



Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, March 6, 2012 at 7:00 p.m.

Loxahatchee Groves Water Control District, 101 West "D" Road

Mayor David Browning (Seat 4)
Vice Mayor Ryan Liang (Seat 3)
Councilman Tom Goltzené (Seat 5)
Councilman Ronald D. Jarriel (Seat 1)
Councilman Jim Rockett (Seat 2)

Town Manager Mark Kutney
Town Clerk Janice M. Moore
Town Attorney Michael D. Cirullo, Jr.

PUBLIC NOTICE/AGENDA

1. OPENING

- a. Call to Order & Roll Call
- b. Pledge of Allegiance & Invocation
- c. Approval of Agenda

2. CONSENT AGENDA

- a. Invoices from Goren, Cherof, Doody & Ezrol, P.A.

3. PRESENTATIONS - None

4. COMMITTEE REPORTS

- a. FAAC Report & Approval of the January 2012 Financial Report – Chair Lung Chiu

5. PUBLIC HEARINGS (Ordinances 2nd Reading) - None

6. ORDINANCES (1st Reading)

- a. **Ordinance 2012-03 – Manure Dumping**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING AND RESTATING ORDINANCE 2010-003, RELATING TO DUMPING OF MANURE AND HORSE BEDDING WITHIN THE TOWN; PROVIDING THAT ONLY THOSE PROPERTIES DESIGNATED AGRICULTURE OR RESIDENTIAL ON PROPERTY TAX RECORDS MAY RECEIVE MANURE AND HORSE

BEDDING FOR AGRICULTURAL USE ON THE PROPERTY; AMENDING THE PERMITTED DAYS FOR DEPOSITING MANURE AND HORSE BEDDING; PERMIT APPLICATION REQUIREMENTS FOR PROPERTY OWNERS AND HAULERS; ADDING PROVISIONS ON THE LOCATION OF DUMPING ON PROPERTY; AMENDING PROVISIONS RELATING TO HAULER PERMIT FEES; PROVIDING THAT EXCEPT AS AMENDED HEREIN, ORDINANCE 2010-003 IS RESTATED AND IN FORCE AND EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

7. RESOLUTIONS – None

8. ADMINISTRATIVE UPDATE - Town Manager Kutney

- a. Intergovernmental Coordination (IGC) Report

9. OLD BUSINESS

- a. Clarification/Direction Regarding an Easement from C Road to B Road Using 6th Court North
- b. North Road OGEM Project

10. NEW BUSINESS

- a. Tew & Taylor Code Enforcement Services Contract Addendum
- b. Proposed ULDC Text Amendment Regarding Schedule of Zoning District Uses
- c. IGC Town Council Member Terms of Service – Councilman Jarriel

11. CLOSING COMMENTS

- a. Public
- b. Town Attorney
- c. Town Council Members

12. ADJOURNMENT

The next Town Council Meeting is scheduled for Tuesday, March 20th at 7:00 p.m. and a workshop with Palm Beach State College Workshop to follow at 7:30 p.m.

Comments Cards: Anyone from the public wishing to address the Town Council must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.

GOREN, CHEROF, DOODY & EZROL, P.A.
Attorneys at Law
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500

Item 2a.
Invoices from Goren, Cherof

TOWN OF LOXAHATCHEE GROVES
Att: Mayor Dave Browning
14579 Southern Boulevard
Suite 2
Loxahatchee FL 33470

Page: 1
02/28/2012
ACCOUNT NO: 70240-0R
STATEMENT NO: 63

General Matters

MDC

	HOURS
01/31/2012 MDC Prepare ordinance (manure dumping); telephone conference with JM on board issues; telephone conference with MK, SH on ordinance, procurement; telephone conference with BW on bank RFP.	1.60
02/01/2012 MDC Telephone conference with Mark Kutney, Jan Moore to conclude agenda items for 2/07/12 meeting, review correspondence on items.	0.90
02/02/2012 MDC Miscellaneous telephone calls on agenda items, board issues with JM; review comments to manure/horse bedding ordinance.	0.80
02/03/2012 MDC Begin review of agenda materials for 2/07/12 meeting.	0.30
02/06/2012 MDC Review agenda materials for 2/07 Council meeting.	0.50
02/07/2012 MDC Miscellaneous telephone calls with Council, MK, JM; review materials, prepare for and attend Council meeting.	6.10
02/08/2012 MDC Telephone conference with MK on follow-up for items at 2/07 meeting; review correspondence on OG-EM agreement between contractor and LGWCD.	0.50
02/09/2012 MDC Telephone conference with JM, review issues with P&Z Board minutes.	0.30

General Matters

		HOURS
02/10/2012	MDC	Telephone conference with M. Viator on North Road OGEM project, telephone conference with MK on pending items; telephone conference with SH on development approval extensions per state law.
		0.70
02/13/2012	MDC	Miscellaneous telephone conference with Council, MK regarding North Road; miscellaneous telephone conference with Mary Viator regarding North Road/LGWCD meeting issues; telephone conference with MK, SH on HB 7207 extensions, telephone conference with MK on land use issues, review correspondence on permits; begin revisions to manure ordinance.
		3.10
02/14/2012	MDC	Miscellaneous telephone calls with MK regarding North Road, procurement, manure ordinance; review ULDC issues with JF.
		1.30
02/15/2012	MDC	Review pending land use issues, comments on manure ordinance; review issues with North Road contract.
		0.40
02/17/2012	MDC	Conference with JF, MK on land use matters, interpretations of ULDCs, review correspondence on pending items.
		1.20
02/20/2012	MDC	Review materials regarding LGWCD Agreement with North Florida for OGEM; begin preparing Town Addendum for North Road project.
		1.70
02/22/2012	MDC	Telephone conference with JM on election issues; telephone conference with MK on 40 Road North; review procurement code regarding piggy-backing web/internet services per MK, provide information on compliance with Town Code to MK.
		1.80
02/23/2012	MDC	Conference call with MK, PU regarding procurement issues; telephone conference with JM on election inquiries; review Bank RFP Addendum.
		1.00
02/27/2012	MDC	Telephone conference with JF on pending zoning matters; telephone conference with MK on agenda items, 40th Road

