



TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MEETING AGENDA
TUESDAY, JANUARY 15, 2013

Mayor David Browning (Seat 4)

Vice Mayor Jim Rockett (Seat 2)

Councilman Tom Goltzené (Seat 5)

Councilman Ronald D. Jarriel (Seat 1)

Councilman Ryan Liang (Seat 3)

Town of Loxahatchee Groves
Town Council Meeting
Tuesday, January 15, 2013 at 7:00 p.m.
Loxahatchee Groves Water Control District, 101 West “D” Road

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

Town Manager Mark Kutney
Town Clerk Susan A. Eichhorn
Town Attorney Michael D. Cirullo, Jr.

PUBLIC NOTICE/AGENDA

Tentative
Subject to Revision

1. OPENING

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

2. CONSENT AGENDA

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

3. PRESENTATIONS

- a. CAFR Presentation – *Darlene Malaney, CIMA, Director, Finance Services, Palm Beach County Clerk & Comptroller’s Office*

- b. Certificate of Appreciation for outstanding support for Read for the Record to Mayor Browning from the Literacy Coalition of Palm Beach County- *Jeanne Heavilin, Volunteer & Ourtreach Coordinator.*
- c. South Florida Water Management Presentation – *Pam McKee*
- d. Proclamation for Volunteers – Certificates of Appreciation – *Mayor Browning*
C & C Loader: Johnny Choquette
Color Garden Farms: Elise Ryan,
Weston Nursery: Jim Rockett

4. COMMITTEE REPORTS

- a. Finance Advisory & Audit Committee (FAAC) Report – FAAC Special Meeting held on January 9, 2013 – *Vice Chair, Elise Ryan*

5. PUBLIC HEARINGS (Ordinances 2nd Reading) –

- a. Ordinance No. 2012-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO ELECTIONS; PROVIDING FOR VACANCY IN CANDIDACY PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

6. ORDINANCES (1st Reading) - Continued from December 4, 2012, Town Council Meeting

a. Public Hearing:

Ordinance No. 2012-12

AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO AMEND ARTICLE 10 ENTITLED “DEFINITIONS, ABBREVIATIONS, AND CONSTRUCTION OF TERMS,” SECTION 10-015, ENTITLED “DEFINITIONS” TO ADD A NEW DEFINITION FOR “RESIDENTIAL AGRICULTURAL SALES AND SERVICES;” TO AMEND ARTICLE 20, ENTITLED “RESIDENTIAL ZONING DISTRICTS,” SECTION 20-015, ENTITLED “PERMITTED USES,” TO ADD RESIDENTIAL AGRICULTURAL SALES AND SERVICES AS AN ACCESSORY USE SUBJECT TO ARTICLE 80 (CONDITIONAL USE) IN THE AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT; TO AMEND ARTICLE 80, ENTITLED “CONDITIONAL USES,” TO ADD A NEW SECTION 80-60, ENTITLED “RESIDENTIAL AGRICULTURAL SALES AND SERVICES,” TO PROVIDE CONDITIONS ON RESIDENTIAL AGRICULTURAL SALES AND SERVICES USES IN THE AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

7. RESOLUTIONS

a. Resolution 2013-01 Establishing Zoning Fees

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING AND ESTABLISHING CERTAIN ZONING REVIEW FEES; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

8. ADMINISTRATIVE UPDATE – Town Manager Kutney

9. OLD BUSINESS

- a. Ryan Liang appointment to ULDC Committee
- b. Code Enforcement Policy – Town of Loxahatchee Groves
- c. Paying yearly debt assessment for OGEM roads that are finished – *Ron Jarriel*
 - 1. Town to pay for rest of lettered roads to be OGEMed with approval of residents – *Ron Jarriel*
 - 2. Town to pay for the resurfacing of Bryan Road, Compton Road and Marcella Blvd. Estimate needed from local contractors now – *Ron Jarriel*
 - 3. Town to purchase property at 3995 “A” Road for future equestrian, bike and hiking trails – *Ron Jarriel*
 - 4. Get an estimate from local contractors on cleaning out Compton Road drainage ditch on north side – *Ron Jarriel*
 - 5. Establish interlocal agreement with LGWCD for hedging Town Road easements/right-of-ways – *Ron Jarriel*

10. NEW BUSINESS

- a. Charter and Ethics Code Violations - *Ron Jarriel*

11. CLOSING COMMENTS

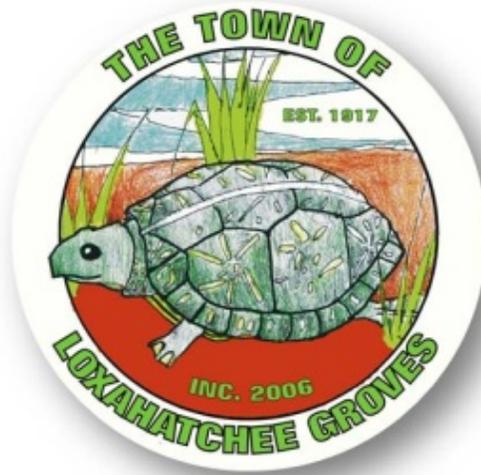
- a. Public

- b. Town Attorney
- c. Town Council Members

12. ADJOURNMENT

The next Town Council Meeting is scheduled for Tuesday, February 5, 2013 at 7:00 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.



2.a. CONSENT AGENDA

Invoice from Goren, Cherof, Doody & Ezrol, P.A.

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

Page: 1
 01/03/2013

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

ACCOUNT NO: 1574-0702400R
 STATEMENT NO: 73

General Matters

MDC

	HOURS
11/29/2012 MDC Miscellaneous telephone calls, review election matters; review correspondence with SOE, research statutes on SOE obligations; review SOE Agreement; revise ordinance and resolution for election matters; revise resolutions for agenda; telephone conference with MK, SE on agenda matters; miscellaneous telephone calls with Council members.	2.60
11/30/2012 MDC Telephone conference with MK on pending items, 12/03/12 agenda.	0.30
12/03/2012 MDC Review materials, confer with MK on pending general matters; review agenda materials for 12/04/12 meeting.	1.30
12/04/2012 MDC Miscellaneous telephone conference with Council, MK, SE; review materials, prepare for and attend Council meeting.	4.90
12/05/2012 MDC Miscellaneous telephone calls, follow up on 12/04/12 Council meeting.	0.30
12/07/2012 MDC Telephone conference with JF on LDR matters,	

General Matters

		HOURS	
	review correspondence on AGO.	0.30	
12/11/2012	MDC Miscellaneous telephone calls on District matters, review pending code cases.	0.40	
12/12/2012	MDC Miscellaneous telephone calls on pending matters; review correspondence on roads.	1.40	
12/15/2012	MDC Miscellaneous telephone calls on pending matters; telephone conference with MV on district/roads.	0.40	
12/21/2012	MDC Telephone conference with MK on pending items, review correspondence on roads, agenda followup.	0.60	
12/27/2012	MDC Telephone conference with MK on pending items.	0.30	
	FOR CURRENT SERVICES RENDERED	<u>12.80</u>	<u>2,368.00</u>

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RAT</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	12.80	\$185.00	\$2,368.00

COPYING COST	<u>1.00</u>
TOTAL EXPENSES	1.00
TOTAL CURRENT WORK	2,369.00
BALANCE DUE	<u>\$2,369.00</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

Please note that this matter has been assigned a new number. Please reference this number when making inquiries or payments and contact Trish Piro at 954-771-4500 with any questions.

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

Page: 1

01/03/2013

TOWN OF LOXAHATCHEE GROVES
Att: Mayor David Browning
14579 Southern Blvd. Ste, 2
Loxahatchee FL 33470

ACCOUNT NO: 1574-1004840R
STATEMENT NO: 16

Loxahatchee Groves Commons

		HOURS	
12/11/2012	MDC Review materials, PUD application, prepare for 12/12/12 meeting.	0.30	
12/12/2012	MDC Review materials, prepare for and attend meeting with applicant on PUD.	1.70	
	FOR CURRENT SERVICES RENDERED	2.00	370.00

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RAT</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	2.00	\$185.00	\$370.00

TOTAL CURRENT WORK 370.00

BALANCE DUE \$370.00

MDC

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

Please note that this matter has been assigned a new number. Please reference this number when making inquiries or payments and contact Trish Piro at 954-771-4500 with any questions.

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

Page: 1

01/03/2013

TOWN OF LOXAHATCHEE GROVES
 Att: Mayor David Browning
 14579 Southern Blvd., Ste. 2
 Loxahatchee FL 33470

ACCOUNT NO: 1574-1004800R
 STATEMENT NO: 11

Equestrian Partners Land Use Amendment (Solar
 Sportsystems, Inc.)

		HOURS	
12/12/2012			
MDC	Review materials, prepare for and attend meeting with applicant on PUD.	1.70	
	FOR CURRENT SERVICES RENDERED	1.70	<u>314.50</u>

RECAPITULATION			
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RAT</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	1.70	\$185.00	\$314.50
TOTAL CURRENT WORK			314.50
BALANCE DUE			<u>\$314.50</u>

moc

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

Please note that this matter has been assigned a new number. Please
 reference this number when making inquiries or payments and contact
 Trish Piro at 954-771-4500 with any questions.

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

Page: 1

01/03/2013

TOWN OF LOXAHATCHEE GROVES

Att: Mark Kutney, Town Manager
 14579 Southern Blvd., Ste 2
 Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1107567R
 STATEMENT NO: 1

Valley Crest Site Plan

		HOURS		
11/30/2012				
MDC	Review materials on site plan application, prepare for 12/03/12 meeting with staff.	0.50		
12/03/2012				
MDC	Review materials, prepare for and attend meeting with BT, JF, MK on site plan issues.	1.30		
12/06/2012				
MDC	Review materials, attend meeting with applicant.	<u>2.30</u>		
	FOR CURRENT SERVICES RENDERED	4.10	<u>758.50</u>	

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RAT</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	4.10	\$185.00	\$758.50

TOTAL CURRENT WORK 758.50

BALANCE DUE \$758.50

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE. *max*

Please note that this matter has been assigned a new number. Please reference this number when making inquiries or payments and contact Trish Piro at 954-771-4500 with any questions.

