incorporation coming in. He said coming in I wanted the LGWCD to stay as is for the foreseeable future thinking we would have to effectively evolve together as we merged. He said the working relationship has proved to me beyond a shadow of a doubt that it cannot work. He said I respect the fact he is fighting to keep his seat up here and if the County was running this Town right now Okeechobee would be 4 lanes and you would have no control over land use. He said if your interest is to get your road paved, sell your land, and move out of here, than tell us so. He said I've had enough of it.

Lung Chiu, 3270 B Road- said I want to remind the Council that the LGWCD has been around for many years and the Town has only been around for almost 2 years. He said I want you to be very careful in moving so fast and my major concern is please don't put anymore costs on us. He said whatever you do here there won't be an interruption of services and if you plan to dissolve the District please get the citizens input. He said you did very well during incorporation and I hope you do the same thing here.

Councilman Louda said we are not going to dissolve the District, it will just work differently.

Howard Voren, 1538E Road- said I think the Town Council needs to act as it believes is in the best interest. He said we voted to incorporate less than 2 years ago. He said we never voted as residents whether we wanted to keep the antiquated system of 2 governments running. He said I don't think a straw vote is a good idea and it would be worthless. He said a full referendum

when the time is right would be valuable but to waste time just doing a straw vote is just a worthless exercise.

Town Attorney Tolces said if we were to prepare legislation it could be done in a fairly short order.

Councilman Louda said I still wouldn't want to file legislation without the guidance of a study and finding out what the true ramifications are.

Ken Johnson, 15409 Collecting Canal Road- said I am sure in Florida since Water Districts and canals have been around since 1900, I am sure there are a lot of municipalities that have been in the same situation that we are in right now. What steps did they take? How many municipalities still have a separate water control district.

Councilman Lipp stated The City of Lake Worth.

Mr. Johnson said I think the independent study is a significant idea plus find out from other municipalities who made the transition so we can get this Town running efficiently and without one pulling one way and one pulling another way. He said we all need to be headed in the same direction.

Councilman Louda said I've had 6 or 7 legislators tell me-become a Town-take over the water control district and at least 100-150 residents who said the same thing.

Vice-Mayor Herzog said I have had Council people from The Village of Wellington tell me it went smoothly there.

Ilene Rindom, 14285 Collecting Canal Road- said just because it was doesn't mean it has to continue that way.

Ron Jarriel, 2800 161st Terrace North- said Bill, I will hang back a little bit in case you got a comment when I leave. He said I have been here 48 years, longer than anyone in this room. He questioned Councilman Louda as to how long he has been here. He said you said as soon as I got my road paved I'd be leaving Loxahatchee. He said I believe the people out here want a decent road and I believe there are certain members of the Town Council who want to take over the LGWCD so they can stop all the paving in Loxahatchee. He said I think what we have right now is the same thing we had for many many years before until we got a good LGWCD that started doing what the people wanted and we are on the verge of having the same thing as we had with the Land Owner's Association and I think we want to power on that Board to tell the people of Loxahatchee what they can and can't have.

Town Attorney Tolces interjected and said that Public Comments were not for attacking citizens Council Members.

Councilman Louda MOTIONED to have staff put out an RFP to get a study done on specifically on the financial burden or advantages and to do an analysis on what other municipalities have done and what has or has not worked for them, SECONDED by Councilman Autrey and the MOTION passed unanimously 4-0.

Town Clerk Lippman said we will bring back to you at the next meeting a document that you can comment on to make sure all the areas are satisfactory.

Vice-Mayor Herzog moved to Item #13.

13. ERM Transition: Discussion

Town Clerk Lippman said I had the opportunity to meet with Jamie Caston and Bonnie Finneran from ERM. He said unfortunately as you know the County has gone through a lot of cut backs and has lost a lot of Staff and one of the hardest hit areas is ERM and they are in a position right now where they cannot provide any services to the Town. He said I have all ready started discussions with the Town Attorney and Staff about what the process would be for us to take it on ourselves.