General Matters

	HOURS	
North.	1.20	
FOR CURRENT SERVICES RENDERED	23.40	4,329.00

RECAPITULATION

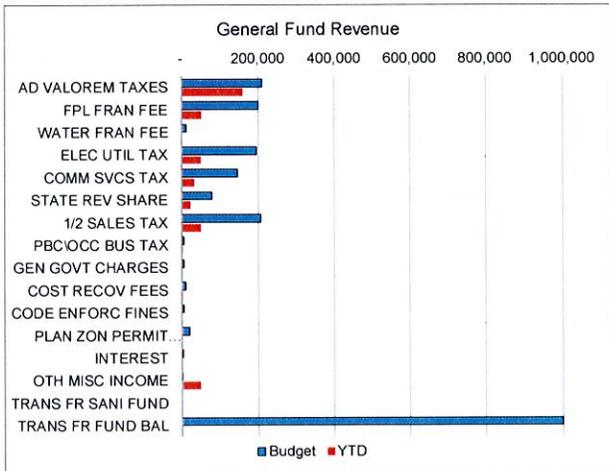
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	23.40	\$185.00	\$4,329.00

COPYING COST	1.05
TOTAL EXPENSES	1.05
TOTAL CURRENT WORK	4,330.05
BALANCE DUE	<u>\$4,330.05</u>

Item 4a. January 2012 Financial Report

Town of Loxahatchee Groves Financial Activity Report as of January 30, 2012 (33% of year elapsed)

General Fund Revenue Budget



General Fund Revenues

Revenues	Budget	Year-to-Date	%
AD VALOREM TAXES @ 1.2000	210,000	160,183.50	76.3%
FPL FRANCHISE FEE	200,000	51,886.28	25.9%
PBC WATER UTILITY FRANCHISE FEE	12,000	1,055.95	8.8%
ELECTRIC UTILITY TAX	196,000	49,874.59	25.4%
COMMUNICATION SERVICES TAX	145,392	34,145.40	23.5%
STATE REVENUE SHARING	78,236	23,993.88	30.7%
HALF CENT SALES TAX	207,222	49,769.50	24.0%
COUNTY OCCUPATIONAL LICENSES	5,000	4,468.81	89.4%
GENERAL GOVERNMENT CHARGES	5,000	2,882.55	57.7%
COST RECOVERY FEES	10,000	3,363.00	33.6%
CODE ENFORCEMENT FINES	5,000	6.00	0.1%
PLANNING & ZONING PERMIT FEES	20,000	98.45	0.5%
INTEREST	4,000	58.54	1.5%
OTHER MISC INCOME	1,000	49,110.17	4911%
TRANSFER FROM SANITATION FUND	-	-	-
TRANSFER FROM FUND BALANCE	1,000,000	-	0.0%
Total Revenues	2,098,850	430,896.62	20.5%

General Fund Expenditures

Expenditures	Budget	Year-to-Date	%
LEGISLATIVE	11,700	2,031.70	17.4%
EXECUTIVE	268,125	86,410.26	32.2%
FINANCIAL AND ADMINISTRATIVE	39,000	1,946.68	5.0%
LEGAL COUNSEL	50,000	11,569.09	23.1%
COMPREHENSIVE PLANNING & ZONING	45,000	4,705.50	10.5%
OTHER GENERAL GOVERNMENT	1,358,240	15,364.44	1.1%
CODE ENFORCEMENT	48,000	10,795.90	22.5%
Total Other General Government	1,406,240	26,160.34	
LAW ENFORCEMENT	278,785	91,595.00	32.9%
PUBLIC WORKS	-	737.50	-
Total Expenditures	2,098,850	225,156.07	10.7%
Excess(deficiency)	-	205,741	-

YTD-Total Funds Expen. Budget

Expenditures	Budget	Year-to-Date	%
Total Townwide Budget	4,008,674	403,678	10.1%

Selected Other Funds

Transportation Fund	Budget	Year-to-Date	%
FIRST LOCAL OPTION FUEL TAX (6 CENT)	244,969	59,033	24.1%
SECOND LOCAL OPTION FUEL (5 CENT)	113,480	27,990	24.7%
CONTRIBUTION FROM GENERAL FUND	-	-	-
Total Revenues	358,449	87,023	24.3%
ROAD AND STREETS (6 CENT)	-	-	-
ROAD AND STREETS (5 CENT)	113,480	-	0.0%
NON-DISTRICT ROADS (6 CENT) MAINT.	94,969	9,218	9.7%
DISTRICT ROADS (6 CENT) MAINT.	150,000	180	0.1%
SPECIAL PROJECTS	-	-	-
22nd ROAD DITCH (6)	-	-	-
148th TERR BRIDGE(5)/CULVERT	-	49,839	-
Total Expenses	358,449	59,237	16.5%
Excess(deficiency)	-	27,786	-

Solid Waste Fund	Budget	Year-to-Date	%
SOLID WASTE ASSESSMENTS (1,260 units)	469,640	359,337	76.5%
DISCOUNT FEES	(18,785)	(14,133.66)	75.2%
SWA RECYCLING INCOME	7,000	2,562.60	36.6%
HAULERS LICENSING FEE	2,000	500.00	25.0%
CONTRIBUTION FROM GENERAL FUND	13,694.00	-	-
Total Revenues	473,549	348,266	73.5%
CONTRACTUAL-WASTE OVERSIGHT	12,000	2,650.00	22.1%
PBC ADMINISTRATION FEE 1%	4,710	3,425.95	72.7%
SOLID WASTE CONTRACTOR	452,300	112,908.62	25.0%
OTHER SANITATION SERVICES	2,500	300.00	12.0%
FREIGHT & POSTAGE	539	-	0.0%
LEGAL ADVERTISING	1,500	-	-
MANAGEMENT FEES	-	-	-
Total Expenses	473,549	119,284.57	25.2%
Excess(deficiency)	-	228,981.06	-

Capital Improvement Program (CIP) Fund	Budget	Year-to-Date	%
CONTRIBUTION FROM GENERAL FUND	1,000,000	-	-
Total Revenues	1,000,000	-	-
LINEAR PARK/GRANT MATCH	100,000	-	-
ROAD AND DRAINAGE IMPROVEMENTS	150,000	-	-
OGEM PAVING/COST SHARING	150,000	-	-
TRAFFIC LIGHT OKEECHOBEE BLVD	100,000	-	-
ROAD AND DRAINAGE IMPROVEMENTS	200,000	-	-
OGEM PAVING/COST SHARING	300,000	-	-
TRAFFIC LIGHT OKEECHOBEE BLVD	-	-	-
Total Expenses	1,000,000	-	-
Excess(deficiency)	-	-	-

