



**Members Present:**

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

**Members Absent:**

None

**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 7:03 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**

**Councilman Louda MOTIONED to approve the Agenda, SECONDED by Councilman Autrey and the MOTION passed unanimously 5-0.**

**CONSENT AGENDA:**

- 6. **Town Reports: PBC PLZ&B**
- 7. **Approval of Minutes: Town Council Meeting 5-6-08 & 5-20-08**

Vice-Mayor Herzog noted that she had sent in her corrections to the minutes earlier.

Councilman Autrey noted on Master Page 26 that he said a 40 ton truck not a 140 ton truck.

**Vice-Mayor Herzog MOTIONED to approve the Consent Agenda, SECONDED by Councilman Autrey and the MOTION passed unanimously 5-0.**

**REGULAR AGENDA:**

- 8. **Strategic Visioning: Presentation and Adoption of Final Document (Dr. Herb Marlowe)**

Town Clerk Lippman said that he wanted to thank so many people for coming tonight and we want the Public to know we will be adopting this on the 17<sup>th</sup>.

**Dr. Herb Marlowe, Analytica-** said this has been a long process and out of the focus groups and workshops we have the document that is before you tonight.

Mayor Browning said as far as the Council we have all put in our input.

Councilman Autrey asked about grammatical errors.

Town Clerk Lippman responded to submit any grammatical errors by email to me and I will incorporate them into the final document.

**Ilene Rindom, 14285 Collecting Canal-** said she was excited to see when she got the final plan it was completely different than the original but there are certain things she would like to bring to your attention.

-1<sup>st</sup> sentence-it says Loxahatchee Groves will protect its natural environment. She said we are protecting our environment now. She said she would like to see that say Loxahatchee Groves will **continue** to protect its natural environment.

-2<sup>nd</sup> sentence-it says it will continue. She said we are not an it, we are a Loxahatchee Groves Town. She said it needs to say **Town of Loxahatchee Groves (instead of it)**.

-the last sentence she said is redundant and has already been said-she said traditional should say **distinctive** to be consistent with the rest of the document

-Page 3-under respect for history-it says understanding the history of the Groves and which that has-she said she would like to **take out which completely and change has to have**

-she says can work together should be changed to **will** work together

-Page 4-where it says preserve historical features and Rural Nature and it says Homestead lot sizes- either define the current lot size or take that out completely

Councilman Louda asked if she would be happy putting in RR5 in parenthesis.

-Page 5-take out to move about the community as and you list certain things (sounds limiting)

Mayor Browning suggested adding **such as** here.

Ms. Rindom said she participated in the Saturday sessions and she was surprised to see the Northern boundary come up to Collecting Canal. She said she went through her notes from the sessions and didn't see that and it was upsetting to her.

-Page 6-says the Town plans to allow-she said the way it reads now it sounds like it is an absolute and the wording should be changed

Councilman Autrey said the problem is the word plans

Mayor Browning suggested may instead of will.

Ms. Rindom also said she doesn't know why the too is in there.

Page 7-she asked the definition of work force

Town Manager Dr. Rosenbaum said we are talking about employees who work directly for the Town. He said right now everything is contractual.

Page 8-she said the wrong word define is used because there is no definition on that page

- #3- should read a buffer between the non residential and residential uses

Councilman Autrey said we could just add the word residential.

-she said #4, #5, and #8 all say should-to be consistent with the document they should all read will

-#7 -should read will

#10- rural vista standards will (incomplete sentence)

#5 -she asked what greater to lesser means

Town Attorney Tolces said that you don't get that specific in this document and it is used to prepare for the Comprehensive Plan.

#11, #13-say should-put in will (for consistency)

Page 3 of the Business Plan

-under actions-it should say review the Rural Vista Plans

**Diane Jenkins, NEC B & Southern-** said one thing she heard and didn't see in this document is that there was discussion about was doing a senior living facility.

Vice-Mayor Herzog said I wanted it to say encourage senior living facilities within walking distances of the Town's businesses and we were told it will be addressed in the Comprehensive Plan.

**Howard Voren, 1538 E Road-** said that Ilene Rindom had covered most of the things he was going to bring up. He said under the first definition of preserve between the words history and best exemplified there is desperate need of a ; .

Page 4-he said that the word **unique** should be added before lifestyles

He said he is disappointed there is no mention anywhere in this document encouraging low traffic home based agricultural uses. He said anytime I have spoken to any of the Council People individually they have all been pretty positive about it. He said I think it needs to be written somewhere since we talk about a lot of things that we are going to encourage; I think it is specifically important to mention low traffic home based agricultural uses in the document. He said as far as defining the Loxahatchee Groves lifestyle it was defined in the Neighborhood Plan with a document that painted a picture entitled *The Community Proclamation*. He said the Town does have that opening phrase on its website. He said he noticed the Visioning document does not mention the Neighborhood Plan document. He said it might be appropriate as a closing statement to put principles that define the Loxahatchee Groves lifestyle and these can be understood by referencing the picture in the Neighborhood Plan. He said my only other comment is in the Business Plan it is stated modify then adopt existing codes and policy and to me that doesn't make sense the way it is worded. He said you can't modify and adopt existing, it should read adopt existing **or** modify.

Town Clerk Lippman explained that the intent here is we want to adopt the ERM regulations and modify them as we go along and see fit for the Town. He said we can reword that.

Councilman Louda said he would not be opposed to putting in *The Community Proclamation* as the closing statement directly from the Neighborhood Plan.

Councilman Autrey asked how the Neighborhood Plan and Rural Vista Guidelines will be addressed in the Comprehensive Plan and where they will exist.

**Lorraine Teppan, Calvin-Giordano** said the Rural Vista Guidelines will act as a set of guidelines. She said we should plan on getting that on the Agenda to be officially adopted by the Town so when architectural projects come forward they can be judged by the guidelines. She said we will take a look at that.

Councilman Autrey said that when Rural Vista was adopted there were compromises that were made in some areas and it might not be as strong. He said if we were to review it before we adopted it that could work.

Town Attorney Tolces said you might want to incorporate the Rural Vista Guidelines into the Land Development Regulations.

Councilman Louda asked if there would be anything against us adopting them.

Town Clerk Lippman said although it is not an official legal document, it is a requirement with the County and we are somewhat protected. He said we will have the opportunity to strengthen them when they are adopted officially.

Councilman Autrey said that we will need to review them as we go through the process to make sure that this is what we really want.

Councilman Louda asked about using the Neighborhood Plan going toward the Comprehensive Plan and said that it discusses low impact home based businesses, which is what Howard Voren brought up.

Councilman Autrey said we should recognize in the Visioning document that those two documents will be referenced and used.

Town Clerk Lippman said we will add just a quick line saying the documents do exist and they are an important part of the Town.

**Debra Joneck, West Palm Beach, (Palm Beach Chapter of Florida Nursery Board & Landscape Association)** said we urge you to reconsider the term industrial agriculture in the Business Plan. She said you are either agricultural or you are not. She said that there are several different State and Federal laws which draw a clear line between the two operations and bordering that line can only become problematic. She said we applaud your use of BMP when applicable.