Town Attorney Tolces said we need to look at the provisions of Chapters C and D of the Article 14 of the ULDC and see how we can fit them in to what the Town is looking to do and see if we can go about enforcing those provisions. He said the other provisions don't apply. He said we need to get ideas and concepts from the Town and then we can draft an Ordinance that meets yours and the Town's resident's ideas of what they would like to see. He said I ask you the Town Council to provide written comments to Town Staff on what you like or don't like. He said originally it was our intent to have the County enforce this through an ILA but they can't.

Town Clerk Lippman explained to get more specific I think the 5 of you should provide feedback and comments to Town Staff and I recommend getting a professional firm to rewrite it so we can adopt it as an Ordinance. He suggested having Calvin-Giordano write a bid or going out with an RFP. He said once a professional firm comes back with the document, I would then recommend having a Workshop for the Public to comment.

Councilman Lipp said I think the best thing to do is have it crafted into the proper legal language.

Councilman Louda said I would add well field. I think we need something in there to work toward the removing of exotics.

Town Clerk Lippman said in the Visioning Sessions there were great ideas but people were not willing to pay for them.

Councilman Louda said I would rather protect well field preservation than exotics.

Town Attorney Tolces said I don't think we necessarily spoke with the well field protection vision and I would be interested to see how they are enforcing provisions County wide and out here and then we can see if that is something they can do for us or if it is something we need to do on our own.

Councilman Autrey said I would echo what Councilman Lipp said with the addition of when we craft this and go through it we should also understand the cost of running this business. He said we need to look at what it will cost internally to run the ERM.

Councilman Louda stated that was a good suggestion.

Vice-Mayor Herzog asked for comments from the Public.

There were no comments from the Public.

Town Clerk Lippman said we have the opportunity to come back to you at the next meeting with a proposal and will look for your approval at that point.

Councilman Lipp asked when Staff wanted the comments from the Council and the Public.

Town Clerk Lippman responded by September 1, 2008 at the latest.

Councilman Autrey said I don't know we would want to present a proposal at a Workshop; it can be presented at a Regular Council Meeting.

Councilman Louda MOTIONED to have Calvin-Giordano submit a proposal on rewriting Article 14 of the ULDC and submit one with a Workshop in it and one without a Workshop in it, SECONDED by Councilman Autrey and the MOTION passed unanimously 4-0.

GENERAL CONSENSUS WAS THEN GIVEN TO PRESENT THE REWRITTEN ARTICLE 14 TO THE PUBLIC AT A WORKSHOP

Town Clerk Lippman said I think this is very important and sensitive to the residents. He concluded Town Staff will come back to you at the next meeting with a proposal as well as a time line.

Vice-Mayor Herzog moved to Item #14.

14. Planning, Zoning, Building, and Engineering Services for the Town: Discussion

Town Clerk Lippman said one of the most important items is coming down to the ULDC and that will govern what we want and don't want. He said once you start to amend this with the Town you won't be able to have a relationship with the County. He said they don't have the Staff or resources to be able to managed two different ULDCs. He said we need the ability to rewrite the ULDC at our own pace. He said PBC has done a decent job in trying to maintain the concurrency level for the Town, however, there are multiple times you are subject to what the County has that is not tailored to what you have. He said especially when the Moratorium is lifted you will have some detailed projects coming before you. He said if and when the LUPA does pass we will have to provide a service to those who want to divide their parcels. He said the County really does truly try to provide good customer service but I think the turnaround time is a big frustration with the residents of this Town. He said there is frustration on my part when I can't get the answers I need. He said this process can only be achieved if we do it ourselves.

Town Clerk Lippman said we would like to go out for bid for RFQ to do what the County is doing for us right now. He said we have an ILA with the County and with Planning, Building, and Zoning and I spoke with Barbara Alterman at the County because I think it would be unfair for her to hear the Town is unhappy with the County and wanting to get out which is not the case. He said now comes the question of cost. He said to keep this service provided to the Town will be anywhere from \$50,000 to \$75,000 per year which is that much more than we are paying the

County. He commented we do not want to create a huge building department; however, this is the time we need to control our own destiny at our own pace.

Councilman Autrey asked the difference between an RFP and an RFQ.

Town Attorney Tolces explained an RFP is a Request for Proposal which includes a price and an RFQ is a Request for Qualifications which centers on the qualifications first and does not include a price.

Town Clerk Lippman said I think this is more centered around qualifications first.

Councilman Autrey said I don't see any problems with going out with RFQ.