Contract Services Expenditures

Expenditures	Budget	Year-to-Date	%
Waste Pro	452,300	149,494.00	33.1%
Palm Beach County Sheriff	274,785	91,595.00	33.3%
Underwood Management Services Group	250,650	83,510.80	33.3%
Goren, Cherof, Doody, Ezrol	-	26,369.00	-
Tew & Associates	45,000	9,562.50	21.3%
Land Research Management	-	8,812.50	-
Calvin Giodorno	-	4,426.75	-
Frank Schioela	12,000	5,370.95	44.8%
YEE's Corporation	12,000	3,603.74	30.0%
Total Expenses	-	382,745.24	-



**BUDGET VS ACTUAL
AS OF JANUARY 31, 2012**

		General Fund Revenues				
Account Number	Account	Month to Date	Year to Date	Annual Budget	Annual Variance	% Used
001-311-100-000	Ad Valorem Taxes	13,216.48	160,183.50	210,000.00	(49,816.50)	76.30%
	Ad Valorem Taxes Total	13,216.48	160,183.50	210,000.00	(49,816.50)	
001-314-100-000	Electric Utility Tax	14,780.30	49,874.59	196,000.00	(146,125.41)	25.50%
	Utility Services Taxes Total	14,780.30	49,874.59	196,000.00	(146,125.41)	
001-315-100-000	Communications Services	11,554.72	34,145.40	145,392.00	(111,246.60)	23.50%
	Communications Services Taxes Total	11,554.72	34,145.40	145,392.00	(111,246.60)	
001-316-200-000	County Occupational License	-	4,468.81	5,000.00	(531.19)	89.40%
	Local Business Tax totals	-	4,468.81	5,000.00	(531.19)	
001-323-100-000	FPL Franchise Fee	13,870.71	51,886.28	200,000.00	(148,113.72)	25.90%
001-323-300-000	PBC Water Utility Franchise	364.79	1,055.95	12,000.00	(10,944.05)	8.80%
	Franchise Fees Totals	14,235.50	52,942.23	212,000.00	(159,057.77)	
001-329-100-000	Planning & Zoning Permit	98.45	98.45	20,000.00	(19,901.55)	0.50%
	Other Permits and Fees Total	98.45	98.45	20,000.00	(19,901.55)	
001-335-120-000	State Revenue Sharing	5,998.47	23,993.88	78,236.00	(54,242.12)	30.70%
001-335-180-000	Half Cent Sales Tax	17,611.46	49,769.50	207,222.00	(157,452.50)	24.00%
	State Revenue Sharing Total	23,609.93	73,763.38	285,458.00	(211,694.62)	
001-341-000-000	General Government Charges	388.27	2,882.55	5,000.00	(2,117.45)	57.70%
	General Government Fees Total	388.27	2,882.55	5,000.00	(2,117.45)	
001-343-349-000	Cost Recovery Fees	3,363.00	3,363.00	10,000.00	(6,637.00)	-33.60%
	Cost Recovery Fees Totals	3,363.00	3,363.00	10,000.00	(6,637.00)	
001-354-100-000	Code Enforcement Fines	6.00	6.00	5,000.00	(4,994.00)	0.10%
	Code Enforcement Fines Totals	6.00	6.00	5,000.00	(4,994.00)	
001-361-100-000	Interest	16.75	58.54	4,000.00	(3,941.46)	1.50%
	Interest and Other Earnings Total	16.75	58.54	4,000.00	(3,941.46)	
001-369-000-000	Other Misc Income	49,110.17	49,110.17	1,000.00	(802.83)	98.40%
	Other Misc Revenue Total	49,110.17	49,110.17	1,000.00	(802.83)	
001-399-000-000	Transfer from Fund Balance	-	-	1,000,000.00	(1,000,000.00)	0.00%
	Other Non-operating Sources Total	-	-	1,000,000.00	(1,000,000.00)	
	Grand Total Revenue	130,379.57	430,896.62	2,098,850.00	(1,696,866.38)	



**TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF JANUARY 31, 2012**

**General Fund
Expenditures**

Account Number	Account	Month to Date	Year to Date	Annual Budget	Annual Variance	% Used
001-511-400-000	Travel	-	-	3,000.00	3,000.00	0.00%
001-511-492-000	Other Operating Expenses	-	-	1,000.00	1,000.00	0.00%
001-511-500-000	Education & Training	-	-	1,000.00	1,000.00	0.00%
001-511-540-000	Books, Publications & Subscriptions	-	920.00	4,200.00	3,280.00	21.90%
001-511-820-000	Special Events/Contributions	510.82	1,111.70	2,500.00	1,388.30	44.50%
	Legislative Total	510.82	2,031.70	11,700.00	9,668.30	
001-512-340-000	Other Services	20,885.20	83,510.80	250,625.00	167,114.20	33.30%
001-512-400-000	Travel	-	126.91	500.00	373.09	25.40%
001-512-410-000	Communication Services	406.67	1,571.55	6,000.00	4,428.45	26.20%
001-512-420-000	Postage & Freight	5.20	49.20	2,000.00	1,950.80	2.50%
001-512-492-000	Other Operating Expenses	(15.00)	154.26	4,000.00	3,845.74	3.90%
001-512-510-000	Office Supplies	458.48	997.54	2,500.00	1,502.46	39.90%
001-512-521-000	Loxahatchee Groves CERT	-	-	2,000.00	2,000.00	0.00%
001-512-540-000	Books, Publications & Subscriptions	-	-	500.00	500.00	0.00%
	Executive Total	21,740.55	86,410.26	268,125.00	181,714.74	
001-513-320-000	Accounting and Auditing	-	-	18,000.00	18,000.00	0.00%
001-513-470-000	Printing and Binding	826.17	2,703.88	5,000.00	2,296.12	54.10%
001-513-490-000	Legal Advertising	(910.00)	(910.00)	7,000.00	7,910.00	-13.00%
001-513-493-000	Election Expense	152.80	152.80	9,000.00	8,847.20	1.70%
	Financial & Administrative Total	68.97	1,946.68	39,000.00	37,053.32	
001-514-310-000	Professional Services	2,571.50	11,569.09	50,000.00	38,430.91	23.10%
	Legal Total	2,571.50	11,569.09	50,000.00	38,430.91	



**TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL**

AS OF JANUARY 31, 2012

Account Number	Account	Month to Date	Year to Date	Annual Budget	Annual Variance	% Used
001-515-310-000	Professional Services	-	-	20,000.00	20,000.00	0.00%
001-515-343-000	Planning & Zoning Contract	1,125.00	1,342.50	10,000.00	8,657.50	13.40%
001-515-347-000	Comprehensive Plan	-	-	5,000.00	5,000.00	0.00%
001-515-349-000	Cost Recovery Expenditure	3,363.00	3,363.00	10,000.00	(13,363.00)	-33.60%
	Comprehensive Planning & Zoning Total	4,488.00	4,705.50	45,000.00	20,294.50	
001-519-315-000	Special Magistrate	902.89	5,373.58	3,000.00	(2,373.58)	179.10%
001-519-354-000	Code Compliance	815.00	5,422.32	45,000.00	39,577.68	12.10%
001-519-410-000	Communications Services	-	-	500.00	500.00	0.00%
001-519-440-000	Rentals and Leases	1,185.31	4,137.30	14,000.00	9,862.70	29.60%
001-519-450-000	Insurance	-	-	9,500.00	9,500.00	0.00%
001-519-460-000	Repair & Maint - Building	173.77	2,072.09	250.00	(1,822.09)	828.80%
001-519-470-000	Printing and Binding	-	-	4,000.00	4,000.00	0.00%
001-519-490-000	Computer Repair	8,687.05	8,687.05	2,000.00	(6,687.05)	434.40%
001-519-494-000	Inspector General Office	-	468.00	2,172.00	1,704.00	21.60%
001-519-900-000	Transfer to Transportation Fund	-	-	-	-	0.00%
001-519-910-000	Transfer to Sanitation Fund	-	-	13,694.00	13,694.00	0.00%
001-519-920-000	Transfer to Capital Projects	-	-	1,000,000.00	1,000,000.00	0.00%
001-519-990-000	Contingency	-	-	312,124.00	312,124.00	0.00%
	Other Governmental Services Total	11,764.02	26,160.34	1,406,240.00	1,380,079.66	
001-521-341-000	Professional Services-PBSO	22,898.75	91,595.00	274,785.00	183,190.00	33.30%
001-521-342-000	Contractual-ADDL PBSO	-	-	4,000.00	4,000.00	0.00%
	Law Enforcement Total	22,898.75	91,595.00	278,785.00	187,190.00	
001-541-310-000	Professional Services	462.50	462.50	-	(462.50)	-
001-539-340-000	Other Services	175.00	275.00	-	(275.00)	-
	Public Works Total	637.50	737.50	-	(737.50)	
	Grand Total Expenditure	64,042.61	225,156.07	2,098,850.00	1,902,606.93	10.60%
	Net Revenue	66,336.96	205,740.55	-	(3,599,473.31)	



**TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF JANUARY 31, 2012**

**Transportation Fund
Revenues**

Account Number	Account	Month to Date	Year to Date	Annual Budget	Annual Variance	% Used
101-312-410-000	1st Local Option Fuel Tax	19,479.63	59,032.81	244,969.00	(185,936.19)	24.10%
101-312-420-000	2nd Local Option Fuel Tax	9,228.84	27,989.74	113,480.00	(85,490.26)	24.70%
101-363-990-000	Contribution from General Fund	-	-	-	(48,913.00)	0.00%
Total Revenue		28,708.47	87,022.55	358,449.00	(320,339.45)	21.40%

**Transportation Fund
Expenditures**

Account Number	Account	Month to Date	Year to Date	Annual Budget	Annual Variance	% Used
101-541-468-000	Non-District Roads (6 ct) Maint.	8,000.00	8,000.00	94,969.00	86,969.00	8.40%
101-541-469-000	District Roads (6 ct) Maint.	-	180.29	150,000.00	149,819.71	0.10%
101-541-631-000	Road and Streets (5 cent)	-	-	113,480.00	113,480.00	0.00%
101-541-634-000	148th Terr Bridge (5)/Culvert	500.00	49,838.69	-	(49,838.69)	100.00%
101-541-650-000	Non-District Roads (6 cent)	1,217.92	1,217.92	-	(1,217.92)	-
Total Expenditure		9,717.92	59,236.90	358,449.00	348,125.10	14.50%
Net Revenue		18,990.55	27,785.65	-	(668,464.55)	



**TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF JANUARY 31, 2012**

**Capital Improvement Program
Revenues**

Account Number	Account	Month to Date	Year to Date	Annual Budget	Annual Variance	% Used
305-363-990-000	Contributions from General Fund	-	-	1,000,000.00	(1,000,000.00)	0.00%
	Total Revenue	-	-	1,000,000.00	(1,000,000.00)	0.00%

**Capital Improvement Program
Expenditures**

Account Number	Account	Month to Date	Year to Date	Annual Budget	Annual Variance	% Used
305-541-341-000	Linear Park/Grant Match	-	-	100,000.00	100,000.00	0.00%
305-541-346-000	OGEM Paving/Cost Sharing	-	-	450,000.00	450,000.00	0.00%
305-541-434-000	Road & Drainage Improvement	-	-	350,000.00	350,000.00	0.00%
305-541-436-000	Traffic Light Okeechobee	-	-	100,000.00	100,000.00	0.00%
	Total Expenditure	-	-	1,000,000.00	1,000,000.00	0.00%
	Net Revenue	-	-	-	(2,000,000.00)	



**TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF JANUARY 31, 2012**

Solid Waste Fund Revenues		Account	Month to Date	Year to Date	Annual Budget	Annual Variance	% Used
405-323-125-000	Haulers Licensing Fee	500.00	500.00	2,000.00	(1,500.00)	25.00%	
405-325-205-000	Solid Waste Assessments	24,199.69	359,336.69	469,640.00	(110,303.31)	76.50%	
405-325-206-000	Discount Fees	(756.82)	(14,133.66)	(18,785.00)	4,651.34	75.20%	
405-343-120-000	SWA Recycling Income	64.02	2,562.60	7,000.00	(4,437.40)	36.60%	
405-363-990-000	Contributions from General Fund	-	-	13,694.00	(13,694.00)	0.00%	
Total Revenue			24,006.89	348,265.63	473,549.00	(125,283.37)	73.50%