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

Page: 1
 01/03/2013

TOWN OF LOXAHATCHEE GROVES
 Att: Mark Kutney, Town Manager
 14579 Southern Blvd., Ste 2
 Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1107566R
 STATEMENT NO: 2

Initiative Committee (PBSC Comp Plan)

		HOURS	
11/29/2012			
MDC	Prepare correspondence to committee attorney on status of committee membership.	0.40	
	FOR CURRENT SERVICES RENDERED	0.40	74.00

RECAPITULATION			
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RAT</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	0.40	\$185.00	\$74.00
TOTAL CURRENT WORK			74.00
BALANCE DUE			<u>\$74.00</u>

MDC

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

Please note that this matter has been assigned a new number. Please reference this number when making inquiries or payments and contact Trish Piro at 954-771-4500 with any questions.

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

TOWN OF LOXAHATCHEE GROVES
 Att: Mark Kutney, Town Manager
 14579 Southern Blvd., Ste 2
 Loxahatchee Groves FL 33470

Page: 1
 01/03/2013
 ACCOUNT NO: 1574-1107562R
 STATEMENT NO: 5

adv. Day, Willie and Frankie

		HOURS	
12/03/2012	MDC	Miscellaneous telephone calls with M. Burke regarding discovery, case schedule.	0.50
12/21/2012	MDC	Review request for production, telephone conference with M. Burke; telephone conference with M. Kutney to coordinate response.	1.00
12/27/2012	MDC	Review Request to Produce; telephone conference with JF, MK to coordinate collection of responsive documents.	1.30
12/28/2012	MDC	Telephone conference with MB on document production; begin review of files to locate and produce responsive documents.	2.30
12/31/2012	MDC	Review file for documents responsive to request.	0.70
		FOR CURRENT SERVICES RENDERED	5.80
			1,073.00

MDC

RECAPITULATION			
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RAT</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	5.80	\$185.00	\$1,073.00

TOWN OF LOXAHATCHEE GROVES

Page: 2

01/03/2013

ACCOUNT NO: 1574-1107562R

STATEMENT NO: 5

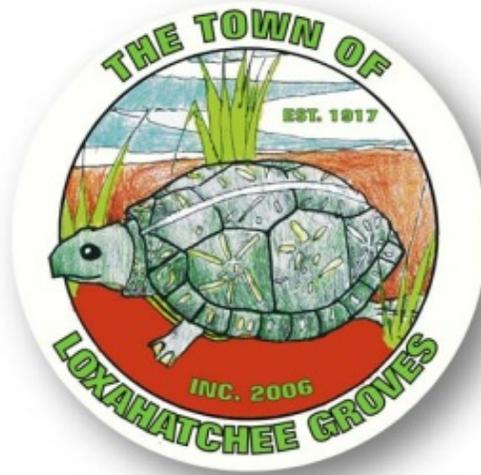
adv. Day, Willie and Frankie

TOTAL CURRENT WORK 1,073.00

BALANCE DUE \$1,073.00

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

Please note that this matter has been assigned a new number. Please reference this number when making inquiries or payments and contact Trish Piro at 954-771-4500 with any questions.



3.a. PRESENTATIONS

Award of Financial Reporting Achievement

From the Government Finance Officers Association

**For the Town's Comprehensive Annual Financial Report
for FY ending 9-20-2011**



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

11/26/2012

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **Town of Loxahatchee Groves** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Mark A. Kutney, Town Manager

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.

Certificate of Achievement for Excellence in Financial Reporting

Presented to

Town of Loxahatchee Groves
Florida

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended
September 30, 2011

A Certificate of Achievement for Excellence in Financial Reporting is presented by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting.



Christopher P. Morill

President

Jeffrey R. Enow

Executive Director



**The Government Finance Officers Association
of the United States and Canada**

presents this

AWARD OF FINANCIAL REPORTING ACHIEVEMENT

to

Mark A. Kutney
Town Manager
Town of Loxahatchee Groves, Florida



The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual(s) designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.

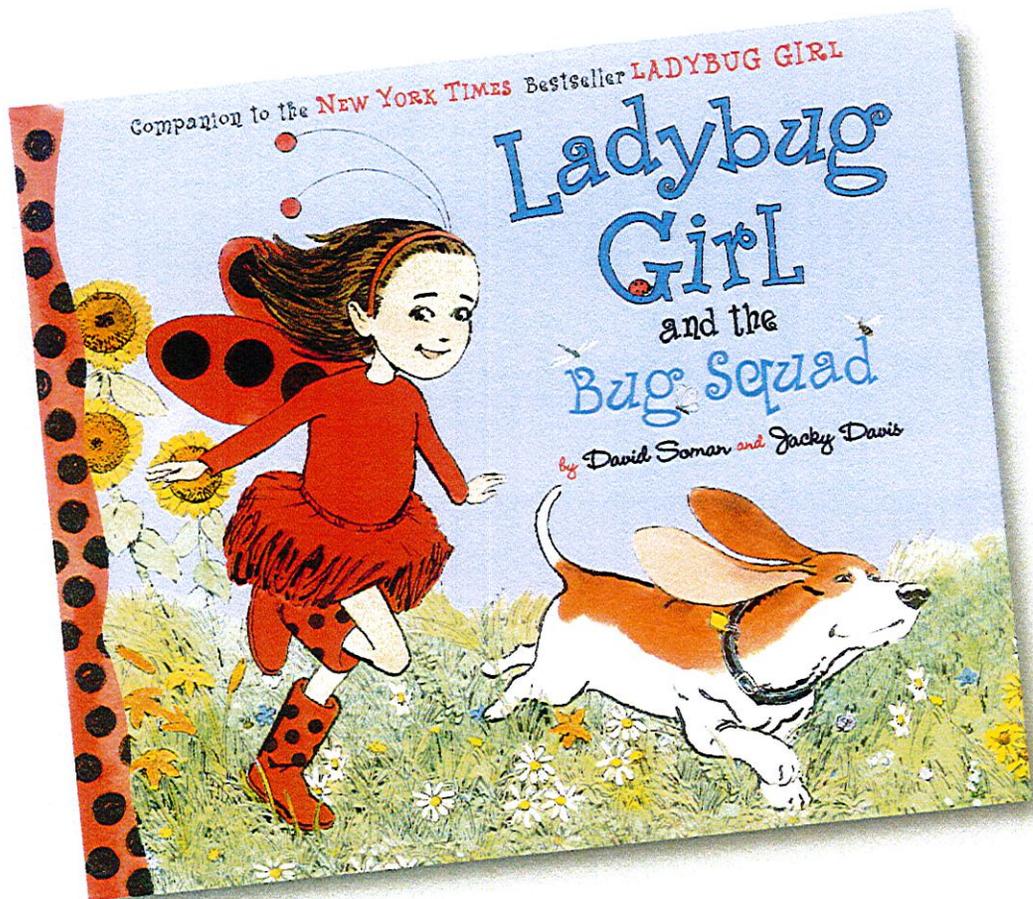
Executive Director

Date November 26, 2012



3.b. PRESENTATIONS

Certificate of Appreciation for Read for the Record



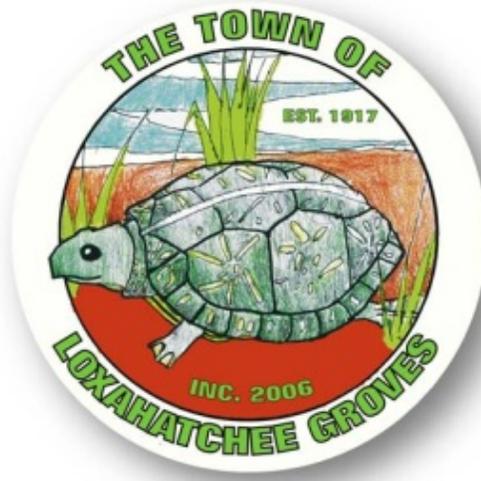
Certificate of Appreciation

Presented to
Town of Loxahatchee Groves

for outstanding support for
Read for the Record
October 4, 2012

Darlene Kostrub, Chief Executive Officer
Literacy Coalition of Palm Beach County





3.d. PRESENTATIONS

Proclamation for Volunteers – Certificate of Appreciation

Proclamation

WHEREAS, volunteering one's time, talents and resources has been an integral part of our American heritage since the early days of our nation, and it is essential that we continue this tradition of giving and sharing to preserve and improve the quality of life of all citizens in our community; and

WHEREAS, volunteers affect real change in our neighborhoods, community, and Town by investing their time, energy, and valuable skills in addressing many of the concerns and needs of our community; and

WHEREAS, the Town of Loxahatchee Groves appreciates its volunteers and encourages citizens to become involved in their communities, neighborhoods, and local governments.

WHEREAS, the Mayor and Town Council gratefully recognize Color Garden Farms, C & C Loader Services, Inc., and Weston Nursery for their contributions and assistance provided to Town for the Town Float that was awarded First Place in its category at the Annual Holiday Parade held in Wellington, Florida, on December 7, 2012.

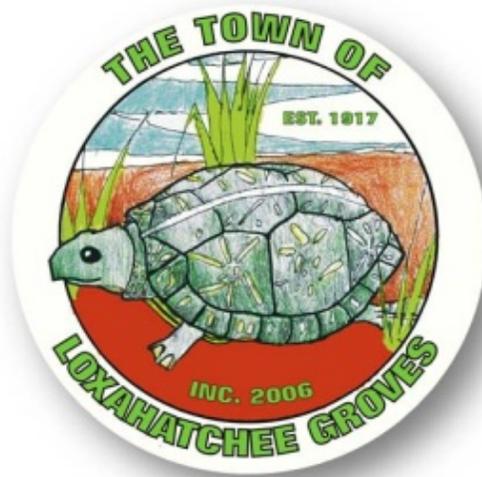
NOW, THEREFORE, I, David Browning, Mayor of the Town of Loxahatchee Groves, Florida, on behalf of the Town Council, hereby commend John and Elise Ryan of Color Garden Farms, Johnny Choquette of C & C Loader Services, Inc., and Jim Rockett of Weston Nursery for their valuable contributions to this project, and for the community spirit exhibited in their commitment to this endeavor, and our community.