Councilman Lipp agreed and said go ahead with the RFQ. He asked about Page 8 of the Budget where it states all permitting and application fees would remain revenue neutral.

Town Clerk Lippman responded that this is just rough research but yes, in our Budget we would have to account for a monthly fee for this.

Shelley Eichner, Calvin-Giordano- said our experience with certain cities to whom we provide this service is there are certain costs with just having a PLB&Z Department. She said it is a service I believe the Town needs to provide to its residents and I don't believe you can charge a resident for a phone call asking a general question like –Can I put up a fence? She said you could develop a fee schedule when a project is started. She said not everything is cost recovery but once larger site plans come in those could and should be part of the cost recovery process. She said this could be established with a Cost Recovery Ordinance.

Councilman Autrey asked if the County keeps historical data on the amount of activity that goes on in the Groves.

Vice-Mayor Herzog asked about the records transfer process from the County to the Town.

Councilman Lipp MOTIONED to approve Town Staff to bring back an RFQ to outsource the services of Planning, Building, and Zoning, ERM, and Land Development to the Town Council at the Tuesday, August 19, 2008 Regular Meeting, SECONDED by Councilman Louda and discussion was then continued:

Town Clerk Lippman said I will get the historical data for the Groves from the County because I think that number will be relevant in developing the right cost for the Town.

Councilman Louda mentioned that in 1 year the money for the Comprehensive Plan will be coming out of the Budget.

Town Clerk Lippman responded that is correct and a lot of the other big ticket items will be removed as well.

Vice-Mayor Herzog asked if there were any comments from the Public.

There were no comments from the Public.

The MOTION passed unanimously 4-0.

Vice-Mayor Herzog moved to Item #15.

15. Budget Discussion: Fiscal Year 2008-2009 Draft Budget Presentation

Town Clerk Lippman reminded everyone that in lieu of a Budget Workshop I am dedicating part of this meeting and the next meeting to go over the Budget Issues. He pointed out the CST number will triple since I am working with the County and State to get it corrected. He said I look forward to that happening and it will happen.

Town Clerk Lippman said my guess is your contingency would not be less than 10%.

Councilman Louda asked what is MREG.

Town Clerk Lippman responded it is the Master Road Equestrian Greenways Plan.

Councilman Louda MOTIONED to approve Proposed Budget Option #2 with the MREG and PLB&Z included, SECONDED by Councilman Lipp and discussion was then continued:

Councilman Autrey said that Saturday was the first day we talked about the trails plan and you already have it built in the Budget.

Town Clerk Lippman responded I would like the Public to have the opportunity to see the Budget we are considering ahead of time since we will not be having any Budget Workshops.

Councilman Autrey said we talked about concepts but all of a sudden we are approving a Budget with these concepts in it.

Town Clerk Lippman responded you are not approving a Budget you are just giving me direction as to how to write the Budget for you and the Public to comment on.

Town Attorney Tolces commented you are not adopting a Budget tonight. He said this is to help Town Clerk Lippman get everything organized so when residents ask him he can show then. He announced there will be 2 Budget Hearings, the first on Wednesday, September 3, 2008 at 6:45pm and the second on Tuesday, September 16, 2008 at 6:45pm.

Town Clerk Lippman said the 3 things I will focus on the Budget to come back to you with are:

- 1) PLB&Z
- 2) CST Revenue
- 3) MREG Plan Proposal

Vice-Mayor Herzog asked if there were any comments from the Public.

There were no comments from the Public.

The MOTION passed unanimously 4-0.

Vice-Mayor Herzog moved to Item #16.

16. Resolution 2008-021: Adopting Financial Investment Policies

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE ADOPTION OF THE TOWN'S INVESTMENT POLICY FOR PUBLIC FUNDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Tolces conducted the reading of Resolution 2008-021. He explained it is required for the Town to adopt its own investment policies to make sure we have flexibility in the ability to invest the Public's funds.

Councilman Autrey asked if this is a housekeeping issue and if it should have been done before.

Town Attorney Tolces responded you adopted your General Administrative Procedures a couple of months ago and part of that said you would be Adopting Financial Investment Policies.