Account Number	Account	Month to Date	Year to Date	Annual Budget	Annual Variance	% Used	
405-534-345-000	Contractual - Waste Over	800.00	2,650.00	12,000.00	9,350.00	22.10%	
405-534-346-000	PBC Administration Fee 1	234.43	3,425.95	4,710.00	1,284.05	72.70%	
405-534-420-000	Postage & Freight	-	-	539.00	539.00	0.00%	
405-534-434-000	Solid Waste Contractor	37,636.20	112,908.62	452,300.00	339,391.38	25.00%	
405-534-436-000	Other Sanitation Service	-	300.00	2,500.00	2,200.00	12.00%	
405-534-490-000	Legal Advertising	-	-	1,500.00	1,500.00	0.00%	
Total Expenditure			38,670.63	119,284.57	473,549.00	354,264.43	25.20%

Net Revenue (14,663.74) 228,981.06 - (479,547.80)



TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT

Item 6a.
Ordinance 2012-03
Manure Dumping

Revised February 29, 2012

TO: Mayor and Town Council

FROM: Mark A. Kutney, Town Manager, AICP, ICMA-CM

DATE: February 1, 2012

SUBJECT: Manure Dumping Ordinance **Modifications**

I. BACKGROUND/HISTORY

At the January 3, 2012 meeting, the Town Council discussed the Manure Dumping issue relative to a number of equestrian events occurring during the months of January and February in Wellington. Town Management advised that the amount of permit holders had dropped off from 2010 and the Town was receiving numerous complaints. Staff had further advised that the Solid Waste Monitoring Consultant was directed to monitor this activity throughout the town. Town Management also indicated they would further review the matter and Councilman Rockett advised that he would raise the matter with the Western Communities Council. **At the February 7th Town Council Meeting, the ordinance related to manure dumping was discussed and the Town Council reviewed the Management Staff recommendations. Town Council sent the ordinance back for further revisions with such revisions to be incorporated at a 1st Reading of the ordinance.**

II. DISCUSSION

Since the aforementioned meeting Town management has continued to review the situation. The Solid Waste Monitoring Consultant also caught three violators that were dumping without permits and the haulers were directed to Town Offices for proper permitting. Additionally, Town Management has continued to review and work with Ordinance 2010-03 and in that process, have consulted with the City Attorney and mutually agreed on several changes to the Ordinance that will enhance the Town's effectiveness in dealing with Manure Dumping.

Ordinance 2012-03 amending and restating Ordinance 2010-03 contains the following significant modifications: 1) Section 3 now requires a property owner to demonstrate that Manure and

Horse Bedding that a property receives is the appropriate quantity designed for bona fide agricultural purposes and provides that a permit issued to a property owner is limited to one transporter with a property owner having one permit at a time; 2) Section 4 requires that manure and horse bedding may not be dumped within 100 feet of the property line or 100 feet of any well on the property; 3) Section 6 tightens up code enforcement whereby each day a violation exists and for each haul where there is no permit constitutes a separate violation of this ordinance; In Section 8 a. the provision tightens up the requirements for property owner receiving the manure and horse bedding permit in concert with those items in Sections 3 and 4 above; and Section 8 b. changes the annual permit fee from \$500.00 to \$1,000.00 and also charges a double fee of \$2,000.00 if a hauler transports manure before acquiring the required permit.

Pursuant to the Town Council review on February 7, 2012, the changes were made to Section 3 Designation of property as agricultural and for agricultural and residential properties to obtain a permit from the Town Management Staff; Section 4 Distance requirements were modified from one hundred feet (100') to fifty feet (50'); Section 8 a. adding that property must be designated agricultural or residential on the tax rolls and the aforementioned distance changes; and Section 8 b. Modified to address the number of loads and provisions for haulers exceeding the permitted number of loads.

In tandem with the proposed amendments above, Town Management is also exploring the concept of utilizing alternate code enforcement methods including citations or a notice to appear (NTA) in County Court, which would permit the Town to address violators unwilling to comply with the Ordinance. This would permit the Town to enforce the Ordinance against the haulers of manure.

Staff has discussed the concept with the City Attorney and Lt. Combs, and both agree that these methods may be viable in enforcing the Ordinance. Town Management has also discussed the Ordinance with Lt Combs and asked him to review with the legal offices in PBSO to ensure that PBSO can provide adequate support to the Town.

Finally, Town Management would recommend that the Town Council authorize the Staff to arrange a joint meeting with Village of Wellington Council this summer to coordinate for the 2013 season of equestrian activity and obtain the Wellington's cooperation regarding this matter

III. FISCAL IMPACT

The proposed amendments in question ~~should help the~~ will make it difficult for the Town to recover costs associated with the administration of the manure dumping program especially relative to those situations when code enforcement activity is necessary to achieve compliance. Town Management cannot envision any negative aspects of the proposal.

IV. ATTACHMENTS

Ordinance 2012-03 – Manure Dumping

V. RECOMMENDATION

In accordance with the above, Town Management recommends that Town Council adopt Ordinance 2012-03 on 1st Reading with modifications incorporated. **However, it is requested that Town Council give consideration to Management Staff concerns with enforcement.** Support the Management Staff efforts with the alternate code enforcement methods and authorize the Town Manager to move forward later in the year and arrange a joint meeting with the Village of Wellington Council.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING AND RESTATING ORDINANCE 2010-003, RELATING TO DUMPING OF MANURE AND HORSE BEDDING WITHIN THE TOWN; PROVIDING THAT ONLY THOSE PROPERTIES DESIGNATED AGRICULTURE OR RESIDENTIAL ON PROPERTY TAX RECORDS MAY RECEIVE MANURE AND HORSE BEDDING FOR AGRICULTURAL USE ON THE PROPERTY; AMENDING THE PERMITTED DAYS FOR DEPOSITING MANURE AND HORSE BEDDING; PERMIT APPLICATION REQUIREMENTS FOR PROPERTY OWNERS AND HAULERS; ADDING PROVISIONS ON THE LOCATION OF DUMPING ON PROPERTY; AMENDING PROVISIONS RELATING TO HAULER PERMIT FEES; PROVIDING THAT EXCEPT AS AMENDED HEREIN, ORDINANCE 2010-003 IS RESTATED AND IN FORCE AND EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 6, 2010, the Town Council of the Town of Loxahatchee Groves adopted Ordinance 2020-003, to provide requirements for permits by landowners and transporters of manure and horse bedding in the Town; and,

WHEREAS, the Town Council believes that Ordinance 2010-003 should be amended to provide for additional items relating to permit requirements and fees; and,

WHEREAS, except as amended herein, Ordinance 2010-003 shall remain in full force and effect in the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof. Ordinance 2020-003 is amended as set forth herein.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-03

Section 2. It shall be prohibited for a property owner to permit the depositing of Manure and Horse Bedding onto real property within the Town except when the Manure and Horse Bedding is being used by the property owner for bona fide agricultural purposes in appropriately limited quantities after obtaining a permit from the Town.