IN WITNESS THEREOF, I, have hereunto set my hand this 15th day of January, 2013.

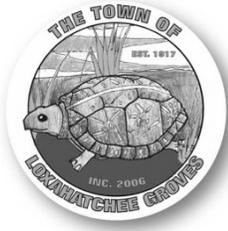
David Browning, Mayor

ATTEST:

Susan Eichhorn, Town Clerk



4.a. FAAC Special Meeting Report



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: January 10, 2013

SUBJECT: Resolution to authorize a Disbursement to Defray Costs Associated with the Official Duties of Town Council

I. BACKGROUND/HISTORY

See attached memorandum from Mark A. Kutney to the Finance Advisory & Audit Committee (located within the FAAC Agenda attached)

II. DISCUSSION

See attached memorandum from Mark A. Kutney to the Finance Advisory & Audit Committee (located within the FAAC Agenda attached)

III. FISCAL IMPACT

The Town Management Company provided 3 options to the FAAC. Option 1 had a total annual expenditure of \$30,919.25. Options 2 and 3 had an annual expenditure of \$28,500.00. The FAAC is recommending Option 2 with a modification of a \$500.00 monthly allotment and annual expenditure of \$30,000.00. Vice Chair Elise Ryan will make a presentation to the Town Council.

ATTACHMENTS

Finance Advisory & Audit Committee Agenda Packet of January 9, 2013

V. RECOMMENDATION

The Town Management Company recommends that Town Council adopt the FAAC recommendation to authorize a disbursement to defray costs associated with the official duties of the Town Council at a monthly allotment of \$500.00 per Town Council Member and a yearly allotment of \$6000.00 per Town Council Member for an annual expenditure of \$30,000.

Town of Loxahatchee Groves
Finance Advisory & Audit Committee Meeting
Wednesday, January 9, 2013 at 7:00 p.m.
Palms West Chamber of Commerce, 13901 Southern Boulevard

Chair Lung Chiu
Vice Chair Elise Ryan
Committee Member Cheryl Miller
Committee Member Virginia Standish
Vacancy

Town Council Liaison Ryan Liang
Town Manager Mark Kutney
Town Clerk Susan Eichhorn

PUBLIC NOTICE/AGENDA

1. OPENING

- a. Call to Order & Roll Call
- b. Approval of Agenda

2. NEW BUSINESS

- a. Discussion Relative to Town Council Compensation Options

3. ADJOURNMENT

The next FAAC meeting is Wednesday, January 27, 2013

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 (904-795-2418) at least 48 hours in advance to request such accommodation.



Town of Loxahatchee Groves

14579 Southern Boulevard, Suite 2 • Loxahatchee Groves, Florida 33470 • Telephone (561) 793-2418 • Fax (561) 793-2420 • www.loxahatcheegrovesfl.gov

MEMORANDUM

TO: Finance Advisory & Audit Committee Members

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

Date: January 2, 2013

RE: Special FAAC Meeting on Town Council Compensation

At the December 4, 2012 Town Council Meeting, Councilman Tom Goltzene raised the issue regarding Compensation for the Mayor and Town Council. After deliberation, Staff was directed to review the mechanics of compensation and report back to the Town Council along with a determination of the additional costs involved. Further, the Town Council requested that the FAAC review the matter and provide input. Therefore, a special meeting of the Committee has been set for January 9, 2013 to discuss this matter.

Under the Town Charter, a method for compensation is provided. More specifically, Section 3 (4) (e) Compensation and Expenses indicates the following in subsection 2. **"The Town Council, by not fewer than four affirmative votes may elect to provide for compensation and any increase in such compensation by ordinance. However, no such ordinance establishing or increasing compensation shall take effect until the date of commencement of the Term of council members elected at the next regular election which follows the adoption of such ordinance."**

The current schedule calls for this issue to be discussed by Town Council on January 15, 2013, taking into account the proposals by the Management Company and the input provided by the FAAC. Should the decision be to move forward with an Ordinance, such Ordinance can be adopted prior to the March Election.

Attached to this memorandum are two charts and three options for annual compensation that may be provided to Town Council. The Management Company has reviewed data related to municipalities within the State of Florida and Palm Beach County. The Chart titled **Florida and Palm Beach County Elected Official Compensation Benefits** utilizes Florida League of Cities salary survey data supplemented with phone research of Palm Beach County Municipalities by the Management Company. Within the chart, it is evident that the other 19 cities and Loxahatchee Groves are similar relative to population and budget (with 1 or 2 outliers). There is some minor variance in regard to the wages column.

The **Annual Compensation** graphic is a bar chart that depicts the average budget, annual wage and average compensation of the 19 municipalities in question.

The last graphic is the **Annual Compensation Options per Council Member** and provides three options for consideration. Option 1 provides for wages and results in an annual expenditure of \$30,919.25. The second option is a Transportation and Communication Allowance which results in an annual expenditure of \$28,500.00. The final option is a Monthly Meeting Stipend that also has an annual expenditure of \$28,500.00

UMSG Staff will be at the meeting to discuss these options with the Committee and address any concerns or questions that you may have.

Cc: Bill Underwood, UMGS Managing Partner
Dennise D. Rodriguez, Office Coordinator Town of Loxahatchee Groves

Florida and Palm Beach County Elected Official Compensation Benefits

Florida League of Cities Salary Survey

Municipality	County	Population	Budget	Wages
Belleair	Pinellas	3,890		300
Biscayne Park	Miami Dade	3,126	\$3,270,000	2,000
Bowling Green	Hardee	3,084	\$2,500,000	1,800
Bunnell	Flagler	2,600		9,600
Chiefland	Levy	2,228	\$6,000,000	4,800
Crystal River	Citrus	3,737	\$4,200,000	6,328
Dunnellon	Marion	2,031	\$3,100,000	1,800
Eagle Lake	Polk	2,732	\$1,500,000	1,272
Ocean Ridge	Palm Beach	2,600	\$5,100,000	1,200
Ponce Inlet	Volusia	3,267	\$4,700,000	8,395
Williston	Levy	2,768	\$2,400,000	3,000
Atlantis	PBC	2,005	\$4,000,000	12,800
Loxahatchee Groves		3,100	\$3,675,754	
Haverhill	PBC	1,894	\$1,001,850	5,140
Highland Beach	PBC	3,539	\$10,500,000	14,400
Hypoluxo	PBC	2,636	\$1,600,000	
Juno Beach	PBC	3,181	\$6,300,000	3,488
Lake Clarke Shores	PBC	3,376	\$2,400,000	1,291
Mangonia Park	PBC	2,315	\$2,000,000	9,600
South Bay	PBC	4,876	\$2,200,000	15,334