Councilman Lipp noted on Page 5 of 7 of the Resolution there was a typo that read the City of Lighthouse Point instead of the Town of Loxahatchee Groves.

Vice-Mayor Herzog asked if there were any comments from the Public.

There were no comments from the Public.

Councilman Louda MOTIONED to approve Resolution 2008-021 Adopting Financial Investment Policies with the one correction noted, SECONDED by Councilman Lipp and the MOTION passed unanimously 4-0.

Vice-Mayor Herzog moved to Item #17.

17. Resolution 2008-022: Adopting 2006-2007 Fiscal Year Budget

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A GENERAL OPERATING BUDGET, *NUNC PRO TUNC*, MARCH 30, 2007, FOR THAT PORTION OF THE 2006-2007 FISCAL YEAR DURING WHICH THE TOWN WAS OPERATIONAL, IN CONFORMANCE WITH SECTION 166.241, FLORIDA STATUTES; RATIFYING AND CONFIRMING REVENUES AND EXPENDITURES BY THE TOWN DURING THAT PORTION OF THE 2006-2007 FISCAL YEAR WHEN THE TOWN WAS OPERATIONAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Tolces explained this Resolution has been brought to our attention by the Town's auditor. He said this is simply a housekeeping issue.

Town Attorney Tolces conducted the reading of Resolution 2008-022.

Vice-Mayor Herzog asked if there were any comments from the Public. There were no comments from the Public.

Councilman Louda MOTIONED to approve Resolution 2008-022 Adopting 2006-2007 Fiscal Year Budget, SECONDED by Councilman Autrey and the MOTION passed unanimously 4-0.

Vice-Mayor Herzog moved to Item #18.

18. PBSO Contract for 2008-2009: Approval

Town Clerk Lippman explained he is seeking approval for the PBSO Contract for 2008-2009 with the previously discussed 9% increase.

Councilman Lipp MOTIONED to approve the PBSO Contract for 2008-2009 with the 9% increase, SECONDED by Councilman Autrey and the MOTION passed unanimously 4-0.

Councilman Autrey commented I would like to see us discuss more about specific enforcement about certain areas as a future Agenda Item.

Councilman Lipp noted I have only seen one report from PBSO in the past year.

Town Clerk Lippman responded I have only received that one report but I will be more persistent with them.

Councilman Louda said we need to get our wishes expressed to them and we need to get some type of selective enforcement.

Councilman Lipp said Reverend Calvin Lyerla had brought up with the muggings going on from gangs that weren't even local and were here from other areas.

Town Manager Dr. Rosenbaum said other municipalities have a Regular Agenda Item at each meeting with a written report from the Sheriff's office.

Vice-Mayor Herzog asked do we get an assigned officer with this contract.

Town Clerk Lippman responded that the services are the same as last year but Town Staff will meet with Captain Calloway more often. He said Captain Calloway has been very responsive when I call him with our citizens' concerns. He said an assigned officer would be an additional cost to the Town.

Councilman Lipp commented we should get some level of road patrol and reporting as part of our contract.

Vice-Mayor Herzog asked if Town Clerk Lippman had gotten any feedback about the traffic citation revenue owed to the Town.

Town Clerk Lippman responded I have spoken with the Clerk's office and there will be some revenue coming to us. He said it is not going to be a great amount but there will be some.

Vice-Mayor Herzog asked if there were any comments from the Public.

There were no comments from the Public.

Vice-Mayor Herzog moved to Item #19.

19. Financials: July 2008

Town Clerk Lippman showed the Town Financials on the screen to the Council and Public for the month. He explained that the expenditure for the auditor can be seen on this month and next month's Financials.

Councilman Louda complimented on the attention of detail.

Vice-Mayor Herzog asked if there were any comments from the Public.

There were no comments from the Public.

Vice-Mayor Herzog moved to Item #20.

20. Administration Update:

- a. **Solid Waste Assessment Hearing Date: 9-2-08 at 6:45 p.m.**
- b. **Budget Hearing Dates: (1st): 9-3-08 at 7:00 p.m.* and (Final): 9-16-08 at 6:45 p.m.**

**The Regular Town Council Meeting is still on 9-2; this is an additional meeting.*

Town Clerk Lippman said explained the meeting times and dates listed above. He explained the Budget Hearing date was moved due to a conflict with the County and will now be as listed above. He said this will be the only Item addressed that evening.