Councilman Louda said that it being agricultural or not is not necessarily true.

Councilman Louda said if we don't draw some lines like that then someone will take the Right to Farm Act and we will have a feed lot.

**Ken Johnson, 15409 Collecting Canal-** said I am a little confused reading through your plan and I see some things in here that are a bit ambiguous. He said he agrees with Ilene Rindom that there was no mention of Collecting Canal-it was Tangerine. He said in numerous places throughout the document it says Collecting Canal to Southern and he thinks it needs to be reworded to Tangerine to Southern.

Councilman Autrey suggested adding a separate category for commercial development south of Tangerine.

Vice-Mayor Herzog said we wanted to have commercial on both sides of Tangerine at one point.

Mayor Browning said there were some groups that suggested that Tangerine would become a shopping area with stores on both sides. He said this was not set in stone, there was just a potential of doing that.

Mr. Johnson said I am afraid of the encroachment on Collecting Canal Road and I am sure anyone living on Collecting Canal would say the same thing.

Councilman Louda asked if anyone knew the distance between Tangerine to Southern.

Mr. Johnson responded I don't know what the measurements are, but I just want to point out a few things. He said in several places it says non residential uses and that covers a whole lot of things. He said he thinks that needs to be well defined.

Councilman Lipp said if you take the document as a whole you will see there is language in there about a buffer. He said one of the things we have to realize is this is not a legal document just a good idea.

Mayor Browning said one of our thoughts was we didn't want to get real specific with this and we didn't want to say commercial because we didn't want to encourage commercial to go there.

Mr. Johnson said he didn't want this to go unnoticed.

Councilman Louda said we went with the non residential because what we were using commercial/governmental/non institutional. He said when we did the Neighborhood Plan we got away from specifying commercial and went with non residential.

Vice-Mayor Herzog said the Council did make them aware that we did not want the Commercial to get all the way to Collecting Canal- that was definite.

Mr. Johnson referred to Page 5 of the Strategic Plan's last bullet and said it seems like conflicting statements on where we will have the non residential..

Councilman Lipp said it is just connectivity and one of the things DOT mentioned when we went for our 1-5, is they are concerned with internal traffic so with our road planning people that is where this type of planning comes up.

Mr. Johnson said what I am concerned with there is once you put a new road that close to Southern they are going to load it up with commercial just like Military Trail.

Vice-Mayor Herzog said the reason for extending the road so that all members of the Community have that internal movement. She said it ended at 161<sup>st</sup> Street so we didn't have cut through traffic from the Acreage and Seminole Pratt.

Councilman Louda said we are also setting ourselves up with a buffer.

Mr. Johnson commented that the last thing is on Page 8 of the Strategic Plan he agrees with Ilene Rindom and what she said and all the things that say should-should read "will". He said also to minimize pass through traffic we need a solid plan to prevent it.

**Bill Gurney, 1453 E Road-** said he had a couple of comments on the Business Plan. He said on Page 4, #5 be sure we clarify the Town would not be asked to pay for clean up on a property but we could help them in finding monies.

Town Clerk Lippman stated that was exactly the intent.

Councilman Lipp said this document does not need to get that deep in the weeds.

Mr. Gurney referred to Page 5-#3- where it says working with LGWCD and said it should say working with LGWCD **and other municipalities**. He said we should be taking our storm water instead of putting it in C-51 and pumping it north and possibly leasing space at the pits so when we need our storm water we can get a credit for it and they will send it back to us in our dry season.

Councilman Lipp said just to bring you up to speed, I had a meeting with Jeff Koons this week and he is putting together a thing called The PBC Cooperative. He said it was going to be an Agenda Item tonight but the Agenda was way too packed. He said that is the plan is to pump stuff.

Councilman Louda mentioned that Mike Erickson had mentioned that also.

**Nancy Handweg, 14878 19<sup>th</sup> Street North-** said I agree with a lot of the comments but the one thing I didn't see addressed is a period of review. She asked if it could be put in there to have the Plan reviewed.

Town Attorney Tolces explained as far as the Strategic Plan and the Business Plan the Town Council would set something as to how often they should be reviewed.

Councilman Autrey said I would think that the Business Plan should be reviewed every year.

Mayor Browning said it is a living document and none of it is set in stone.

Town Clerk Lippman said the only statutory requirement is the Comprehensive Plan is required to be reviewed every 7 years and this document as they mentioned will be reviewed every year.

**Ron Jarriel, 2800 161<sup>st</sup> Terrace North-** said I like the principles that define the Groves lifestyle but I am concerned with the #1 and #2. He referred to Code Enforcement and asked what are you going to do with the 60 violations you have already issued. He said he knows these people have not been educated as what to expect and what the fees are going to be.

Councilman Autrey asked what is the question here.

Mr. Jarriel asked if the Town would start from scratch when this Plan goes into effect. He said these people have been doing the same thing for 15-30 years and the County never had a problem with it. He said I know for a fact that it is not their existing neighbors that made these complaints; it was someone who lived nowhere near them.

Town Attorney Tolces said we have a legal obligation to proceed. He said he knows there has been and always is a period of education and that is an ongoing process. He stated that it is just complaint based.

Town Clerk Lippman said one of the things we started at the very beginning was we had an extra step in there where we would go to educate people. He said we felt that was important to be doing. He said what is happening now is we are taking the call and we are educating them on how to fix the problem.

Councilman Louda said you said the County had no problem with it-I would turn that around to say the County didn't give a damn about it.

Mr. Jarriel said my problem is when I moved to Loxahatchee 47 years ago to put a mobile home on less than 10 acres you needed consent from your neighbors in 360 degrees to give you permission and that was the County's regulations. I think personally when you put this in to effect that people should have the right to come to the Board and explain their circumstances and the Board should decide if they have the right to keep that business or not.

Mayor Browning said what we are talking about is activities that were illegal 25 or 30 years ago that were illegal then and are still illegal. He said you can't grandfather in something that is illegal. He said we are trying to educate and trying to let people know what is going on. He said they will have the opportunity to go to Special Magistrate and they are landowners and they can come right in here and address this.

Vice-Mayor Herzog said complaints don't necessarily have to come from neighbors they can come from any resident.

Mayor Browning said they just can't be Anonymous.

Town Clerk Lippman said at this point he will shoot this to Dr. Marlowe and present a red line version and a clean version at the next meeting. We will have to reserve a little time for this, so I am asking the Council to keep the Agenda light again for the next meeting so we can get through this and be done with it. He said the adoption hearing will be on the 17<sup>th</sup> and Town Manager Dr. Rosenbaum and I will be running the adoption meeting Dr. Marlowe will not be here for that.

Mayor Browning thanked everyone for their input.

Vice-Mayor Herzog thanked Dr. Marlowe.

Councilman Louda said the should –vs. - will sits well with me and should we give them any direction. He said let’s make it positive like Ilene Rindom said.

Vice-Mayor Herzog commented that she thinks they got the message.