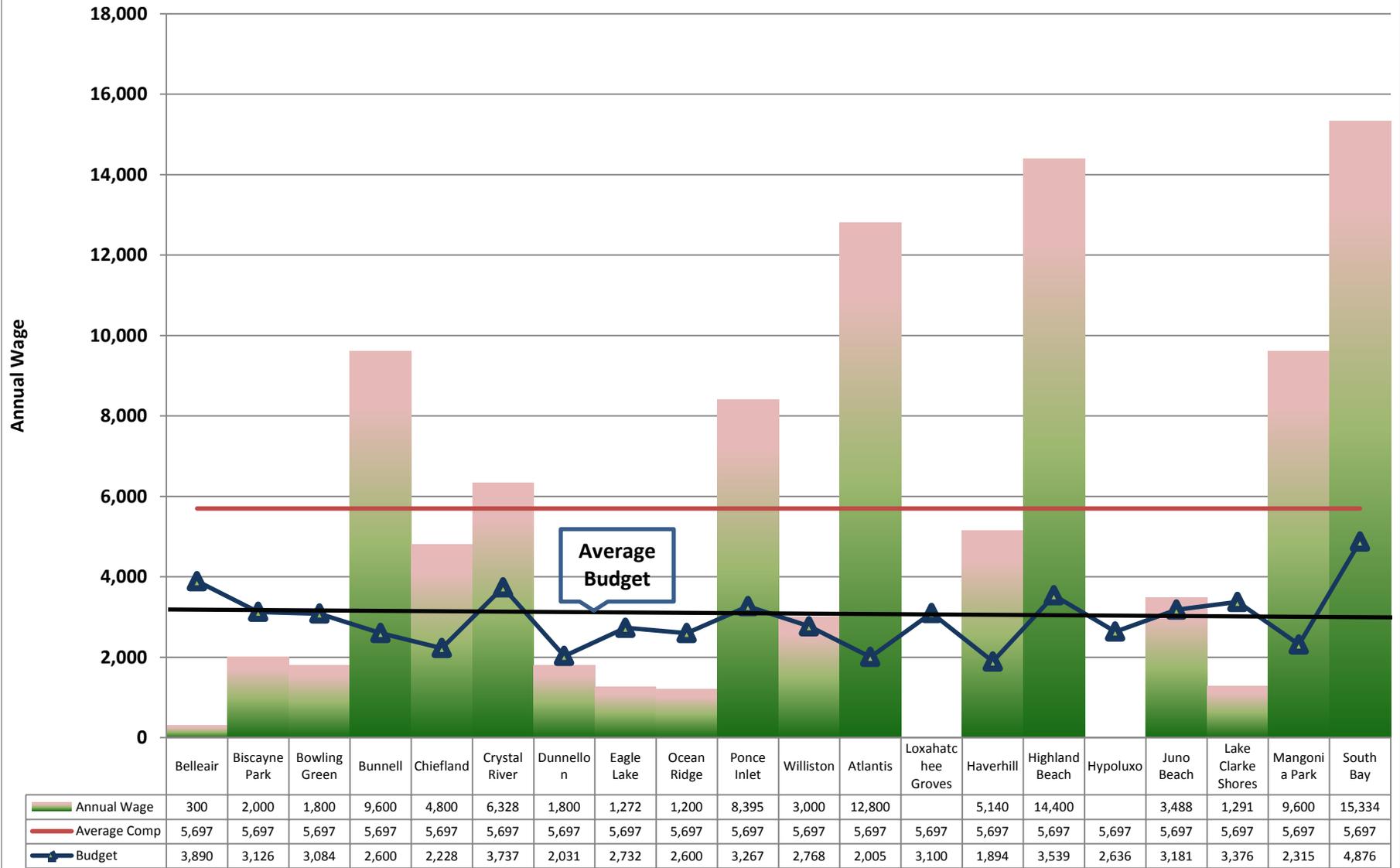
Average 2,949 \$3,691,534 \$5,697

Note: * FY2011-2012 Budget

 ** FY2013 General Fund

 *** Compensation + Allowances/Health Insurance

Annual Compensaton



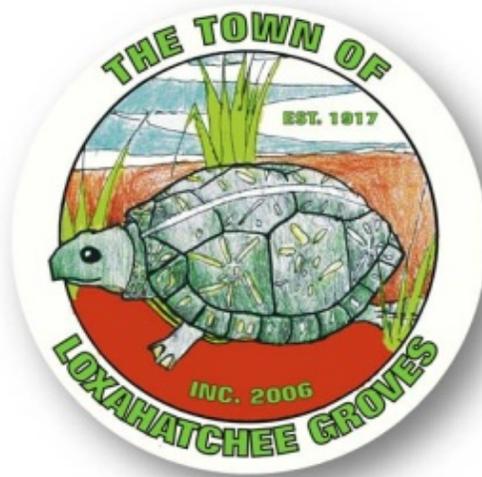
Annual Compensation Options per Council Member

Municipal Small City Compensation Average

Title	Option 1 - Wages	Option 2 - Auto & Comm Allowance*	Monthly Meeting Stipend [#]
Wage	\$ 5,700.00	\$ 5,700.00	\$ 5,700.00
FICA/Medicare Taxes	\$ 436.05		
Worker's Compensation	\$ 17.80		
Payroll Services Company	\$ 30.00		
Total Expense	\$ 6,183.85	\$ 5,700.00	\$ 5,700.00
Monthly Remittance	\$ 515.32	\$ 475.00	\$ 475.00
Annual Expenditure	\$ 30,919.25	\$ 28,500.00	\$ 28,500.00

* Individual Council member can reduce withholding liability by tracking, recording, and deducting actual mileage

[#] Individual Council member can not reduce withholding liability



5.a. ORDINANCE No. 2012-13

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO ELECTIONS; PROVIDING FOR VACANCY IN CANDIDACY PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council finds that it is in the best interest of the Town to provide for a process to address vacancy in candidacy consistent with Section 166.031(6), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, 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.

Section 2. Vacancy in candidacy for Councilmember. Vacancies in candidacy of Councilmembers shall be addressed as follows:

(1) If after the close of the qualifying period for filing as a candidate for Councilmember, the death, withdrawal or removal of a candidate leaves only one candidate, then that candidate will be deemed elected pursuant to Section 7(7)(b) of the Town Charter.

(2) If after the close of the qualifying period for filing as a candidate, the death, withdrawal or removal of a candidate leaves no candidate for the office of Councilmember:

a. if the Palm Beach County Supervisor of Elections has confirmed that there is sufficient time for a second qualifying period in order to permit the election to proceed on its scheduled date, the qualifying period for that office shall be reopened following the date the vacancy occurs for a period of five (5) days, and shall be immediately advertised and noticed by

the Town Clerk.

b. if the Palm Beach County Supervisor of Elections has confirmed that there is not sufficient time for a second qualifying period in order to permit the election to proceed on its scheduled date, the Town Council shall, within 30 days after the date when the successful candidate for the office would have assumed office, appoint by majority vote of the Town Council a person having the qualifications for the office to fill the vacancy until the next regularly scheduled town election at which time an election shall be held to fill the remainder of the term of that seat.

Section 3. It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Town's Code of Ordinances upon the codification of the Town's ordinances.

Section 4. All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of such conflict.

Section 5. If any Section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

Section 6. 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 4TH DAY OF DECEMBER, 2012.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 15TH DAY OF JANUARY, 2013.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Councilmember David Browning

TOWN CLERK

Vice Mayor Jim Rockett

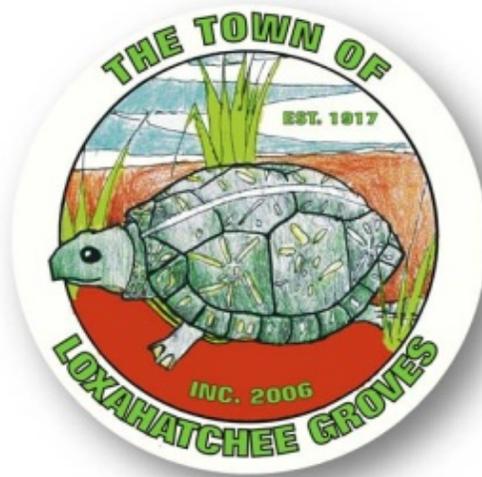
APPROVED AS TO LEGAL FORM:

Council Member

Office of the Town Attorney

Council Member

Council Member



6.a. ORDINANCE No. 2012-12



TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT

Revised November 29, 2012

Revised January 10, 2013

TO: Mayor and Town Council

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

DATE: June 20, 2012

SUBJECT: Town Council Authorization to Prepare an Amendment to the Unified Land Development Code (ULDC) Regarding Retail Hay Sales

I. BACKGROUND/HISTORY

A Code Enforcement complaint was filed against several entities that alleged the improper retail sales of hay without appropriate approvals. The complaint was investigated by The Town's code enforcement staff and it was determined that the three entities were operating without the proper authority and approval. One of the respondents, Gerald & Janet Eick was cited with a Notice of Violation for the illegal business activity and was directed to correct the violation by June 4, 2012 or be scheduled for a hearing before the Special Magistrate. The respondents engaged an attorney and also met with several members of Town Council. At the June 5, 2012 Town Council Meeting, the respondents appeared and requested some consideration for their current operations.

Town Council deliberated on the matter and directed Town Management Staff and the Town Attorney to review the matter and propose possible remedies that would address the issue. In March, 2012, Town Management Staff brought a similar request to the Town Council proposing an amendment that could be drafted to the ULDC and would cure the problem and protect the integrity of the Town's ULDC under a cost recovery format. The project did not proceed further due to the respondent (related to that effort) deciding to forego the cost recovery effort. [On December 4, 2012, at Public Hearing/1st Reading, Councilman Tom Goltzene made a motion to continue the item to January 15, 2013 Town Council meeting so that he would have time to review and consult with the Town Management Company. The motion was seconded by Councilman Liang and passed by a 4-1 vote with Vice Mayor Jim Rockett opposed. Councilman Goltzene and Town Management Staff met on January 8, 2013 to discuss his concerns. Alternate amendments proposed by Councilman Goltzene are presented in the Town Management Company report and more specifically in Attachment A.](#)

II. DISCUSSION

The Town Attorney and Town Management Staff have reviewed this item and discussed multiple directions for the treatment of this issue. At this point in time, the approach favored by Staff would be to permit limited sales of hay, bagged feed, bagged shavings, equine supplements and other equine/agricultural related products throughout the Town subject to a number of developed criteria. These criteria would include but not be limited to: regulating the size of the operation to the residents that reside at the property; permitting the operation to conduct business by and with the resident owners such that the ability of the enterprise to operate is not vested with the land, but operators of the concern; requiring the acquisition of a valid business tax receipt; and other potential conditions that would ensure an amendment can be crafted that will comport with the purpose and intent of the ULDC relative to its application throughout the Town.

III. FISCAL IMPACT

The cost of the amendment will be incurred by the Town due to the project being sponsored and directed by Town Council. The Management Company will undertake this effort in concert with the work authorization attached to this report. Town Management believes the amendment can be drafted and taken through the adoption process at a cost of \$7,220.00. This quote does not include advertising costs and Town Attorney review fees.

IV. ATTACHMENTS

Work Authorization 12-01

V. RECOMMENDATION

In order to resolve the problem in question, Town Management Staff would recommend that Town Council authorize Town Management Staff to move forward with the amendment as articulated in this report and approve the work authorization regarding the same. **The amendment in question is attached as well as a report from the Town Management Company outlining the proposed changes. The Town Management Company recommends that Town Council approve Ordinance 2012-12 at first reading after reviewing and considering the changes proposed by Councilman Goltzene .**

Underwood Management Services Group, LLC

840 N.E. Stokes Terrace
Jensen Beach, Florida 34957
Telephone: 772.233.1511

William F. Underwood, II
Managing Partner
Email: umsg@att.net

TO: Town Council

FROM: Underwood Management Services Group, L.L.C.

RE: Town Initiated Amendment to the Loxahatchee Groves Unified Land Development Code (ULDC) to Addition of Section 80-60 – Residential Agricultural Sales and Services

DATE: January 9, 2013.

CC: William F. Underwood, Managing Partner

I. BACKGROUND INFORMATION

Per Section 05-070, the Town Council may amend the ULDC for the purposes of public necessity, convenience, general welfare, or good planning and zoning practice. Any amendment to the ULDC requires a super majority vote of four or more Council members.

A Code Enforcement complaint was filed against several entities that alleged the improper retail sales of hay without appropriate approvals. The complaint was investigated by the Town's code enforcement staff and it was determined that the three entities were operating in the Agricultural Residential (AR) zoning district without the proper authority and approval.

One of the respondents, Gerald and Janet Eick were cited with a Notice of Violation for the illegal business activity and directed to correct the violation by June 4, 2012 or be scheduled for a hearing before the Special Magistrate. The respondents engaged an attorney and also met with several members of Town Council.