Section 3. It shall be prohibited for any person to deposit Manure and Horse Bedding on any property within the Town, regardless of the consent of the property owner, unless such person, and the property owner, has obtained a permit from the Town confirming that the Manure and Horse Bedding is to be used for bona fide agricultural purposes; and, in no case may the amount of Manure and Horse Bedding deposited exceed the amount set forth in the permit issued to the Property Owner by the Town. With the exception of a Town Manager-approved permit for residential property hereinafter provided, the property on which the Manure and Horse Bedding is to be deposited must be designated as agricultural by the Palm Beach County Tax collector for property tax purposes. Property owners of property designated as residential by the Palm Beach County Tax Collector may obtain a permit from the Town Manager when the property owner of the residential property demonstrates to the Town Manager that the Manure and/or Horse Bedding is solely for private, personal use on-site. The Town Manager shall advise the Town Council of all permits approved for residential properties. The determination of the appropriate quantity of Manure and Horse Bedding for use for bona fide agricultural purposes shall be based upon uses and custom associated with the specific agricultural use on the property, which may include recognized formulas of government agencies or published studies. A permit issued to a property owner pursuant this Ordinance is limited to one transporter, and a property owner may have only one permit at a time.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-03

Section 4. Notwithstanding the issuance of a permit, the depositing of manure and horse bedding shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m. on Mondays through ~~Fridays~~Saturdays, and prohibited at all times on Saturdays and Sundays. A hauler shall not dump Manure and Horse Bedding within fifty (50) feet of the property line or within fifty (50) feet of any well on the property. The limitations in this Section do not apply to the spreading or use of the manure and horse bedding.

Section 5. The Town Council hereby finds that a violation of this ordinance presents a public nuisance for purposes of enforcement of Section 403.413, Florida Statutes, and law enforcement officers charged with the enforcement of state and local laws within the Town shall strictly enforce Section 403.413, Florida Statutes.

Section 6. The Town Administration is authorized to use the Town's Code Enforcement process to enforce violations of this ordinance where a law enforcement officer has not otherwise issued violations of Section 403.413, Florida Statutes. In such instances, the fine shall be \$250 for the initial violation and \$500 for each subsequent violation, with each load or each day being a separate violation. Each day a violation remains, and each haul for which there is no permit, constitutes a separate violation of this ordinance.

Section 7. Upon the issuance of a violation notice under Section 403.413, Florida Statutes, or this ordinance, any permits issued by the Town shall be suspended and all Manure and Horse Bedding deposit activity stopped until such time as a hearing is conducted or the fines paid. Should a person violate this ordinance on more than one (1) occasion during a calendar year, that person shall not be granted a permit from the Town for a period of one (1) calendar year from the date of the last violation.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-03

Section 8. Permits shall be obtained by both property owners and transporters from the Town.

a. Property Owners shall obtain a permit from the Town for each use of manure or horse bedding, regardless of the number of loads, during which time the Property Owner shall advise in writing: (1) whether the real property on which the manure and/or horse bedding is to be dumped is designated agriculture or residential on the tax roll for property tax purposes; (2) the volume being used under the permit; (3)-and the transporter for the material; (4),-and will certify that the manure or horse bedding is being used for bona fide agricultural purposes, and for residential properties include sufficient information to enable the Town Manager to determine whether the use is for private, personal use on site; (5) confirming through a property site drawing or layout that the manure and horse bedding will not be dumped within fifty (50) feet of the property line or within fifty (50) feet of any well on the property; and (6) that the property owner hasy-have verified that the transporter for the materials has a permit from the Town. One of the conditions on the issuance of a permit to a property owner is that it shall provide consent for a Town representative to inspect the property solely for purposes of ensuring compliance with the terms of the permit. There shall be no charge for a Property Owner Permit.

b. Transporters shall obtain an annual permit from the Town for the deposit of up to loads of Manure and Horse Bedding within the Town. For purposes of this ordinance, a "load" shall equate to forty (40) cubic yards. In obtaining the permit, the transporter will acknowledge that it is aware of the Town's regulations relating to the deposit of manure and horse bedding, and that it will confirm upon receipt of a request for materials from a property owner within the Town that the purpose for such manure and horse bedding is for bona fide

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-03

agricultural purposes, and that the property owner has obtained the necessary permit from the Town. All permits for transporters shall expire each September 30 regardless of the date of issuance. Transporters are responsible for the timely renewal of its annual permit. The annual permit fee shall be \$500.00. A hauler may exceed ____ loads permitted that it pays, in advance, an additional fee of \$ ____ per load. A transporter who applies for an application subsequent to transporting manure into the Town shall be charged a fee of \$ 2,000.00, and for permitted haulers that exceed the permitted number of loads and do not pay in advance for additional loads, the cost per additional load shall be \$ ____. The application fees set forth herein ~~which~~ may be adjusted by the Town Council by resolution.

Section 9. As used in this ordinance “bona fide agricultural purposes” means farming, pasture, grove, or forestry operations, including horticulture, floriculture, viticulture, dairy, livestock, poultry, bee and aquaculture, consistent with Section 823.14, Florida Statutes (Right to Farm) and Section 570.02, Florida Statutes (Agriculture).

Section 10. **Effect on Ordinance 2010-003.** Except as amended herein, Ordinance 2010-003 remains in full force and effect.

Section 11. **Repeal of Laws in Conflict.** All Ordinances or part of Ordinances in conflict herewith are in the same are hereby repealed to the extent of such conflict.