**9. Comprehensive Planning (scheduling & work plan)**

Town Clerk Lippman began by saying he had the opportunity to meet with the Project Manager from Calvin-Giordano, Lorraine Teppan. He then put the Comprehensive Planning Schedule on the screen for everyone to view. The schedule is as below:

Calendar of Comprehensive Planning			
Week of 7-7-08	-----	Draft Comprehensive Plan distributed to Council and Public for review	The document will be available on this website, by e-mail, or a copy can be picked up at the Town office.
Sat, 7-12-08	10:00 a.m.	Public Workshop	Location to be announced
Sat, 8-2-08	10:00 a.m.	Town Council Retreat ( <i>open to the public</i> )	Location to be announced
Sat, 8-9-08	10:00 a.m.	Town Council Retreat (if necessary) ( <i>open to the public</i> )	Location to be announced
*Tues, 9-16-08	7:00 p.m.	Transmittal Hearing	Loxahatchee Groves Water Control District ( <i>Regular Town Council Meeting</i> )
*9-22-08 to 11-22-08	-----	Dept. of Communities and Affairs Review of Comp. Plan	At the end of the review the Town will receive an Objections Review and Comments report (O.R.C.)

*Tues, 1-6-09	7:00 p.m.	Adoption Hearing	Loxahatchee Groves Water Control District (Regular Town Council Meeting)
---------------	-----------	------------------	---

*\* These dates are subject to change. The Town Clerk's office will revise these dates if necessary.*

Town Clerk Lippman said the good thing at this point is the document is actually being created as we speak and pretty much close to being done. He said you are not going to create the document based solely on Public input but that Public input would be a big part of it. He said because there are requirements and elements that have to be there we are going to have the foundation in front of us and from there the Public will have the opportunity to comment.

He said on August 2, 2008 there would be a retreat and this will be the time for direct interaction between the Town Council and Lorraine and her team.

Vice-Mayor Herzog stated that she would be out of Town for the 2<sup>nd</sup> scheduled retreat on August 9, 2008.

Town Clerk Lippman said that the dates from the 16<sup>th</sup> on might move a little bit later being we could need more Public participation. He said our goal is still that by the end of 2008 to have the plan adopted. He said we will be very sensitive to Public input. He explained that most of this document is already dictated by the statutory requirements. He commented that we will be very flexible during the process.

Councilman Louda stated that he would be out of town for the Public Workshop on July 12, 2008 and asked if there was a way that it could be videotaped.

**Lorraine Teppan, Project Manager, Calvin-Giordano-** said that they could work that out with Town Staff.

Vice-Mayor Herzog suggested working with Don Williams because we have used his equipment before.

Town Clerk Lippman said to send him an email to remind him of this.

Town Clerk Lippman also asked Councilman Lipp to work with him on getting a banner to advertise the Workshop.

## **10. Town Management Annual Report**

Town Manager Dr. Rosenbaum explained that the report would give the Council a very rough summary of what New Community Strategies (the management company for the Town) has done the past year and what goes on, on a daily basis. He then went over the report by section.

Town Clerk Lippman said that one of the key points we want to emphasize with this document is the fact we really feel a part of this and even though things get tough it makes it worthwhile because we are building something important. He said the upcoming year is a critical year and we would love the opportunity to continue to work side by side with you next year. He explained that the report would also be available on the web because we want the Public to be able to see it.

Vice-Mayor Herzog said that she would like to say that it has been a great year and we really appreciate the experience you have brought to us as a new community and we really needed the guidance and direction that was given and the fact that you could follow our ideas that we had laid out as well as you did was really great.

Councilman Louda said he echoed Vice-Mayor Herzog and said that it has been a pleasure thus far and that he is looking forward to continuing it.

Mayor Browning thanked NCS for a good job.

Town Clerk Lippman commented that he also wanted to thank Assistant Town Clerk Kantor who keeps him up and tells him what to do each day.

## **11. Resolution 2008-014: ILA with PBC for Local Gas Tax Revenue Sharing**

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA APPROVING AND RATIFYING THE INTERLOCAL AGREEMENTS AND AMENDMENTS ENTERED INTO BETWEEN PALM BEACH COUNTY AND THE MUNICIPALITIES WITHIN PALM BEACH COUNTY FOR THE DISTRIBUTION OF THE 5TH CENT AND 6TH CENT LOCAL OPTION GAS TAX AS AUTHORIZED BY SECTION 336.025, FLORIDA STATUTES; RATIFYING THE PUBLIC LANE MILES WITHIN THE TOWN FOR WHICH THE TOWN IS RESPONSIBLE FOR MAINTENANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Tolces conducted the reading of Resolution 2008-014. He explained that this Resolution was predicated on the ILA that has been approved by all the municipalities within PBC. He said the prior years as well as future years gas tax revenue is authorized under the Town Charter. He said for the record he thought it was appropriate that the Town Council have a document that recognizes these ILAs.

Mayor Browning assured the LGWCD that we are not going to keep any of the tax money from the LGWCD to be used on our roads and my recommendation on this is to set up a meeting as soon as possible to get this resolved. He explained the intent is to try and get the gas tax money for the Residents of the Groves to give to LGWCD to use on our roads.

Mayor Browning then asked for volunteers and Councilman Autrey-then Councilman Lipp raised their hands.

Town Clerk Lippman recommended that Councilman Lipp and Clete Saunier meet with himself and Town Manager Dr. Rosenbaum. He said we will listen to both sides and come to an agreement.

Councilman Louda asked on Item #11 and Item #12 if Item #11 could be done without Item #12. He said the meeting if more for Item #12.

Town Attorney Tolces explained that from his perspective both steps need to be taken and this Resolution needs to be done anyway to provide for that gas tax money that flows to municipalities only.

**Councilman Louda MOTIONED to approve Resolution 2008-014 ILA with PBC for Local Gas Tax Revenue Sharing, SECONDED by Vice-Mayor Herzog and discussion continued:**

Councilman Autrey pointed out that this money would not be here had we not incorporated and said he wanted to emphasize that we now receive \$200,000.

**John Ryan, 3508 A Road-** asked to table both Items #11 and #12 because as a member of the LGWCD Board he believes both the attorney for the Town and the attorney for the LGWCD need to work it out so that everyone understands clearly and correctly. He said he thinks tabling it is necessary to get the right action. He referred to a procedure under one of the Florida Statutes 164.102 which will allow essentially a government official to clarify questions that arise between governmental entities. He said he recommends this be discussed at the LGWCD Board Meeting on Monday, June 9, 2008.

Vice-Mayor Herzog said I believe time is of the essence in this matter and I thought it was the recommendation of the attorney from the League of Cities that we precede with getting this Resolution.

Town Attorney Tolces said yes, I had that conversation with Trila White, legal counsel for the League of Cities and I have forwarded this to her to review and she is comfortable with the language. He said time is of the essence here.

Vice-Mayor Herzog commented that she thinks it is important to trust the judgment of Trila White because she has dealt with 37 other municipalities Resolutions.

Mayor Browning said his thought is to table both Items #11 and #12 and to have it resolved by the June 17, 2008 Town Council Meeting.