At the June 5, 2012 Town Council Meeting, the respondents appeared and requested some consideration for their current operations. Town Council deliberated on the matter and directed Town Management Staff and the Town Attorney to review the matter and propose possible remedies that would address the issue.

At the June 20, 2012 meeting, Town Management Staff presented a preferred strategy to address the issue which included the following elements: Limiting the operation to residents of a property; restricting the operation to current resident

ULDC Section 80-60 1
Proposed Residential Agricultural Sales
and Services Ordinance
Rev: 1/9/13

6. Policy 1.12.4: The Town will continue to allow home based businesses to the extent that impacts are compatible with an agricultural/residential community.

D. IS THERE AN ERROR OR AMBIGUITY TO BE CORECTED: There are no identified errors or ambiguities identified in the Town's current ULDC regarding the issue. Rather, the proposed amendments provide an opportunity to allow limited agricultural sales and services businesses in a manner consistent with the Town's rural character.

V. STAFF FINDINGS: Planning staff finds the proposed ULDC revisions to be generally consistent with the intent and direction of the Loxahatchee Groves Comprehensive Plan and the review criteria for a text amendment listed in Section 160-020 of the ULDC.

VI. STAFF RECOMMENDATION: Staff recommends approval of the proposed ULDC revisions, as presented in Attachment A.

VII. PLANNING AND ZONING BOARD ACTION: The Planning and Zoning Board, at its meeting of November 8, 2012 voted, by a 3 – 0 vote (2 members absent) to recommend approval of the proposed ULDC revisions.

VIII. TOWN COUNCIL ACTION: The item appeared on the Town Council agenda of December 4, 2012. At the meeting Councilman Goltzene moved to continue the item for further review. Following the meeting staff met with Councilman Goltzene to discuss his concerns. Staff's response to Councilman Goltzene's concerns are incorporated within the proposed ULDC revisions presented in Attachment A.

Principal revisions to the initial staff proposal generated by Councilman Goltzene's recommendations include:

1. Delete the provision that the business owner also be the homesteaded owner of the property (i.e. renters can also be the business owner).
2. Delete the provision that a change in ownership of the property invalidates the right to continue the business (i.e. the right to operate the business runs with the land regardless of any future changes in ownership).
3. Delete the "sunset" provision for businesses tied to maintenance of a homestead exemption.

(L) Residential agricultural Sales and Services Uses as of the effective date of this ordinance. A residential agricultural sales and services use as an accessory use to the principal use of single-family dwelling in the Agricultural Residential (AR) zoning district that was operating consistent with Section 80-60 (A) as of the effective date of this ordinance, as verified by a valid business tax receipt, may continue its current operation with the following limitations:

(1) Authorization pursuant to this paragraph to operate a residential agricultural sales and services use shall not include the operation of such use as a principal use or an accessory use to any principal use other than single-family dwelling.

(2) Any future change in ownership of the plot upon which an agricultural sales and services business is located, or the residential sales and services use shall invalidate an approval to operate under this paragraph.

Exceptions to the foregoing limitations and conditions shall be subject to approval by the Town Council, and such requests shall be considered in conjunction with the criteria set forth in Section 170-025(A) for Special Exceptions.

**ATTACHMENT B
AGRICULTURAL SALES AND SERVICES
ULDC SECTIONS INCLUDED BY REFERENCE
(Ref: Following Page)**

ULDC Section 80-60 10
Proposed Residential Agricultural Sales
and Services Ordinance
Rev: 1/9/13

- (4) That adequate parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- (5) That the use will not have a detrimental environmental impact upon contiguous properties and upon properties located in the general area or an environmental impact inconsistent with the health, safety and welfare of the community.
- (6) That the use will not have a detrimental effect on vehicular, pedestrian or equestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community.
- (7) That the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance.
- (8) That the use will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan.
- (9) That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in the general area and the zoning in the vicinity due to its nature, duration, direction or character.
- (10) That the use will not overburden existing public services and facilities.

- (B) The Town Council may deny the application, approve it, or approve it with conditions. In issuing its decision to grant a special exception, the Town Council may place more restrictive requirements and conditions on applicants than are provided in the code when the conditions are based upon site considerations and its use, and the potentially resulting impacts upon the surrounding area or zoning district where the subject property is located.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-12

AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO AMEND ARTICLE 10 ENTITLED “DEFINITIONS, ABBREVIATIONS, AND CONSTRUCTION OF TERMS,” SECTION 10-015, ENTITLED “DEFINITIONS” TO ADD A NEW DEFINITION FOR “RESIDENTIAL AGRICULTURAL SALES AND SERVICES;” TO AMEND ARTICLE 20, ENTITLED “RESIDENTIAL ZONING DISTRICTS,” SECTION 20-015, ENTITLED “PERMITTED USES,” TO ADD RESIDENTIAL AGRICULTURAL SALES AND SERVICES AS AN ACCESSORY USE SUBJECT TO ARTICLE 80 (CONDITIONAL USE) IN THE AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT; TO AMEND ARTICLE 80, ENTITLED “CONDITIONAL USES,” TO ADD A NEW SECTION 80-60, ENTITLED “RESIDENTIAL AGRICULTURAL SALES AND SERVICES,” TO PROVIDE CONDITIONS ON RESIDENTIAL AGRICULTURAL SALES AND SERVICES USES IN THE AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, At the June 5, 2012 Town Council Meeting, the Town Council directed Town Management Staff and the Town Attorney to review the issue of retail hay sales and propose possible remedies that would address the issue; and

WHEREAS, the Town’s Planning Staff has reviewed the issue and proposed amendments to the Town’s Unified Land Development Code (ULDC) to regulate such activities as set forth herein; and,

WHEREAS, the Town’s Planning and Zoning Board considered the proposed amendments to the Town’s ULDC at its November 8, 2012, meeting and pursuant to Chapter 163, Part II, Florida Statutes, recommended that the Town Council approve the ordinance to amend the ULDC as set forth herein; and,

WHEREAS, the Town Council of Town of Loxahatchee Groves finds that the adoption of this ordinance is consistent with the Town’s Comprehensive Plan, and in the best health and welfare interests of the Town, its property owners and residents.

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

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That the Town Council of the Town of Loxahatchee Groves, hereby amends the Town’s Unified Land Development Code (ULDC) as set forth in **Exhibit “A”**, attached hereto and incorporated herein by reference, to:

- a. Amend Article 10 entitled “Definitions, Abbreviations, And Construction Of Terms,” Section 10-015, entitled “Definitions” to add a new definition for “Residential Agricultural Sales And Services;”
- b. Amend Article 20, entitled “Residential Zoning Districts,” Section 20-015, entitled “Permitted Uses,” to add Residential Agricultural Sales and Services as an Accessory Use subject to Article 80 (Conditional Use) in the Agricultural Residential (AR) Zoning District;
- c. Amend Article 80, entitled “Conditional Uses,” to add a new Section 80-60, entitled “Residential Agricultural Sales And Services,” to provide conditions on Residential Agricultural Sales And Services Uses in the Agricultural Residential (AR) Zoning District.

Section 3: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4: 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 5: Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC.

Section 6: Effective Date. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 15th DAY OF JANUARY, 2013.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS _____ DAY OF _____, 2013.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

TOWN CLERK

Vice Mayor Jim Rockett

APPROVED AS TO LEGAL FORM:

Council Member

Office of the Town Attorney

Council Member

Council Member

**ATTACHMENT A
RESIDENTIAL AGRICULTURAL SALES AND SERVICES
ULDC AMENDMENTS
(Ref: Following Page)**

Underlined text indicates additions to the current ULDC.

1. ADD TO Section 10-015: Definitions

Residential Agricultural Sales and Services: Places of business as an accessory use to the principal use of single-family engaged in the sale from the premises solely of straw, hay, flake shavings, pellet shavings, feed and grain for livestock and domesticated animals.

2. ADD TO Section 20-015: Permitted Uses (AR District)

Plots located in the Agricultural Residential (AR) zoning districts may be used for the following specified uses.

Accessory Uses*	Agricultural Residential (AR)
Accessory Dwelling	Permitted
Groom’s Quarter	Permitted
Caretaker’s Quarter	Permitted
Home Offices	Permitted subject to Article 80
Residential Enterprise	Permitted subject to Article 80
Wholesale Nursery	Permitted
Retail Nursery	Permitted w/Special Exception
U-Pick Farms	Permitted w/Special Exception
Private Kennels	Permitted
Private Stables	Permitted
Yard Sales	Permitted subject to Article 80
Residential Agricultural Sales and Services	Permitted subject to Article 80

*Accessory Use. Uses naturally and customarily incidental, subordinate, and subservient to the principal use of the premises, and located on the same plot as the principal use. The area of an accessory use shall be subordinate to that of the principal use.

3. ADD TO Article 80: Conditional Uses

Section 80-60: Residential Agricultural Sales and Services.

Residential agricultural sales and services uses, as defined in Article 10, “Definitions, Abbreviations and Construction of Terms”, may occur as an accessory use to the principal use of single-family dwelling in the Agricultural Residential (AR) zoning district subject to the following conditions and limitations:

- (A) *Owner of property and business.* The plot on which a residential agricultural sales and services use is located shall be occupied by the owner of said plot who shall also own and operate said residential agricultural sales and services use. The owner of the plot shall provide to the Town proof of a homestead exemption as soon

as possible, but no later than one year following the establishment of the residential agricultural sales and services use.