Section 12. **Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 13. **Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-03

Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 14. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ___ DAY OF _____, 2012.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ___ DAY OF _____, 2012.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

TOWN CLERK

Vice Mayor Ryan Liang

APPROVED AS TO LEGAL FORM:

Council Member

Office of the Town Attorney

Council Member

Council Member

MDC:aw

Item 9a.
Easement From C Rd - B Rd



TOWN OF LOXAHATCHEE
OFFICE OF THE TOWN MANAGER
AGENDA REPORT

TO: Mayor and Town Council

FROM: Mark A. Kutney, Town Manager, AICP, ICMA-CM

DATE: February 29, 2012

SUBJECT: Easement from C Road to B Road Using 6th Court North

I. BACKGROUND/HISTORY

At the January 3, 2012 Town Council Meeting, Councilman Goltzené proposed to connect the areas along the south side of Collecting Canal Road from D Road to C Road for a horse and walking trail by creating a culvert in the ditch, filling in the ditch using the dirt from the berm, removing the exotics, and putting in gates at each end for accessing the property. Councilman Jarriel expressed in favor of the proposal and requested that it be passed through Roadway, Equestrian Trails and Greenway Advisory Committee. Mayor Browning noted the following direction for Town Manager Kutney: 1) Pursue funds for grants for overall horse trails. 2) Move forward with the LGWDC on this proposal. There were no objections from the Town Council.

At the February 7, 2012 Town Council Meeting, the Town Council, agreed by consensus, to ask the Staff to look into a possible easement from C Road to B Road using 6th Court North; consult with the LGWCD; confirm the property line; and contact the property owners.

II. DISCUSSION

At the January 3, 2012 Town Council meeting, although no official motion and vote took place, Town Management was clear on the direction and this matter has moved through the LGWCD, Roadway Equestrian Trails and Greenways Committee (RETGAC), and the IGC. However, the action taken by consensus at the February 7th meeting occurred during the presentation by the Chair of RETGAC and was not considered an action item. Additionally, the minutes for the RETGAC meetings were not formally approved and reviewed by the entire committee. Furthermore, Town Management was not aware that this presentation was going to be utilized for action other than the Creation of a Vision Statement. As a result, Town Management did not have time to respond and the Town Council action by consensus did not include much dialogue

on the matter. Town Management would request a proper vetting of this issue with a Council vote and an opportunity to seek clear direction for Town Management.

III. FISCAL IMPACT

Not known at this time

V. RECOMMENDATION

Town Management recommends that Town Council revisit the item, provide clear direction to Town Management and take a vote in support of the direction given.



**TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT**

TO: Mayor and Town Council

FROM: Mark A. Kutney, Town Manager, AICP, ICMA-CM

DATE: March 1, 2012

SUBJECT: Code Enforcement Contract Extension with Tew & Taylor Inc.

I. BACKGROUND/HISTORY

At the Town Council meeting of October 18, 2011, the Town Council approved a contract extension for Tew & Taylor Inc. Several modifications were added to the contract including a change in the term to six (6) months and a limitation of compensation to \$15,000.00 for the contract term.

This amendment extends the contract for an additional six (6) months at a recommended compensation of \$20,000 for this new term.

II. DISCUSSION

During the deliberations last October regarding this contract, there was Town Council concern relative to spiraling costs related to code enforcement prompting the limitations cited above. Since that time, Town Management Staff has had time to work with the consultant. The consultant has been timely in response to requests and cooperative regarding all matters. They have been successful in remaining within budget for the term. However, in November, Town Management was successful in restarting Special Magistrate hearings. As a result, over \$5,000.00 of Tew and Taylor's billings are a direct result of work items related to the Special Magistrate hearings. Additionally, the Consultant and Town Management have commenced discussions and strategies for moving ahead and seeking solutions for the reduction in caseload.

III. FISCAL IMPACT

Efforts at cost containment appear to be working and at this point in time, the Town should be under budget for this fiscal year with code enforcement. However, as indicated in previous meetings the line item related to Special Magistrate will be over budget and need to be addressed.

IV. ATTACHMENTS

Amendment to Agreement Between the Town of Loxahatchee Groves and Tew & Taylor Inc., For Code Enforcement and Related Services

V. RECOMMENDATION

Town Management recommends the Town Council approve the Amendment to the Agreement between the Town of Loxahatchee Groves and Tew & Taylor Inc., for Code Enforcement and Related Services

**AMENDMENT TO AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE
GROVES AND TEW & TAYLOR, INC., FOR
CODE ENFORCEMENT AND RELATED SERVICES**

This is an Amendment to Agreement, made and entered this ____ day of _____, 2012, by and between: the TOWN OF LOXAHATCHEE GROVES, a Florida municipal corporation, and TEW & TAYLOR INC., a for profit corporation existing under the laws of the state of Florida.

W I T N E S S E T H:

WHEREAS, the TOWN OF LOXAHATCHEE GROVES (“TOWN”) and for TEW & TAYLOR INC., (“TEW & TAYLOR”) entered into an Agreement dated _____, 2012, TEW & TAYLOR to provide code enforcement services to the Town; and,

WHEREAS, the Town Council finds that it is in the best interest of the Town to amend the Agreement with TEW & TAYLOR to renew it for an additional six (6) month term pursuant to the recommendation of the Town’s Town Management.

NOW, THEREFORE, in consideration of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, TEW & TAYLOR and the TOWN agree to amend the Agreement as follows:

A. Article 3, Section 3.1 of the Agreement, is amended to read as follows:

3.1 TEW & TAYLOR shall provide the Services set forth in Exhibit "A", which is attached hereto and incorporated herein by reference, at the rate of Forty-Five Dollars (\$45.00) an hour, with no minimum. The total compensation authorized under this Amendment to the Agreement, for work done during the amended term as set forth below, is Twenty Thousand Dollars (\$20,000.00). No payments in excess of \$20,000.00 shall be made to CONSULTANT unless approved by the TOWN Council, and in the event CONSULTANT performs services that exceed \$20,000 without the prior approval of the TOWN Council, such shall be done at its sole risk and there shall be no guarantee of payment for such services that exceed \$20,000 and were not previously approved.