Mr. Ryan said that Mr. Saunier is on the transportation committee for the League of Cities and he talked to them last year and they said they need the information by the end of June and we

are talking about resolving this by the 17<sup>th</sup>. He said that the Resolution had not been approved by the LGWCD even if it had been by the League of Cities.

Town Attorney Tolces told Mr. Ryan that this is not just paper and it is a solid legal foundation and the Town is entitled to receive the gas tax revenue. He said he is confident with respect to the language in this Resolution that it will do what it needs to do and it is a Town Council decision as to whether or not this Resolution is appropriate and it is a Town Council decision whether or not to adopt this Resolution and it is only a Town Council decision.

Mr. Ryan said that Town Attorney Tolces is correct and the Town Council may adopt this no matter what I say but he thinks the Memo is based on an incorrect Statute. He said if it is adopted without clarifying the wording then it will be a problem.

Councilman Louda asked Mr. Ryan what wording he was referring to.

Mr. Ryan responded that it was about the confirmation about the statement that the Town has responsibility for the maintenance of the public lane miles.

**Clete Saunier, LGWCD Administrator-** said we are not here to tell you how to run your Town and we have enjoyed a very good and cooperative relationship with your Staff and we work well together. He said all we are asking for is a little time so we can review the documents and get with our Legal Counsel. He said we are currently collecting gas tax revenues without the Resolution. He said he is asking to give his Board a chance to look at it this coming Monday and have the meeting between the two entities this week. He said as far as the estimated amount based on his projections is closer to \$400,000.

Town Clerk Lippman interjected that it was \$392,000.

Councilman Autrey asked when he got that number.

Town Clerk Lippman apologized and said about five minutes ago.

Town Attorney Tolces said with respect to the necessity to adopt this Resolution, under the Town Charter and under the League of Cities Agreement the first year of collection of the gas tax revenue is based on population. He said that is why it is important that this Resolution come before you. He said he doesn't have any problem with working with LGWCD with respect to how best to use the gas tax revenues with respect to the Town. He said he does have a concern in delaying this type of Resolution which doesn't have any bearing on the entry of an agreement between the two governmental entities. He said the Town has the Constitutional and Statutory authority to maintain the Public roads within the Town but that doesn't mean the LGWCD operating under its own Charter can also exercise its authority to collect assessments and I think that both can work together and both can prosper from the revenue that will be provided. He said there is no legal reason why you should not approve this Resolution tonight.

Mayor Browning said he was just saying why don't we meet together and discuss this.

Councilman Autrey said he wants to follow up and ask is it the District's concern that by us collecting gas tax jeopardizes your ability to assess the way you do for canal and road maintenance.

Mr. Saunier replied no, just some of the wording.

Town Attorney Tolces said he looked at the District Charter and the Town is not amending that. He said the District would continue to have the same powers and the only entity that could change the District's powers is the State Legislature.

**Frank Palen, LGWCD Attorney, (Caldwell & Pacetti LLC)** - said I think there are different issues are involved and it can get complicated. He said the main thing from the District perspective is that nothing is going to endanger the receipt of these funds and it is important to both to the Town and the District. He said some of the other discussion going on over who has the authority over the roads but this is not really the issue and there are some other issues we will have a continuing discussion on. He said I am sorry I didn't get back with the Town Attorney today, but we are working on some alternative language that will satisfy everybody's needs. He asked if the Resolution needed to be addressed tonight or it all can be addressed at one time.

Councilman Autrey said I was under the impression that Town Legal Counsel had spoken with the District's Attorney for weeks now, is that correct?

Town Attorney Tolces responded I had spoken with them and had no counter arguments saying why don't you think about doing it this way so I was proceeding as to what needs to get done and that is what is before you this evening.

Councilman Autrey said the first concern is the residents get the benefit of the gas tax so the real thing is who gets to decide what happens with the money.

Town Attorney Tolces responded that it is really with how the money flows.

Mr. Palen said that at some point the Municipal League raised some concerns about the language and that brought concerns about the District's relationship with the Town. He said the way it was presented to us was the only option was to repeal the agreement. He said we would rather take the framework of what is already there and change that. He asked for the Item to be held over till the next meeting.

Mayor Browning said one of the issues is liability to the Town Council and I think that right now the LGWCD basically has the liability of the roads.

Town Clerk Lippman said this is not a matter of us wanting to take control of these roads. He explained that by becoming a Town we have inherited the authority over these roads and that is what the Town Attorney is saying. This is not about one entity being stronger than the other. He said we are trying to secure the funds for the Town with this Resolution.

Mayor Browning said all he is asking for is to delay it for two weeks.

Town Attorney Tolces said with respect to liability issue and the fact that you are now a Town leaves open for interpretation for a judge and a jury as to whether or not the Town is liable.

**Darlene Crawford, 3057 E Road-** said as a private citizen of the Town I think most citizens would like it if both of our elected Boards to work together really well so we could get all the money coming to us, .and our roads taken care of. I think it would work better if both Boards worked together so when we do submit this document to whomever needs to get it that both Boards are in agreement. I think that the Town Council has every right to vote on this tonight, but just because you have the right doesn't mean you have to and it might be a good will gesture to work together with the LGWCD so I hope you can table it tonight.

**Bill Gurney, 1453 E Road-** said a view from another private citizen of the Town is I think you should take the advice of your attorney-that is what you hired him for. He said Mr. Ryan raises legal questions based on old garbage that could take months to figure out. He said there is no guarantee in a week or two you will come to an agreement and in terms of Item #11 you would be foolish not vote for at least #11 to make sure the Town gets the money it deserves.

Mayor Browning said I am not saying we would not vote at the next meeting for this Item.

**Howard Voren, 1538 E Road-** said there are a couple of things, I keep hearing all this discussion on who is liable for the roads and is the Town Council insulated or is the LGWCD responsible if someone kills themselves on our roads. The bottom line is whoever is liable we all pay as landowners and they can sue the Town, LGWCD, or both of us but it just means all the landowners will be paying to pay off that lawsuit. It comes down to who is more responsible and with this particular instance, I think we need to put the responsibility with the government that was elected by the people, not the large majority of land owners. We are talking about the spirit of cooperation and that is what the Town Council was going to ask LGWCD for a couple of months ago when you were going to write a letter and ask them to wait a little while and we saw the type of cooperation you got. You need to follow your attorney's advice, who has your best interest at heart not people who speak for the District and only for the District. I believe more important than continuity is the variability of thought process and from where we all sat it was apparent that Councilman Autrey raised his hand first. I know that Councilman Lipp has been doing an admirable job being the Council's representative to LGWCD but I believe we need another mindset there as well as a continued mindset. He said a lot of us felt sorry that the Mayor did not pick Councilman Autrey as he did raise his hand first.

**John Ryan, 3508 A Road-** said for the benefit of the Town Council he handed out copies of a Florida Statute 316.006. He said it is clear that if the Council thinks they have the authority to represent what they have got in that Resolution they have to rely on the May 30, 2008 Memo from Town Attorney Tolces which relies on the Florida Statute 316.006. He said it should be tabled and allow the attorneys to discuss in detail the different views that have been expressed.

