

TOWN OF LOXAHATCHEE GROVES
Minutes of Regular Meeting, May 1, 2007

MEMBERS PRESENT: Council Member Dave Autrey
Council Member Dave Browning
Council Member Marge Herzog
Council Member Dennis Lipp

MEMBERS ABSENT: Council Member Bill Louda

OTHERS PRESENT: David Tolces, Town Attorney, Mo Thornton, City Manager, City of Atlantis, Paul Schofield, Village of Wellington, Bill Gurney, Environmental Consultant.

The meeting was called to order by Mayor Browning at 7:03 p.m. Council Member Dave Autrey called the roll and the following Town Council members were present: Dave Autrey, Marge Herzog, Dave Browning, and Dennis Lipp. Council Member Bill Louda was absent.

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

Vice Mayor Marge Herzog moved to approve the agenda, seconded by Council Member Dennis Lipp. The motion was approved unanimously.

Municipal Budget Process and Procedures. Mo Thornton, City Manager for the City of Atlantis presented a summary of the process for approving a budget. The Florida League of Cities has offered the Town their assistance in this process and Ms. Thornton was there to represent the League. Quicken and Microsoft Office are two of the most popular products for setting up accounting procedures. June 1st the Preliminary Taxable Value is received from the Property Appraiser. July 1st, the Certification of Taxable Value is received from the Property Appraiser. Within 35 days, the Town must advise the Property Appraiser of the Preliminary Mill age Rate and the time and place of the first budget hearing. Following this, the mill age cannot be raised. The First Budget Hearing will be not earlier than 65 days no later than 80 days. Within 15 days of the First Budget Hearing, advertise in newspaper the final mill age and budget hearing. The Budget is adopted by ordinance and the mill age is adopted by resolution. Council Member Dave Autrey made a motion to appoint Mo Thornton to the position of Advisor to assist the Town to develop the FY 2007/2008 Budget and set up the bookkeeping system, seconded by Vice Mayor Marge Herzog. The motion passes unanimously. Council Member Dave Autrey was appointed by consensus to be the liaison.

Code Enforcement. Paul Schofield, ACIP, from the Village of Wellington spoke regarding code enforcement. The Village of Wellington has offered its services to the Town to assist on code enforcement on water violations as well as for processing permit applications. He recommends that the Town avoid full time code enforcement due to the expense associated with it. He suggested that our Town provide code enforcement on a complaint driven basis. Town Attorney David Tolces advised the Council of the process of contracting code enforcement. This

can be done with a private agency or with Palm Beach County by Interlocal Agreement. He will obtain a sample agreement with the Village of Wellington.

Consultation Proposal. This item is tabled until the next meeting.

Environmental Consultant. Bill Gurney presented the Environmental Consultant Report and answered questions of the Council.

Indian Trail Improvement District. This item was tabled until the next meeting.

Resolution Regarding the County Charter Amendment 2007-04. Proposed Resolution 2007-04 was read into the record by Town Attorney David Tolces.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA (THE "TOWN") FINDING THAT THE EXPENDITURE OF MONEY IN SUPPORT OF THE PROPOSED AMENDMENT TO THE PALM BEACH COUNTY CHARTER SERVES A PUBLIC PURPOSE; PROVIDING THAT THE DISSEMINATION OF INFORMATION CONCERNING THE IMPACTS OF THIS AMENDMENT ON THE CITIZENS OF THE COUNTY AND THE TOWN IS ESSENTIAL TO THE HEALTH, SAFETY, PROTECTION AND WELFARE OF THE TOWN AND ITS CITIZENS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Council Member Dennis Lipp made a motion to approve Resolution 2007-04, seconded by Vice Mayor Marge Herzog. After discussion, the Town Council approved the motion unanimously.

Ordinance No. 2007-01 – Florida Power and Light Franchise Fee. Town Attorney David Tolces read Ordinance No. 2007-01 for the second reading.

AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, IT SUCCESSOR AND ASSIGNS, AN ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR MONTHLY PAYMENTS TO THE TOWN OF LOXAHATCHEE GROVES, AND PROVIDING FOR AN EFFECTIVE DATE.

Motion by Vice Mayor Marge Herzog to adopt Ordinance 2007-01, seconded by Council Member Dave Autrey. After opening the item for public hearing, the motion was passed unanimously.

2007-02 SENIOR HOMESTEAD TAX EXEMPTION ORDINANCE. Proposed Ordinance 2007-02 was read into the record by Town Attorney David Tolces.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING THAT AN

ADDITIONAL HOMESTEAD EXEMPTION EQUAL TO FIFTY THOUSAND DOLLARS (\$50,000.00) FOR PERSONS SIXTY-FIVE (65) YEARS OF AGE AND OLDER SHALL BE AUTHORIZED TO TAXPAYERS SATISFYING THE REQUIREMENTS AS SET FORTH IN SECTION 196.075, FLORIDA STATUTES, WHICH INCLUDES BUT IS NOT LIMITED TO THOSE PERSONS WHOSE HOUSEHOLD INCOME DOES NOT EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00) AS ADJUSTED BY THE CONSUMER PRICE INDEX AS AUTHORIZED BY FLORIDA STATUTE; PROVIDING THAT A TAXPAYER SEEKING THE ADDITIONAL HOMESTEAD EXEMPTION SHALL SUBMIT ON AN ANNUAL BASIS A SWORN STATEMENT TO THE PALM BEACH COUNTY PROPERTY APPRAISER'S OFFICE; PROVIDING FOR AN ANNUAL ADJUSTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE SUBJECT TO THE ACCEPTANCE OF THE ORDINANCE BY THE PALM BEACH COUNTY PROPERTY APPRAISER'S OFFICE.

Motion by Vice Mayor Marge Herzog to adopt Ordinance 2007-01, seconded by Council Member Dave Autrey. After discussion, the motion was approved unanimously.

Approval of Minutes.

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

Motion to approve the minutes from the April 17, 2007 regular meeting by Council Member Dennis Lipp, seconded by Council Member Dave Autrey. The motion was approved unanimously.

Motion to approve the minutes from the April 24, 2007 workshop meeting by Council Member Dennis Lipp, seconded by Vice Mayor Marge Herzog. The motion was approved unanimously.

Banking Services - Selection. Proposals from Colonial Bank, and Riverside Bank, were reviewed by Town Council Members. Motion by Council Member Dennis Lipp to accept Colonial Bank. This motion died for lack of a second. Motion by Council Member Dave Autrey to select Riverside Bank if they match Colonial's rates, seconded by Vice Mayor Marge Herzog. Discussion of the advantages of both banks. After discussion by Council Members, the motion dies 2-2 with Mayor Dave Browning and Council Member Dennis Lipp declining. Tabled until next meeting. Town Attorney David Tolces will request each bank to prepare a one page summary of what they can do for our town.

Status of Interlocal Agreements With Palm Beach County – Building Permit Services, Zoning Services. Town Attorney David Tolces advised that a Memorandum of Understanding has been signed with Palm Beach County Building and Zoning and that we are waiting on an

Interlocal Agreement. Council Member David Autrey and Town Attorney David Tolces will be meeting with Palm Beach County on the zoning services regarding applications they are not currently processing.

Special Event Request – Cinco de Mayo Celebration. Gabino Romero from the Centro Cultural Latinoamericano, Inc. presented information regarding the Special Event Permit Request for the Hispanic Heritage Celebration on Sunday, May 13 2007. Mr. Romera answered questions from the Council and the Public regarding the activities planned for this fiesta. Motion by Council Member Dave Autrey to approve the Cinco De Mayo Celebration for May 13, 2007, seconded by Vice Mayor Marge Herzog. After discussion, the motion passes unanimously.