B. Article 4, Section 4.1 of the Agreement to read as follows:

4.1 The renewal term for services pursuant to this Amendment to the Agreement shall be deemed to have commenced on **April 1, 2012**, and shall continue in full force and effect until and through, **September 30, 2012**. This Agreement may be renewed for one additional one (1) year term, upon the execution of a written amendment to this Agreement, of equal dignity herewith.

C. In all other respects, and other than amended herein, the Agreement remains in full force and effect, is incorporated herein, and the parties shall be governed by the provisions set forth therein as if fully set forth herein.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals the day and year first above written.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

BY: _____
David Browning, Mayor

Janice M. Moore, Town Clerk

APPROVED AS TO FORM:

Michael D. Cirullo, Jr., Town Attorney

TEW & TAYLOR INC.

BY: _____
Beverly Tew, President

STATE OF FLORIDA)
) SS
COUNTY OF PALM BEACH)

BEFORE ME, an officer duly authorized by law to administer oaths and take acknowledgments, personally appeared _____ of TEW & TAYLOR Inc. who is personally known to me or has produced _____ as identification, and acknowledged execution of the foregoing Agreement as the proper official of TEW & TAYLOR Inc. of for the use and purposes mentioned in it and that the instrument is the act and deed of the Corporation.

IN WITNESS OF THE FOREGOING, I have set my hand and official seal at in the State and County aforesaid on this _____ day of _____, 2012.

NOTARY PUBLIC

My Commission Expires:



**TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT**

TO: Mayor and Town Council

FROM: Mark A. Kutney, Town Manager, AICP, ICMA-CM

DATE: March 1, 2012

SUBJECT: Authorization to Prepare an Amendment to the Unified Land Development Code (ULDC)

I. BACKGROUND/HISTORY

A recent code enforcement complaint that was investigated by the Town concluded with the Town issuing a Correction Notice to the owner of property at 15720 Okeechobee Boulevard. The property owner (888 Farms LLC) permitted the British Hay Company as a lessee to conduct a retail hay sales operation at the Okeechobee location. Retail sales of this nature are not permitted within the current ULDC. The owner of the British Hay Company and the property owner requested Town assistance from the standpoint of any possible legal remedy that would allow the hay sales operation to continue legally at the site in question. Town Management Staff consulted with the Town Attorney and Town Planner to discuss options that the lessee/lessor have in this matter. It was determined by the aforementioned Town representatives that an amendment could be drafted to the ULDC that would cure the problem and protect the integrity of the Town's ULDC.

II. DISCUSSION

In essence, the Town Council would have to authorize Town representatives to work on the proposed amendment. The approach would be to permit limited retail sales of hay, bagged feed, bagged shavings, equine supplements and other equine and agricultural related products as a conditional use in the Agricultural Residential (AR) Zoning District. By drafting additional provisions (conditions) to regulate the prospective use, Town representatives believe that an amendment can be crafted that will comport with the purpose and intent of the AR Zoning District and provide adequate safeguards relative to its application throughout the Town. Town

Management Staff has discussed this option with the lessee/lessor and they are in agreement with the proposed solution and are willing to cooperate should Town Council authorize.

III. FISCAL IMPACT

The British Hay company has agreed to fund the costs of the Town Planner, Town Attorney and all other associated costs (i.e., advertising costs etc.) in the preparation of this amendment. The only costs not covered are those costs generated by Town Management Staff in the processing of this amendment.

V. RECOMMENDATION

Based upon the above, Town Management would recommend that Town Council authorize by motion the approval of Town representatives to draft an amendment to the ULDC and bring such amendment through the process for adoption.



TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT

TO: Mayor and Town Council

FROM: Mark A. Kutney, Town Manager, AICP, ICMA-CM

DATE: March 1, 2012

SUBJECT: IGC Town Council Member Terms of Service

I. BACKGROUND/HISTORY

The genesis of the Intergovernmental Coordination Committee (IGC) came from a study entitled “Cost Benefit Analysis of Consolidating the Town Government of Loxahatchee Groves and Loxahatchee Groves Water Control District” prepared by District Offices Management on October 21, 2008. The 4th Alternative outlined in the study called for the establishment of a committee comprised of one (1) board member and one (1) administrator from both the Town and District to stand in service to meet the charter intent in developing service delivery. On November 18, 2008, the Town Council approved Alternative 4 and the District approved the alternative 8 days earlier on November 10, 2008. In recent Town Council meetings on January 17, 2012 and February 7, 2012, the Town Council discussed the concept of appointment of Town Council members for a period greater than the four (4) month rotational schedule. Councilman Ron Jarriel requested that this matter be placed on the agenda for a final discussion.

II. DISCUSSION

This report is presented to provide some perspective on the representation matter. The central question of contention is the preferred method by which the Town Council/District Supervisors utilize for the purpose of providing representation on the committee. The two methods in question are four month service rotation or appointment for a longer period of time (e.g., six months or a year). In reviewing the District Offices Management Report, there were no recommendations relative to how long respective members of both elected bodies should serve. Four (4) months for Town Council service came about as a result of the original Town Council motion adopting the concept on November 18, 2008. Until this month, the District Board of

Supervisors utilized a two month rotational schedule suggesting there was no formal rule to follow (the Board changed to a four month rotation at its February 13, 2012 Meeting). In review of the two (2) methods in question, both have merit. A longer appointment provides for continuity and consistency in policy matters and affairs addressed by the committee. In terms of negatives, as long as good communication between the entire Town Council and the appointed member exists, the concern that an appointed member might use the committee for the advancement of a personal agenda is mitigated. Also, the Town Manager is a member of the Committee and can further assist by being a bridge between the appointed member and the Town Council. A rotation schedule (assuming 4 months) provides for greater participation by having three members of each entity participate during a given year. However, with participation changing at the assumed frequency, coordination can be potentially compromised. It then becomes incumbent upon the Town Manager and District Administrator to assist their members and ensure that issues do not suffer due to potential continuity concerns.

III. FISCAL IMPACT

There does not appear to be a fiscal impact as a result of using one of the methods discussed over the other.

V. RECOMMENDATION

Town Management would recommend that in making a decision on this matter, the Town Council first determine what is most important to the Council as a collective body. If continuity and consistency is the desired outcome, this will provide context for Council. Conversely, if the desire to ensure greater participation is deemed to be the greater benefit, Council can decide accordingly. In summary, both methods have merit, it is simply a decision based upon desired intent and objectives.