Town Attorney Tolces said he is familiar with the process Mr. Ryan suggested with respect to mediation between governmental entities. He said he doesn't know if that is necessary and from a time perspective would not serve in the Town's best interest. He stated that the Resolution is based on sound legal views. He said the Town has the authority to maintain roads and this Resolution clarifies and affirms the Town's intent to collect that gas tax revenue.

Mr. Ryan said LGWCD has specific legislation that relates to our responsibility.

Councilman Louda said he holds his MOTION to approve for a couple of reasons. He said first he is taking the advice of the Town Attorney, and second, if the Town doesn't go forward and say we have the roads, these are the Town's roads we are not going to get this money, so I am going to show good faith to the County and to the League of Cities that we are trying to get this money. He said he believes that this money can be used for Non-District roads which right now the District cannot work on.

Vice-Mayor Herzog said her 2<sup>nd</sup> for the MOTION still stands.

**The MOTION passed 3-2 with Mayor Browning and Councilman Lipp opposed.**

**12. Inter-local Agreement for the Funding of Construction, Reconstruction and Maintenance of Roads Located within the Town of Loxahatchee Groves between the Town and LGWCD (Discussion)**

**Councilman Louda MOTIONED to table Item 12 until the next Council Meeting, SECONDED by Vice-Mayor Herzog and then WITHDREW THE MOTION.**

**Councilman Louda MOTIONED to table Item 12 and authorize the Town Attorney and Town Staff, as well as Councilman Autrey to meet with the LGWCD in the next 48 hours, SECONDED by Vice-Mayor Herzog and discussion continued:**

Town Attorney Tolces said he hopes we could have an agreement worked out by Monday with LGWCD in time for their Board Meeting.

Vice-Mayor Herzog pointed out that Councilman Autrey had volunteered first.

Councilman Louda said he changed his Motion to include Councilman Autrey to get a little variety and that Councilman Lipp had been doing a lot for the Town.

Mayor Browning said his only concern with it and he trusts Councilman Autrey but there is a personality clash that goes all the way back to the election days.

Town Clerk Lippman assured the Mayor that he would be there to represent Town Staff and would make sure the meeting went well.

Councilman Autrey explained that this goes back 4 years and this issue has a lot of history to it. He said he feels comfortable in wanting to work together and it goes back to language that the District wanted to insert into our incorporation and the language would have killed our Bill.

Councilman Louda asked if the biggest problem with the ILA is the word “owns.”

Town Attorney Tolces explained that is one of the issues and it has to do with the concerns of the League of Cities of PBC because we may say they maintain the roads but this agreement says otherwise.

Councilman Lipp said he had been involved with PBC and the LGWCD on getting money on two different occasions and he said the process went like this: we went to our County Commissioner and asked for money and the County Commissioner said to put it in writing.

Councilman Autrey asked who is “we?”

Councilman Lipp said that he went with Ron Jarriel about getting the South portion of F Road done so we had one continual piece through the Town. He said he had found out from Commissioner Santamaria that he had about \$200,000 left in his Road Budget that he could spend and wanted to know if we wanted to do anything with it. He said he got in touch with Ron Jarriel and Mr. Jarriel brought it up to his Board and they said they would like to do South F. He said it turned into an ILA that showed on a Consent Agenda for the BCC and from there a check was written and the LGWCD did the work. He suggested having an annual ILA where the LGWCD asks for a certain amount of money and that would go toward doing road maintenance for a period of a year. He said the way I feel about the other portion of the gas tax is that it very clearly states that it is for capital improvements as listed in the Comprehensive Plan. He said that LGWCD does not have a mandate for a Comprehensive Plan but the Town does, so we’ll take these monies that are in the capital improvements section and as we will with the Comprehensive Plan come up with where we want to put these monies. He said he got the impression from the LGWCD that would be an acceptable ILA. He said we run into trouble with Section 2 of the ILA where the Town has the responsibility of the roads.

Councilman Louda said the splitting the 5 and 6 cent thing as you laid out I liked that. He said he would like to see that be used to lower their assessment rather than something else. He said that if we are mandated to use that money for road maintenance and if we don’t give the money to them then what are we going to do with it?

Mayor Browning said my only concern is the \$392,000 sounds great, but they have a budget of over 1 million dollars and I don’t want to jeopardize that with one with the other. Town Attorney Tolces has assured me that they can collect theirs and ours but I don’t want someone coming in and saying no.

Vice-Mayor Herzog said the gas tax money is like icing on the cake and that is how we have to look at it.

**The MOTION passed unanimously 5-0.**

**Councilman Lipp MOTIONED to table Item #12 until the June 17, 2008 Town Council Meeting, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.**

**Ilene Rindom, 14285 Collecting Canal-** said when we ran for office, we all ran and you all won. She said we all knew we were going to have to make some tough decisions. She said you need to get some balls and make some decisions. She said I resent having to pay for 2 lawyers with my tax dollars to battle-This is ridiculous and this needs to be settled. She said you all have to make some decisions and own up to them.

**13. Ordinance No. 2008-003: General Provisions (1<sup>st</sup> reading)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, CREATING A NEW SECTION OF THE TOWN'S CODE OF ORDINANCES, TO BE ENTITLED "GENERAL PROVISIONS"; TO PROVIDE FOR THE APPLICABILITY OF THE TOWN OF LOXAHATCHEE CODE OF ORDINANCES WITHIN THE BOUNDARIES OF THE TOWN; PROVIDING FOR A GENERAL PENALTY FOR VIOLATIONS OF THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Tolces conducted the 1<sup>st</sup> reading of Ordinance 2008-003 General Provisions. He explained the Town Charter provided for continuance of the County Code of Ordinances as well as the County ULDC. He explained this is a revision to the Code of Ordinances. He explained that this will come back for a 2<sup>nd</sup> reading and public hearing at the 1<sup>st</sup> meeting in July.

**Vice-Mayor Herzog MOTIONED to approve Ordinance 2008-003 General Provisions, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.**

**14. Ordinance No. 2008-004 (Administration): (1<sup>st</sup> reading)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, CREATING A NEW SECTION OF THE TOWN'S CODE OF ORDINANCES, TO BE ENTITLED "ADMINISTRATION"; TO PROVIDE FOR THE ADMINISTRATION OF TOWN COUNCIL MEETINGS, PUBLIC RECORDS REQUESTS, INDEMNIFICATION OF TOWN OFFICIALS, INVESTMENT OF SURPLUS FUNDS, ADOPTION OF TOWN BUDGET, AND SETTLEMENT OF CLAIMS; INVESTMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Tolces conducted the 1st reading of Ordinance 2008-004 Administration.

Town Attorney Tolces said that he had spoken with Councilman Lipp earlier today and he wanted to run through some of the corrections they made.

-Master Page 127-Section i-#1 we will change police chief to an authorized law enforcement officer

-Master Page 128-there is a reference to 898.01 and it should be 871.01

--Master Page 133-it says 1% and it should say 1.5%

Councilman Autrey noted that there is nothing in here about collecting.

Town Attorney Tolces responded that the Town always has the right to collect items that should have been paid.