Municipal Service Tax Discussion. Town Attorney advised the Town Council that Palm Beach County had been collecting a public service tax associated with the sale of electricity and the metered and bottled gas, however, the County has stopped collecting this effective May 1, 2007. If the Town would like to re-institute this tax, it would need to be done by ordinance. If an ordinance is adopted, the tax could not begin for 120 days. The date that the tax can commence is January 1, April 1, July 1 or October 1. Mr. Tolces is attempting to find out from FPL how much they have collected in our Town while the County was assessing the tax. Statute allows for a maximum of 10%. This item was discussed by Town Council.

Solid Waste Authority Matters. Town Attorney David Tolces advised that Palm Beach County previously assessed residents for the Solid Waste Authority. Now that the Town has incorporated, they are questioning whether they can add this to the resident's tax bill. Town Attorney David Tolces will be researching and preparing recommendations.

Discussion Regarding Committees. Town Attorney David Tolces provided to Council Members samples of Boards of Committees formed in different municipalities. The Town Council would like to solicit volunteers who might want to sit on a committee. A workshop will be held in June to determine which committees should be formed at this time and determine a process for selecting committee members. Council Member Dennis Lipp will send out an email requesting interested residents to submit a letter of interest to Post Office Box 1202, Loxahatchee Groves, FL 33470. Copies of the letters will be sent to Council Members, Town Attorney and Town Clerk and will be reviewed by the Council at the June workshop.

Discussion Regarding the Posting of Audio of Meetings on Website. Discussion regarding the feasibility of posting of digital recordings of the town council meetings on the town website. Town Attorney David Tolces advised that the minutes are the official recording and that the public can request copies of the cassette tapes. If the electronic version was the official recording, the Town would have to have a method of providing this media to those without web access. However, this digital recording can be posted with a disclaimer that it is not the official recording.

Authorize Town Expenditures. Town Council members reviewed the invoice from FMIT in the amount of \$4,566.00 for the insurance approved last month. They also reviewed an invoice from the lawfirm of Goren, Cherof, Doody & Ezrol, P.A. in the amount of \$11,773.25. Motion

by Vice Mayor Marge Herzog to approve payment of these invoices, seconded by Council Member Dennis Lipp. Motion passes unanimously.

Agenda for May 15, 2007 Meeting. Discussion of the agenda for the May 15, 2007 meeting.

Office Lease and Meeting Location. Town Attorney David Tolces advised that he has received the lease and keys, however, some changes and/or clarifications are required. The building owner has stated the Town can begin to use the space. This item will be reviewed next meeting.

Acquisition of Computer Equipment. Council Member Dennis Lipp presented a list of office equipment items that he and his wife, Doreen Baxter, are donating to the Town. Council Member Lipp will research costs for a laptop computer and this item will be reviewed at the May 15th meeting.

Public Comments. Public comment was received.

Council Member Comments. Vice Mayor Marge Herzog received an invitation to a gang symposium at Florida Atlantic University for May 18, 2007 from 2:00 to 4:00 pm. She will forward a copy to the Town Attorney. She also stated that the *Town Crier* will be running a free ¼ page ad due to an incorrect Town address listing in a prior edition. The proposed text was reviewed by the Council. The Town Council was also invited to present an award to an Eagle Scout on Sunday, May 6th. Additionally, Vice Mayor Herzog will be at the dedication of a park for Mr. Ferren. Council Member Dave Autrey thanked Environmental Consultant Bill Gurney for his work on the water issues. Vice Mayor Herzog advised that there is no meeting space available at the school over the summer. Council Member Dennis Lipp advised that a petition is circulating opposing the Callery-Judge DRI. A bus will be provided to any resident who wishes to attend the May 7, 2007 hearing. Mayor Browning submitted a letter from Council Member Bill Louda, who was unable to attend this meeting, to be submitted into the record.

Town Attorney Comments. Town Attorney David Tolces will be researching whether Council Meetings and Committee meetings need to be held with the Town borders. He also stated that Bill Hammond offered his office to Council Members who might need to use it in the evenings.

On motion by Council Member Dave Autrey the meeting was adjourned at 1015 pm.

Submitted by  5/15/07
David N. Tolces
Interim Town Attorney

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