- (B) Change of ownership. Any future change of ownership of the plot upon which a residential agricultural sales and services use is located or the residential agricultural sales and services use shall invalidate an approval to operate under this Section.
- (C) Annual business tax receipt required. Subject to review and written zoning confirmation by the Town, the owner of a residential agricultural sales and services use shall procure a Palm Beach County business tax receipt annually and provide a copy to the Town. The Town shall use said receipts to establish and maintain a registry of residential agricultural sales and services businesses.
- (D) Size of property. Residential agricultural sales and services uses shall be located on plots of five acres or more in size and comply with all lot frontage and setback requirements per Sections 20-25(B) and 20-035(A) to (D).
- (E) Location of residential agricultural sales and services use. A residential agricultural sales and services use shall be conducted as an accessory use solely on the property where the main single-family dwelling is located.
- (F) Activities requiring special exception approval. The following residential agricultural sales and services activities shall require a Special Exception pursuant to Article 170.
 - (1) The use of truck tractor(s) and semi-trailer(s) for residential agricultural sales and services product delivery to the plot.
 - (2) The use of semi-trailers visible from the street or an adjoining residence for residential agricultural sales and services products storage.
- (G) Number of accessory buildings. There shall be a maximum of two accessory buildings used for a residential agricultural sales and services use. All accessory storage buildings for residential agricultural sales and service uses shall be enclosed or completely screened from view from adjacent properties.

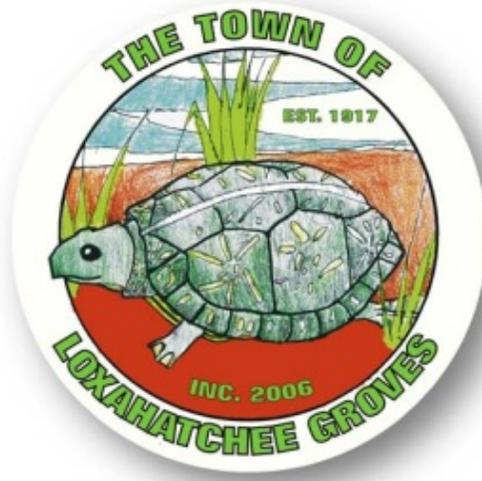
- (H) Size of accessory buildings. The total floor area ratio (F.A.R.) of all accessory buildings used for a residential agricultural sales and services use shall not exceed 0.01.
- (I) Use of shipping containers and semi-trailers. Shipping containers and semi-trailers may be used to store residential agricultural sales and services products prior to their sale.
- (1) For the purposes of this section, shipping containers shall be considered accessory buildings.
- (2) A maximum of two semi-trailers may be used for outdoor storage of residential agricultural sales and services products on a plot of land without screening, subject to Section 80 – 60 (F), provided that such vehicles are routinely operated and maintained.
- (3) Shipping containers and semi-trailers shall not be located in any required setbacks, easements, or rights-of-way.
- (J) Employees or contractors. In addition to any person(s) who are the resident owners of the property and the residential agricultural sales and services use, a maximum of two additional employees or contractors shall be permitted at any given time to assist with the residential agricultural sales and services use.
- (K) Outdoor storage. Outdoor storage associated with residential agricultural sales and services uses shall be subject to Section 20-010(G).
- (L) Signage. One non-lit panel sign advertising the residential agricultural sales and services use and hours of operation may be erected on the plot. Such signs shall be no larger than twelve square feet in sign area and no higher than eight feet above the ground. Signs shall observe the site distance triangle requirement of Article 105, "Sight Distance" and comply with all applicable codes, including permitting requirements.
- (M) Hours of operation. Hours of operation of a residential agricultural sales and services use shall be limited to 8:00 a.m. to 8:00 p.m. during week days and 8:00 a.m. to 4:00 p.m. on Saturdays. No on-site sales shall occur on Sundays.
- (N) Residential agricultural Sales and Services Uses as of the effective date of this ordinance. A residential agricultural sales and services use as an accessory use to the principal use of single-family dwelling in the Agricultural Residential (AR) zoning

district that was operating consistent with Section 80-60 (A) as of the effective date of this ordinance, as verified by a valid business tax receipt, may continue its current operation with the following limitations:

- (1) Authorization pursuant to this paragraph to operate a residential agricultural sales and services use shall not include the operation of such use as a principal use or an accessory use to any principal use other than single-family dwelling.

- (2) Any future change in ownership of the plot upon which an agricultural sales and services business is located, or the residential sales and services use shall invalidate an approval to operate under this paragraph.

Exceptions to the foregoing limitations and conditions shall be subject to approval by the Town Council, and such requests shall be considered in conjunction with the criteria set forth in Section 170-025(A) for Special Exceptions.



7.a. RESOLUTION 2013-01
(Establishing Zoning Fees)



**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: January 10, 2013

SUBJECT: Resolution Setting Zoning Review Fees

I. BACKGROUND/HISTORY

During May 2012, The Town Council and the Town Management Company made adjustments to the Town Management Contract relative to the provision of Planning and Zoning Services. During these deliberations, the Town Council expressed a desire to have Town Management recover some of the costs related to the review of planning and zoning matters. The Town Manager advised that the appropriate fees would be developed and brought back to Town Council on a case by case basis. The Town has previously adopted a review fee for the processing of Business Tax Receipts (BTR).

II. DISCUSSION

The fees covered by this resolution include a Sixty dollar (\$60.00) zoning review fee related to building permit applications and a two hundred dollar (\$200.00) fee for the provision of written zoning confirmation letters or letters of zoning interpretation. In addition to processing, these fees cover all aspects of the review necessary to review permits or provide confirmation of zoning information. The fees in part are based upon phone survey research of other Palm Beach County municipalities conducted by Town Management Staff.

III. FISCAL IMPACT

The imposition of the fees in question will allow the Town to defray the costs associated with the review under this function.

IV. ATTACHMENTS

Resolution 2013-01

V. RECOMMENDATION

Town Management recommends that Town Council adopt Resolution 2013-01 imposing zoning review fees.

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

RESOLUTION NO. 2013 – 01

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING AND
ESTABLISHING CERTAIN ZONING REVIEW FEES; PROVIDING
FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, the Town Administration recommends that fees be charged for certain zoning review services, which is an expense to the Town because of the need for planning consultant expenses being incurred; and,

WHEREAS, the Town Council agrees with the recommendation of Town Administration, and finds that it is in the best interest of the Town to authorize and establish certain fees for zoning review services.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF LOXAHATCHEE GROVES, FLORIDA:**

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 Resolution upon adoption hereof.

Section 2. The Town Council hereby authorizes the following fees for zoning review services:

- a. \$60.00 for zoning review related to building permit applications.
- b. \$200.00 to provide written zoning confirmation letter and/or letters of interpretations.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

RESOLUTION NO. 2013 – 01

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective upon adoption.

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 15th day of January, 2013.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor David Browning

APPROVED AS TO LEGAL FORM:

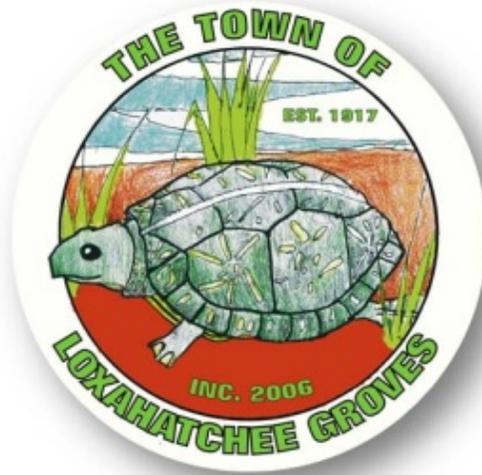
Vice Mayor Ryan Liang

Office of the Town Attorney

Council Member Jarriel

Council Member Rockett

Council Member Goltzene



8. ADMINISTRATIVE UPDATE

AFFIDAVIT FOR COMMENCEMENT
OF PROCEEDINGS
PETITION FOR INITIATIVE



STATE OF FLORIDA
COUNTY OF PALM BEACH

01-07-13A03:25 PAID

The undersigned qualified voters of the Town of Loxahatchee Groves and state under oath that:

1. The undersigned hereby commence proceedings for initiative to repeal the Town of Loxahatchee Groves Ordinance 2012-04.
2. The undersigned constitute the petitioner's committee for the attached petitions for initiative to repeal the Town of Loxahatchee Groves Ordinance 2012-04.
3. Each of the undersigned will be responsible for circulating the petitions and filing it in proper form.
4. The names and address of the committee are as follows:

1. Donna M. Dalimonte - Ulrich 13161 11th Lane N. Loxahatchee Groves, FL 33470
2. Marsha Newell 3508 C Rd. Loxahatchee Groves, FL 33470
3. Todd McLendon 3481 D Rd. Loxahatchee Groves, FL 33470
4. Shire McLendon 3481 D Rd. Loxahatchee Groves, FL 33470
5. Robin Davidson 2850 B Rd. Loxahatchee Groves, FL 33470
6. Brian P. McNeil 3506 B Rd. Loxahatchee Groves, FL 33470
7. Louis W. Lucas 15099 Collecting Canal Rd., Loxahatchee Groves, FL 33470
8. Vicky Borrego 12955 Collecting Canal Rd., Loxahatchee Groves, FL 33470
9. Barbara Flynn 15099 Collecting Canal Rd., Loxahatchee Groves, FL 33470
10. Stephen Mark Komar 13848 6th Ct. N, Loxahatchee Groves, FL 33470,

5. The names and address of the committee to which all notices to the committee are to be sent are:

1. Donna M. Dalimonte - Ulrich 13161 11th Lane N. Loxahatchee Groves, FL 33470
2. Marsha Newell 3508 C Rd. Loxahatchee Groves, FL 33470
3. Todd McLendon P.O.Box 1293 Loxahatchee Groves, FL 33470
4. Shire McLendon P.O.Box 1293 Loxahatchee Groves, FL 33470
5. Robin Davidson 2859 B Rd. Loxahatchee Groves, FL 33470
6. Brian P. McNeil 3506 B Rd. Loxahatchee Groves, FL 33470
7. Louis W. Lucas 15099 Collecting Canal Rd., Loxahatchee Groves, FL 33470
8. Vicky Borrego 12955 Collecting Canal Rd., Loxahatchee Groves, FL 33470
9. Barbara Flynn 15099 Collecting Canal Rd., Loxahatchee Groves, FL 33470
10. Stephen Mark Komar 13848 6th Ct. N, Loxahatchee Groves, FL 33470,

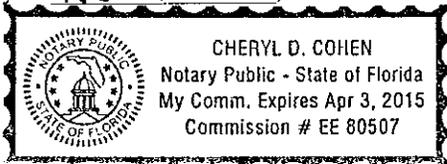
- 8. Name 8 & address
- 9. Name 9 & address
- 10. Name 10 & address

Donna M. Dalemonde-Ubrich

AFFIANT

Name 1

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Donna M Dalemonde-Ubrich; to me personally known or who produced diversity as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 1 day of November, 2012.