He went on with the corrections:

- Section 2-15-it says the Town Manager would settle claims that are less than \$5000 and we are going to change that that the claim will come to the Town Council

-Section 2-15b the Town does not have a self- insurance plan so we will say those claims shall be processed as follows and we will remove in accordance with the Town self-insurance plan.

Councilman Autrey asked about it stating 4/5 of the vote.

Town Attorney Tolces said he could change that to a super majority.

Councilman Autrey pointed out in Section 2-13 it talks about the fiscal year and when it begins and he asked if that is enough time to adopt a millage rate by July.

Town Manager Dr.Rosenbaum said that we would have budget workshops well before.

Town Clerk Lippman said to change 30 days to no later than July 1<sup>st</sup>.

Councilman Autrey referenced Section 2-14 and asked about credit cards where it refers to electronic funds and checks as payment of money.

Town Manager Dr.Rosenbaum responded that we pay the credit card balance with a check and that no bill is paid by credit card.

**Vice-Mayor Herzog MOTIONED to approve the amended Ordinance 2008-004 Administration, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.**

**15. Resolution No. 2008-013: Loxahatchee Groves Park Entrance**

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA REQUESTING THAT THE COUNTY OPEN THE ENTRANCE TO THE LOXAHATCHEE GROVES NEIGHBORHOOD PARK ON SOUTHERN BOULEVARD AND CLOSE THE ENTRANCE ON CITRUS DRIVE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Tolces conducted the reading of Resolution 2008-013. He stated that he just wanted to point out that the Citrus drive entrance would remain on there for emergency purposes.

**Councilman Autrey MOTIONED to approve Resolution 2008-13 Loxahatchee Groves Park Entrance, SECONDED by Councilman Lipp and the MOTION passed unanimously 5-0.**

Councilman Lipp asked if he could meet with Commissioner Jess Santamaria at the park on Thursday, June 5, 2008 at 11am.

Town Clerk Lippman stated that he would make it a point to be there to represent Town Staff.

**16. Financial:**

**a. MTD & YTD Town Financials**

Town Clerk Lippman said that Town Financial reports were not available at this time. He said he would email them to the Town Council and post them on the Town website.

**b. NCS Management Fee Discussion**

Town Clerk Lippman referred to a letter which was part of the Agenda Packet asking for an increase in pay for NCS for their 2<sup>nd</sup> year of Contract Management. He said that after discussions with Town Manager Rosenbaum they felt this was a start up business and start up municipality and we got down and dirty and realized what it took. He said going into the 2<sup>nd</sup> year there is more resources, more planning, and more time that will need to be spent to get the next phase of our planning done. He said he wanted to point out that we are not trying to address a yearly raise in our salary. He explained that the Council did not have to make a formal vote this

evening, but NCS was asking for the increase now to possibly include it in the Budgeting Process and for the Council to consider the increase in management fees to consider the actual expense for management fees for the Budget. He stated that NCS is asking for an extra \$1000 per month. He explained the current fee is \$7000 per month and this would bring it to \$8000 per month.

Councilman Autrey asked what areas do you anticipate increasing.

Town Clerk Lippman responded the main focus is planning. He said in the future we have to be prepared to take on the responsibility of handling our own licensing and processing of applications for planning and zoning. He said the County won't be able to support us as they are now.

Town Manager Dr. Rosenbaum said that we have to move more toward implementation and that requires a lot of daily energy and hands on time.

Councilman Louda commented that he didn't think a sales job would be necessary on the new miniscule increase for NCS.

Town Clerk Lippman explained that even though the anniversary date of NCS is June, the price increase we are asking for is October 1, 2008 to be the effective date to stay in line with the Budget.

**Councilman Louda MOTIONED to approve the \$1000 per month increase in management fees to NCS to bring the expenditure from \$7000 to \$8000 per month, SECONDED by Vice-Mayor Herzog and the MOTION passed unanimously 5-0.**

Town Clerk Lippman thanked the Council for their vote of confidence and said he appreciated the increase very much.

c. Preliminary 2008-2009 Town Budget (discussion)

Town Clerk Lippman said the 1<sup>st</sup> thing he wanted to put a disclaimer on is what I am trying to do is entice discussion and get your mindset on this. He explained that the Budget will be in a different format, a governmental format.

Town Clerk Lippman explained that the Amendment 1 impact affects us. He said when he constructed the revenue and expenses

Councilman Autrey noted that our taxable base went down because of Amendment 1.

Town Clerk Lippman explained that what is going on in the County is they are raising a lot of their tax assessments to offset Amendment 1. He said we can't make promises that the total tax bill will be lower because of what PBC is doing. He said he would make the correction for the gas tax revenue but it won't change anything on here because it is a flow through (revenue comes in and goes right out). He said our part of the Ad-Valorem will probably be lower but the total tax bill will probably be higher because of what they are doing at the County.

Councilman Autrey asked when we will actually get the number.

Town Clerk Lippman responded that July 1, 2008 is when the pool will be announced and then we can calculate what our speed will be. He asked if there were any additional questions on the income side before he moved on.

Councilman Lipp asked if there is any process the County uses to verify Homestead property is still lived on.

Town Attorney Tolces responded that the Property Appraiser's office verifies this.

Councilman Autrey asked how we have business tax license income for \$25.

Town Clerk Lippman responded that the County collects it and we get our share.

Town Clerk Lippman moved on to the expense side. He explained that the advertising had increased because even though you will recover some of this through the Cost Recovery Ordinance the advertising of the Comprehensive Planning and other planning matters that might come up would make this higher.

Town Clerk Lippman explained that the Comprehensive Planning remaining amount is what we would owe to our firm.

Town Clerk Lippman said he anticipated Code Enforcement to be higher than this year.

Town Clerk Lippman said that he was proud to say that Law Enforcement remained low because we had a commitment from PBSO.

Councilman Louda asked why Solid Waste is all paid at one time.

Town Clerk Lippman said with Solid Waste it will probably be a 90-95% flow through.

Town Clerk Lippman went over the Legal Fees.

Vice-Mayor Herzog inquired about the insurance and membership fees and where they were listed on here.

Town Clerk Lippman said on the new Budget there will be a specific line item for that but right now it is lumped into Operating Fees.

Town Clerk Lippman also addressed the Legislative Item regarding a lobbyist saying he built in more there than in the past. He said this doesn't have to be for a full time lobbyist but could be for other entities or people doing governmental work.

Town Clerk Lippman explained the Management Fees line and said he budgeted with the increase that was approved tonight.

Town Clerk Lippman said Postage has gone up a little bit due to more newsletters and mailings that will be done. He said he fluctuated Printing due to what months the newsletters would go out.

Town Clerk Lippman explained the Rent Expense line item and said in the 4<sup>th</sup> month there is a jump in the rent because since PBSO has not taken the space next to our office he is recommending the Town take it over in anticipation of needing more storage. He said it would also provide a meeting space for Council Members and Town Staff. He said from operational purposes things are starting to get a little cluttered.