Town Clerk Lippman told the Council he needs direction on the consensus from the Town Council to move forward with the EM

Councilman Louda MOTIONED to have Calvin-Giordano give a proposal on the SECONDED by Councilman Autrey and the MOTION passed unanimously 4-0.

Vice-Mayor Herzog asked if there were any comments from the Public.

There were no comments from the Public.

Vice-Mayor Herzog moved to Item #21.

21. Public Comments

Howard Coates, Wellington, FL- introduced himself and said he was a candidate running for the Florida House of Representatives-District 85 which is the Town of Loxahatchee Groves' House District. He said one of my responsibilities is to learn as much as I can about the issues affecting this Community and I have to say tonight has been very enlightening. I invite members of the Council and certainly the residents to contact me over the next couple of months as the campaigning unfolds. He said I will leave materials here tonight with my contact information for you. I am interested in this Community and have been a long standing resident

of PBC for over 40 years. I spent 4 years in the Marine Corps and graduated from the University of Florida and then got my law degree at Yale. He said I have been practicing in PBC for about 20 years. He said I heard a lot of talk tonight about efficiency of government and I am a big believer that we need more of that in Tallahassee. He thanked the Council for allowing him to speak.

Vice-Mayor Herzog asked if there were any additional comments from the Public.

There were none so she moved to Item #22.

22. Town Clerk Comments

Town Clerk Lippman said I want to thank you for your support of Irv and myself and we appreciate the opportunity to serve you.

23. Town Attorney Comments

Town Attorney Tolces said that he would not be at the Workshop on Saturday, August 9, 2008 because of a conflict but that Attorney Jacob Horowitz would be attending instead. He also noted that Attorney Sam Goren sends his regards to the Town.

24. Council Member Comments

Councilman Lipp complimented Town Staff on getting the Budget number together and complimented Calvin-Giordano on doing a great job.

Councilman Autrey said I am looking forward to getting this MREG Plan (Master Road Equestrian Greenway Plan) done. He said one of the issues that has been for a long time is the roads and I think the Council needs to participate in the discussion and lead regardless of our opinion to pave or not to pave and it is our job I believe to represent everybody to come up with a plan that will hopefully be inclusive. He said we will all have an opportunity to vote someday. He said I think is something that we all need to speak to as a future Agenda Item and I would like to do it sooner than later. He said it is an issue and I think we need to take the role of leadership. He thanked everybody for doing a great job and for coming to the meeting.

Councilman Louda donated 2 books to the Town Office for people to look at about planning and what has been done in other Rural Communities. He said I know we backed off of the Power Plant Problem but I want to bring your attention to FPL documents. He said their documents say they will use reclaimed water as a primary water source starting in 2011, until then the plan will use the surficial aquifer. He said this means our canals are going down.

Councilman Louda handed out a letter to the Council and Staff saying I have to take on another class on Tuesdays and Thursdays at FAU so the earliest I can get here is 7:30. He gave 3 options to the Council.

- 1.) Go on as usual and I just get there late.
- 2.) Change meeting start times to 7:30PM.
- 3.) I can resign and the Town can find a replacement.

The Town Council and Staff said that Councilman Louda could be in contact via cell phone when necessary.

Town Clerk Lippman said usually the 1st part of the Agenda is light and I don't think you have to be on a cell phone the whole way here. He recommended maybe for the SWA Assessment Hearing.

Vice-Mayor Herzog said it was good to see such a strong reserve even with all the new financial adventures we are protecting. She said it shows the money is there. She said I want to remind everyone that next week I will be at the Conference in Tampa on the 14th and 15th for the swearing in of Carmine Priore as the leader for the State of Florida League of Cities. She mentioned that Town Clerk Lippman would be going also.

Councilman Louda thanked Calvin-Giordano and Town Staff.

25. Adjournment

Councilman Autrey MOTIONED to adjourn the meeting, SECONDED by Councilman Lipp and the Motion passed unanimously 4-0.

There being no further discussion and no additional public comment the meeting was adjourned at 9:51 p.m.


MAYOR DAVE BROWNING

ATTEST:


Matthew Lippman, Town Clerk

09/16/08
Date Approved