Cheryl D Cohen
Notary Public

AFFIANT

Name 2

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: _____; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2012.

Notary Public

AFFIANT

Name 3

AFFIANT

Name 1

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: _____; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2012.

Notary Public

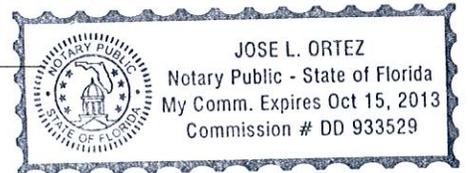
AFFIANT

Name 2

Marsha W. Newell

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Marsha W. Newell; to me personally known or who produced FL Drivers Lic as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 30th day of November, 2012.

Notary Public



AFFIANT

Todd McLendon

Name 3



I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Todd McLendon; to me personally known or who produced FLORIDA DRIVER LICENSE as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 19 day of October, 2012.

Michael Hazzard

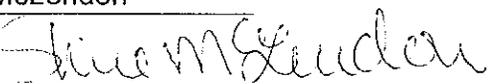
Notary Public



AFFIANT

Shire McLendon

Name 4



I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Shire McLendon; to me personally known or who produced FLORIDA DRIVERS LICENSE as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 19 day of October, 2012.

Michael Hazzard

Notary Public



AFFIANT

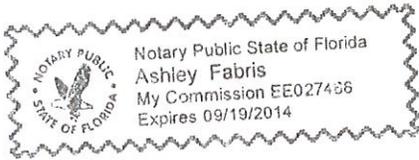
Name 5

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared:

Robin Davidson ; to me personally known or who produced FLDL as identification and who executed the

foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official

seal in the County and State last aforesaid this 23 day of October, 2012.



Notary Public

AFFIANT

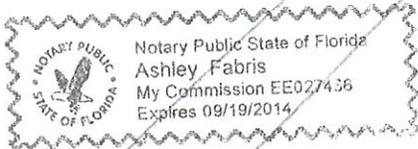
Name 6

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared:

Shirley Hill ; to me personally known or who produced FLDL as identification and who executed the

foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official

seal in the County and State last aforesaid this 23 day of October, 2012.



Notary Public

AFFIANT

Name 5

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: _____; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2012.

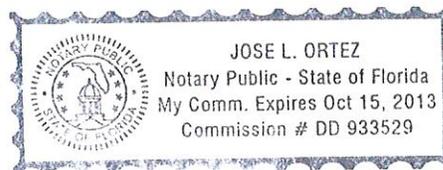
Notary Public

AFFIANT

Name 6

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Brian P McNeil; to me personally known or who produced FL Drivers License as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 6th day of November, 2012.

Notary Public



AFFIANT

Name 7

[Handwritten signature]

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Louis W Lucas; to me personally known or who produced FL DL as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 7th day of December, 2012.



LEIDY CARDONA
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE112011
Expires 7/13/2015

[Handwritten signature: Leidy Cardona]
Notary Public

AFFIANT

Name 8

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: _____; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2012.

Notary Public

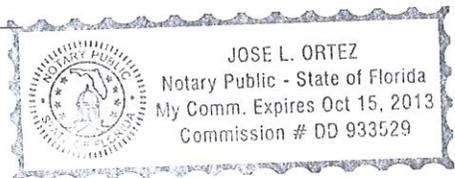
Ronald Bowman

AFFIANT

Name 7

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Ronald E Bowman; to me personally known or who produced FL Drivers License as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 17th day of October, 2012.

Notary Public



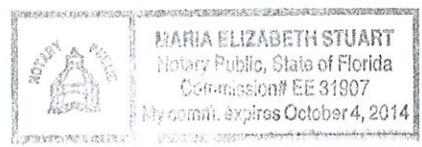
Vicki Lynn Borrego

AFFIANT

Name 8

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Vicki Lynn Borrego; to me personally known or who produced FL DL as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 5th day of November, 2012.

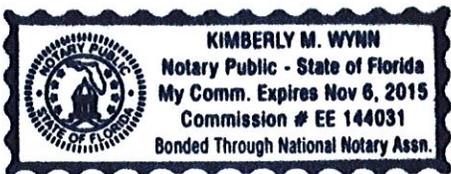
Maria Elizabeth Stuart
Notary Public



Barbara Flynn
Name 9

AFFIANT

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Barbara Flynn; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 18th day of December, 2012.



Kimberly M. Wynn
Notary Public

AFFIANT

Name 10

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: _____; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2012.

Notary Public

AFFIANT

Name 9

I hereby certify that on this _____ day before me, an officer duly qualified to take acknowledgements, personally appeared: _____; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2012.

Notary Public

AFFIANT

Stephen Mark Komar
Name 10

I hereby certify that on this _____ day before me, an officer duly qualified to take acknowledgements, personally appeared: Stephen Mark Komar; to me personally known or who produced FL Drivers Lic. as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 5th day of January 2013, 2012.

[Signature]
Notary Public



**A PETITION FOR AN INITIATIVE TO REPEAL TOWN OF LOXAHATCHEE GROVES ORDINANCE
NUMBER 2012-04.**

The undersigned, a registered voter(s) of the Town of Loxahatchee Groves by affixing his or her signature to this petition hereby request(s) that the Town of Loxahatchee Groves repeal the attached Town of Loxahatchee Groves Ordinance Number 2012-04.



Town of Loxahatchee Groves Ordinance number 2012-04 is officially described as:

01-07-13A03:26

“An Ordinance of the Town Council of the Town of Loxahatchee Groves, Florida, amending the Town of Loxahatchee Groves Florida comprehensive plan to: (1) amend the comprehensive plan text to rescind special policy 1.15.1 under Objective 1.15 of the Future Land Use Element; and (2) amend the Future Land Use Map FLU-1.10 to rescind the Multiple Land Use designation and specific reference to special Policy 1.15.1 on the 96.73 acres located at the northwest corner of Southern Boulevard and “B” Road Loxahatchee Groves, Florida, thus restoring the RR-5 land use designation on the property; amending the Future Land Use Map to assign Commercial Low designation to the 21.73 acres located at the northwest corner of Southern Boulevard and “B” Road Loxahatchee Groves, Florida, as indicated on exhibit 1 hereto; providing for amendment to the comprehensive plan to reflect such changes; providing for conflicts; providing for severability; and providing for an effective date.”

	Print Name	Signature	Current Physical Address No PO Boxes	Date	Witness Initials
1			Loxahatchee, FL 33470		
2			Loxahatchee, FL 33470		
3			Loxahatchee, FL 33470		
4			Loxahatchee, FL 33470		
5			Loxahatchee, FL 33470		
6			Loxahatchee, FL 33470		
7			Loxahatchee, FL 33470		
8			Loxahatchee, FL 33470		
9			Loxahatchee, FL 33470		
10			Loxahatchee, FL 33470		
11			Loxahatchee, FL 33470		
12			Loxahatchee, FL 33470		
13			Loxahatchee, FL 33470		

**A PETITION FOR AN INITIATIVE TO REPEAL TOWN OF LOXAHATCHEE GROVES ORDINANCE
NUMBER 2012-04.**

	Print Name	Signature	Current Physical Address No PO Boxes	Date	Witness Initials
14			Loxahatchee, FL 33470		
15			Loxahatchee, FL 33470		
16			Loxahatchee, FL 33470		
17			Loxahatchee, FL 33470		
18			Loxahatchee, FL 33470		
19			Loxahatchee, FL 33470		
20			Loxahatchee, FL 33470		
21			Loxahatchee, FL 33470		
22			Loxahatchee, FL 33470		
23			Loxahatchee, FL 33470		
24			Loxahatchee, FL 33470		
25			Loxahatchee, FL 33470		
26			Loxahatchee, FL 33470		
27			Loxahatchee, FL 33470		
28			Loxahatchee, FL 33470		

Affidavit of circulator:

State of Fl, County of Palm Beach, Town of Loxahatchee Groves

I, _____ swear and affirm that I personally circulated this petition, that there are _____ signatures on this page, that all signatures were affixed in my presence on the date appearing next to the signature, that I believe them to be the genuine signatures of the persons whose names they purport to be, that each signer had the opportunity before signing to read the full text of this petition and its attachments.

Sworn before me this day _____, _____ 2013

Signature of Circulator

**CHARTER AMENDMENT #2:
REFERENDUM REQUIRING VOTER APPROVAL OF COMMUNITY
REDEVELOPMENT PLAN**

BALLOT TITLE: Referendum to amend City Charter to add:

Section 3.16: Voter Approval Required for Approval of or Effectiveness of Community Redevelopment Plan.

FULL TEXT OF PROPOSED CHARTER AMENDMENT

Section 3.16 Voter Approval Required for Approval of or Effectiveness of Community Redevelopment Plan

A community redevelopment plan as set forth in Florida Statutes Section 163 (as may be amended) shall not be adopted by the City Commission or shall not become effective until such proposed community redevelopment plan is submitted to a vote of the electors by referendum as provided by law. (*Include "as provided by Florida Statute Section 166.031 or in the City Charter"?*) This amendment shall become effective immediately upon approval by a majority of the electors voting in such referendum. This provision shall not apply to any community redevelopment plan that is in effect on the effective date of this amendment.

BALLOT SUMMARY

The referendum amends the City Charter to require voter approval before the adoption by the City Commission of a community redevelopment plan or before date on which such community redevelopment plan becomes effective.