Vice-Mayor Herzog said my thought is it is hard to see where we are located and if we had our name up at the top where it is visible it would be easier for people to find us. She said she would like to explore what the difference is in the larger space.

Town Clerk Lippman said he would look into that. He said the concept here is just to be able to move into a bigger space and budget for it.

Councilman Louda asked is there not a way to get a sign in the parking space by our office.

Town Clerk Lippman said he would explore the options because maybe it would make sense to move into another more visible space.

Vice-Mayor Herzog suggested having the nurseries maintain the garden area in the front if we moved the Town office.

Town Clerk Lippman said that the fact that we have a healthy reserve we have the ability to not raise the Ad-Valorem in the Town for the Residents.

Councilman Autrey asked how much the auditing was.

Town Clerk Lippman responded around 13,000 or 14,000 \$ but he would have to look up the exact number.

Mayor Browning asked if there are any additional questions or comments from the Council.

### **17. Manure Hauling (Wellington) (Councilman Louda)**

Councilman Louda said the Village of Wellington has been getting a lot of press on trying to get a manure burning electrical power plant in there. He said he was trying to get a handle on it and

make sure we are not accumulating any more. He said if we have any large producers in the Groves we should see if anyone in the Groves can use it and the Town act as a liaison to let people know where they can get it.

Councilman Autrey said that program pretty much got shelved.

Councilman Louda said it got shelved but is not dead. He asked Councilman Autrey about Jose Sifuentes.

Councilman Autrey responded that he is moving his plant and I thought we should get further in our Comp Plan before we have him come down to present to us.

Councilman Louda said he was referring to the recent article in the Sun-Sentinel and let them know they are still thinking about it.

Councilman Autrey asked if the Town had received many complaints on dumping.

Town Clerk Lippman said that about 3-4 months ago there were 3 major complaints that all came in at one time. He said since then no.

Vice-Mayor Herzog commented that she believes a lot of it is moving west to the man who was processing it and then shipping it back.

Councilman Louda said he believes with the increase fuel charges especially in diesel they will start looking for the short dump again.

### **18. Western County Energy Center Water Impacts (Councilman Louda)**

Councilman Louda started by saying that a year ago or so he asked to have a Resolution drafted for the Town against the FPL Western County Energy Center specifically Unit 3. He explained that Unit 3 is coming back before us and where SFWMD sees no problem at all for Unit 3 of the West County Energy Center which has not broken ground yet. He said there are a lot of problems with this Plant. He said this is an additional 1250 mega watts. He said they will be processing 22 ½ million gallons of reclaimed water. He said the amount of deep well injection is around 370 million cubic yards of water a day. He said unfortunately the first go around of this Loxahatchee Groves was not notified of. He said we are the closest municipality to the Plant. He said we are worried about mining impacts out here and this is a huge water draw. He said he doesn't know why the Council wouldn't oppose this.

Councilman Autrey commented that it has already been permitted.

Councilman Louda responded that it doesn't matter if it was permitted; it is a huge Federal case against it.

Councilman Autrey asked who the Resolution should be sent to.

Councilman Louda responded to the State and to DEP objecting the water use.

Town Attorney Tolces said I am assuming they are going through a new permitting process for Unit 3 which would be subject to DEP review. He said if the Town was to adopt a Resolution you would send it to County and he could investigate into the status of any permitting that is going on.

**Councilman Louda MOTIONED to direct Staff to draft for the Town objecting to Unit 3 of the FPL West County Energy Center, SECONDED by Councilman Lipp and discussion was then continued:**

Councilman Autrey asked if SFWMD had approved this.

Councilman Louda responded that they don't have to approve it but they endorse it and supply comments.

Councilman Autrey asked if in the Resolution there was some science or another entity we could site as reasons for the Resolution other than the Loxahatchee Groves Town Council to add substance to the Resolution.

Town Attorney Tolces said there are probably some local environmental entities that might have some information. He said we might be able to review this in terms of the Resolution.

Councilman Louda said he could get something from Sydney Bacchus showing problems with the water uses. He said he was pretty sure that Indian Trails would support it.

Town Clerk Lippman said he would get in touch with Councilman Louda and Town Attorney Tolces to find out other municipalities or agencies that might support this.

Councilman Louda stated that he would not approach the Village of Wellington for support.

**The MOTION passed unanimously 5-0.**

## **19. Public Comments**

Town Clerk Lippman said Staff was approached by Maureen Lefkowitz who requested to do a presentation on a future Agenda. He said he had directed Maureen and Larry Lefkowitz that he would present the request to the Town Council. He explained that their presentation would be done with video and sound.

Town Attorney Tolces explained that their request is to make the presentation at a future meeting. He said his only concern would be to get the okay from the LGWCD on the equipment they would be bringing in and did the Council want to set this as an Item on a future Agenda.

**Maureen Lefkowitz, 3485 D Road-** said we want to bring our experience here to the people and show the effects our current codes are having. She said I think you have to experience it to really understand.

Mayor Browning asked how long the presentation would be.

Ms. Lefkowitz responded not very long.

Town Clerk Lippman said that Town Policy typically allows 5 minutes for presentations.

**GENERAL CONSENSUS WAS GIVEN FOR THE LEFKOWITZ'S TO MAKE A PRESENTATION AT THE NEXT TOWN COUNCIL MEETING ON TUESDAY, JUNE 17, 2008**

Councilman Autrey asked if there was any issue with pending Code Enforcement or anything like that.

Town Attorney Tolces responded that you don't have to comment or ask questions, you can just sit and listen.

Councilman Autrey said he was under the impression that it couldn't be discussed due to pending litigation.

Town Clerk Lippman responded that we are encouraging that there be no discussion relating to the legal matters but if a citizen would like to make a presentation there is no harm in doing so.

Councilman Louda asked Ms. Lefkowitz if she understood that the Council might be restrained in what they could talk about.

**Ilene Rindom, 14285 Collecting Canal-** said I have to say that I have been unable to make some of the meetings and I have gotten the notes off line and I guess being here is more upsetting than getting the notes off line. I am quite upset with Councilman Lipp because I did read an editorial a couple of weeks ago in the paper about countering someone else's editorial, and yet you stated tonight that you went downtown with a LGWCD Board Member and did things in the name of the Town Council and obviously from the faces of the Town Council they weren't even aware of it. I am uncomfortable with that. I am upset most of the people in here tonight left after the roads were discussed so I am thinking most of the people in here tonight were self serving and not community oriented caring about what the rest of the Agenda Items were. I am upset that the Counsel you all employed that I am paying for was very adamant about his feelings and you all disregarded that. I am just frustrated with the way things are going and I just wanted you to know that.

Councilman Louda stated that we did take Counsel's advice and passed the Resolution.

Ms. Rindom responded that she understands that.

**Howard Voren, 1538 E Road-** said when the five of you took office you did so with the inherited responsibility of representing Loxahatchee Groves and not your own personal agendas. I would like to say that I think that four of you have performed admirably and I think the fact that Councilman Lipp admitted that he went to the BCC he can only be perceived as someone representing this Town. There was never any discussion concerning that. He went down and was obviously representing this Town and he went down with the Drainage District to raise money which instead of being used to calcium chloride all the roads was used to pave South F Road. I think that was an unconscious able act and Sir I call for your resignation.

**Darlene Crawford, 3057 E Road-** said a couple of weeks ago I came to a meeting and an item of financial interest came up and it wasn't previously noted on the Agenda. She asked if there is a policy in the Town which any financial item would be put on an Agenda first.

Town Clerk Lippman responded no.

She suggested we think about having one. She said that just because she didn't personally agree with where the \$500 went this time, it is just the thought that something wasn't previously noted on the Agenda that would be an item of financial interest.

Town Attorney Tolces responded that the Item he believed Ms. Crawford was referring to was the Media Training. He said the expenditure could have been approved without coming to the Town Council at all. He explained that any expenditure up to \$9999.99 could be authorized by the Town Manager. He said the question was whether or not the Town Council had wanted the Media Training.

Ms. Crawford said she thinks it would be respectful to the Public that you represent whose money you are taking care of that you note things ahead of time, make the appearance of a level playing field to those who might be offering services to the Town. She mentioned that there might be other people out there who want to bid on a project. She stated this is all she asks.

## **20. Town Clerk Comments**

Town Clerk Lippman said the road can be bumpy-no pun attended, and we have learned this evening that we can all need to work together, and Mayor I want to send a personal message out publically that I know you have great concern about the two entities existing and I assure you that Town Management represents your interest.

## **21. Town Attorney Comments**

Town Attorney Tolces said that he has had some discussions with the attorneys representing the owners of the Simon Property so we are moving forward on that and we are going to extend the current abeyance of the Comprehensive Plan proceeding with administrative hearings that will be continued another 60 days to allow us to try and work out some type of settlement agreement. He said the Town Manager and I had a chance to sit down and talk with the folks at PBC Environmental Resource Management Division. He said we need to sit and talk about what is best for the Town with respect to adoption of specific provisions, how they would be enforced, and whether to go with the County or not. He assured the Council he always has the Town's best interest in mind as well as the well being of the area. He said Staff would bring back an agreement on the 17<sup>th</sup> that will assure you that the Town will benefit from the gas tax revenue.

Town Manager Dr. Rosenbaum said they offered their assistance to come to a meeting and present to the Council.

Councilman Autrey asked in respect to ERM if this is just transitional situation until we develop our own.

Town Attorney Tolces responded that it may be. He said it is either going to be transitionally if we enter into an agreement with them to enforce their existing codes but if you don't want those codes enforced then the Town will have to adopt its own and find its own way to enforce them because ERM doesn't want to have two sets of books.

## **22. Council Member Comments**

Councilman Lipp said I'm amazed that the two people who pointed me out also left the meeting. He said just a note, I got a call from Jess Santamaria's office saying I have the gas tax money, does the Town need it and I said the Town doesn't need it-that is the LGWCD. He said the LGWCD has a choice using it for calcium chloride, for paving North A Road or for paving F and that was all their decision. I just got the call from Jess because we have become friends through the years and I put him in touch with Ron Jarriel and I just want to define that for the record.

Councilman Autrey said that we got a lot done tonight. He said the input we got on the Visioning Document along with what we accomplished on Saturday was good. He commented that hopefully this gas tax thing can go away and we can work cooperatively with the LGWCD as we move forward and work on more productive issues.

Vice-Mayor Herzog noted that there is a Hurricane Preparedness Workshop that everyone is invited to coming up on Friday, June 20, 2008 and also I forwarded a sample resolution from the Western Communities Council today to Michelle for the extension of Seminole Pratt and they are looking for 4 municipalities along with Indian Trails to support it.

Councilman Louda asked if we can do anything tonight with that.

Town Attorney Tolces said that a general consensus could be given to draft a Resolution.

Vice-Mayor Herzog noted that the next Western Communities Council Meeting is going to be at the LGWCD on the 25<sup>th</sup> of June.

Councilman Autrey said that he had gotten an email from Michelle Damone asking where we were at with the Nicole Horenstein Resolution. He said she is trying to get a Resolution passed through the Western Communities to support the Bill so she would like us to get something done sooner and she also said that she thinks Senator Attwater is going to sponsor the legislation.

***GENERAL CONSENSUS WAS GIVEN TO DIRECT STAFF TO COME BACK WITH A RESOLUTION REGARDING NICOLE HORENSTEIN.***

***GENERAL CONSENSUS WAS GIVEN TO DIRECT STAFF TO COME BACK WITH A RESOLUTION TO SUPPORT THE WESTERN COMMUNITIES COUNCIL FOR THE EXTENSION OF SEMINOLE PRATT.***

Councilman Louda asked if more than one member of the Council could attend the Hurricane Preparedness Workshop.

Town Attorney Tolces responded yes, but it would be good practice if you knew ahead of time that more than one of you is going to be at a certain location at a certain time that you let the Town Clerk know so he can post a notice and that way it covers you in part to the Sunshine Law.

Vice-Mayor Herzog said there was a request from Good Earth Farm to know whether we had a Town Preparation for animals in place in case of a hurricane,

Town Clerk Lippman suggested discussing that with CERT and asked Councilman Lipp if that had ever been addressed.

Councilman Lipp said it has come up on with the CERT team but not a great deal was discussed because there are not a lot of animal owners on CERT.

Vice-Mayor Herzog stated that Jupiter Farm has a plan in place and that she had asked Nancy Fried-Tobin to get a copy of that so we can see what they are doing.

Councilman Autrey commented that it is a huge undertaking and I think right now we are crawling just to get CERT going. He said as an animal owner that is a scary thing but personal responsibility is what it comes down to.

Councilman Louda said we had a Resolution on mining and that there is a suit going on against the mining in the Everglades Agricultural Area going on. He said Nancy Griddle has been in contact with him regarding the Sluggett property going forward. He said her property is within 500 feet of this. He said it is for 161,500 square feet and a Publix ranges from 13,000-66,000 square feet. He said we are talking about the West corner of Seminole Pratt and Southern and it has the potential of impacting us. He said he went to [www.loopnet.com](http://www.loopnet.com) and there is over 300,000 square feet available in Royal Palm Beach today.

Mayor Browning thanked everyone for coming and for the effort on the Strategic Plan.

### 23. Adjournment

Vice-Mayor Herzog MOTIONED to adjourn meeting, SECONDED by Councilman Louda and the Motion passed unanimously 5-0.

There being no further discussion and no additional public comment the meeting was adjourned at 10:32 p.m.

Dave Browning  
MAYOR DAVE BROWNING

ATTEST:

Matthew Lippman  
Matthew Lippman, Town Clerk

7-1-08  
Date Approved

STATE OF FLORIDA  
COUNTY OF Palm Beach

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:  
June 3, 2008 Minute  
as recorded in the Office of the Town Clerk.

LGTC- Town Council Meeting  
06-03-08  
Prepared by Michelle Kantor (NCS)

WITNESS my hand and official seal this 1<sup>st</sup> day of July, A.D. 2008

TOWN OF Loxahatchee Groves  
BY: Matthew Lippman