AFFIDAVIT FOR COMMENCEMENT
OF PROCEEDINGS
PETITION FOR INITIATIVE



STATE OF FLORIDA
COUNTY OF PALM BEACH

01-07-13A03:26 PAID

The undersigned qualified voters of the Town of Loxahatchee Groves and state under oath that:

1. The undersigned hereby commence proceedings for initiative to repeal the Town of Loxahatchee Groves Ordinance 2012-05.
2. The undersigned constitute the petitioner's committee for the attached petitions for initiative to repeal the Town of Loxahatchee Groves Ordinance 2012-05.
3. Each of the undersigned will be responsible for circulating the petitions and filing it in proper form.
4. The names and address of the committee are as follows:

1. Donna M. Dalimonte - Ulrich 13161 11th Lane N. Loxahatchee Groves, FL 33470
2. Marsha Newell 3508 C Rd. Loxahatchee Groves, FL 33470
3. Todd McLendon 3481 D Rd. Loxahatchee Groves, FL 33470
4. Shire McLendon 3481 D Rd. Loxahatchee Groves, FL 33470
5. Robin Davidson 2850 B Rd. Loxahatchee Groves, FL 33470
6. Brian P. McNeil 3506 B Rd. Loxahatchee Groves, FL 33470
7. Louis W. Lucas 15099 Collecting Canal Rd., Loxahatchee Groves, FL 33470
8. Vicky Borrego 12955 Collecting Canal Rd., Loxahatchee Groves, FL 33470
9. Barbara Flynn 15099 Collecting Canal Rd., Loxahatchee Groves, FL 33470
10. Stephen Mark Komar 13848 6th Ct. N, Loxahatchee Groves, FL 33470

5. The names and address of the committee to which all notices to the committee are to be sent are:

1. Donna M. Dalimonte - Ulrich 13161 11th Lane N. Loxahatchee Groves, FL 33470
2. Marsha Newell 3508 C Rd. Loxahatchee Groves, FL 33470
3. Todd McLendon P.O.Box 1293 Loxahatchee Groves, FL 33470
4. Shire McLendon P.O.Box 1293 Loxahatchee Groves, FL 33470
5. Robin Davidson 2859 B Rd. Loxahatchee Groves, FL 33470
6. Brian P. McNeil 3506 B Rd. Loxahatchee Groves, FL 33470
7. Louis W. Lucas 15099 Collecting Canal Rd., Loxahatchee Groves, FL 33470
8. Vicky Borrego 12955 Collecting Canal Rd., Loxahatchee Groves, FL 33470
9. Barbara Flynn 15099 Collecting Canal Rd., Loxahatchee Groves, FL 33470
10. Stephen Mark Komar 13848 6th Ct. N, Loxahatchee Groves, FL 33470

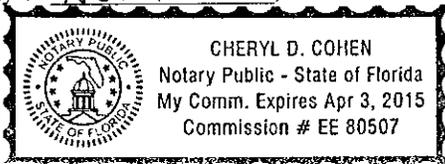
- 8. Name 8 & address
- 9. Name 9 & address
- 10. Name 10 & address

Donna M. Dalemonde-Ubrich

AFFIANT

Name 1

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Donna M Dalemonde-Ubrich; to me personally known or who produced driver's license as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 1 day of November, 2012.



Cheryl D. Cohen
Notary Public

AFFIANT

Name 2

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: _____; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2012.

Notary Public

AFFIANT

Name 3

AFFIANT

Name 1

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: _____; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2012.

Notary Public

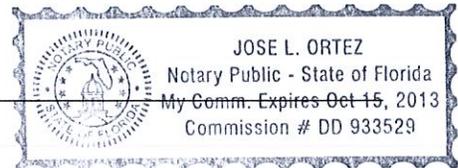
AFFIANT

Name 2

Marsha W. Newell

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Marsha W Newell; to me personally known or who produced DRIVERS License as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 30th day of November, 2012.

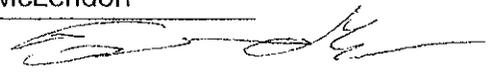
Notary Public



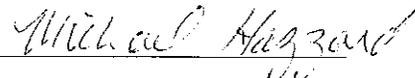
AFFIANT

Todd McLendon

Name 3



I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Todd McLendon; to me personally known or who produced FLORIDA DRIVER LICENSE as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 19 day of October, 2012.



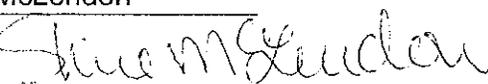
Notary Public



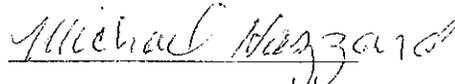
AFFIANT

Shire McLendon

Name 4



I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Shire McLendon; to me personally known or who produced FLORIDA DRIVERS LICENSE as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 19 day of October, 2012.



Notary Public

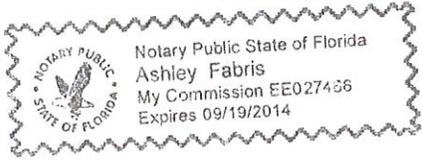


[Handwritten signature]

AFFIANT

Name 5

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Robin Davidson; to me personally known or who produced FLDL as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 23 day of October, 2012.



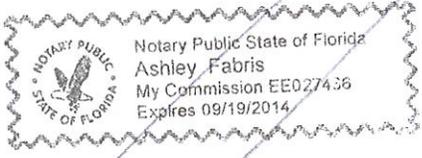
[Handwritten signature]
Notary Public

[Handwritten signature]

AFFIANT

Name 6

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Shirley Hill; to me personally known or who produced FLDL as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 23 day of October, 2012.



[Handwritten signature]
Notary Public

AFFIANT

Name 5

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: _____; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2012.

Notary Public

AFFIANT

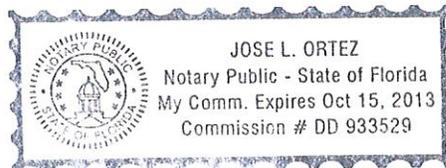
Name 6

[Handwritten signature in blue ink]

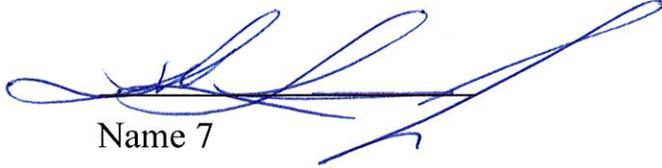
I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Brian P McNeil; to me personally known or who produced FL Drivers License as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 6th day of November, 2012.

Notary Public

[Handwritten signature in blue ink]



AFFIANT


Name 7

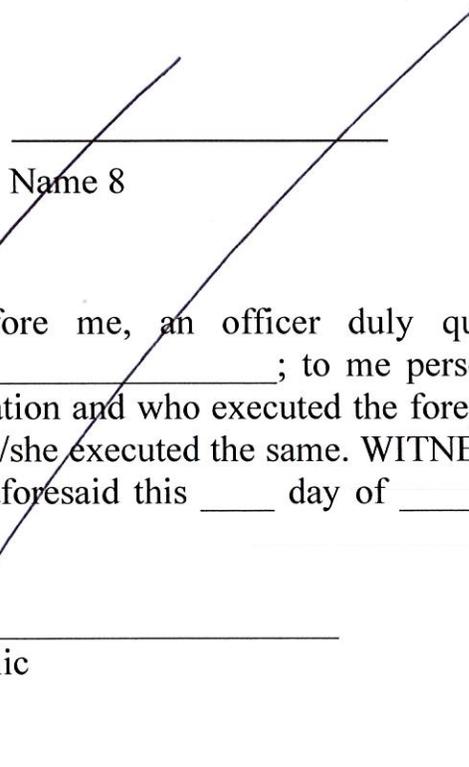
I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Louis W Lucas; to me personally known or who produced FLDL as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 7th day of December, 2012.



LEIDY CARDONA
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE112011
Expires 7/13/2015


Notary Public

AFFIANT


Name 8

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: _____; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2012.

Notary Public

AFFIANT

Name 7

Ronald Bowman

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared:

Ronald E Bowman; to me personally known or who produced FL Drivers License as identification and who executed the

foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official

seal in the County and State last aforesaid this 17th day of October, 2012.

Notary Public



AFFIANT

Name 8

Vicki Lynn Borrero

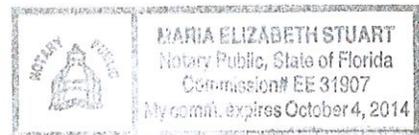
I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared:

Vicki Lynn Borrero; to me personally known or who produced FL DL as identification and who executed the

foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official

seal in the County and State last aforesaid this 5th day of November, 2012.

Notary Public

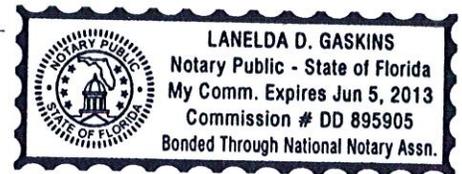


Barbara Flynn
Name 9

AFFIANT

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: Barbara Flynn; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 17th day of December, 2012.

Lanelda D. Gaskins
Notary Public



AFFIANT

Name 10

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: _____; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2012.

Notary Public

AFFIANT

Mark Komar
Name **MARK KOMAR**
10

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: MARK Komar; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this 21st day of December, 2012.

Amy M. Jones
Notary Public



AFFIANT

Name 10

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared: _____; to me personally known or who produced _____ as identification and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same. WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2012.

Notary Public

**A PETITION FOR AN INITIATIVE TO REPEAL TOWN OF LOXAHATCHEE GROVES ORDINANCE
NUMBER 2012-05.**

The undersigned, a registered voter(s) of the Town of Loxahatchee Groves by affixing his or her signature to this petition hereby request(s) that the Town of Loxahatchee Groves repeal the attached Town of Loxahatchee Groves Ordinance Number 2012-05.



Town of Loxahatchee Groves Ordinance number 2012-05 is officially described as: 01-07-13A03:26 PAID

“An Ordinance of the Town Council of the Town of Loxahatchee Groves, Florida, amending the Town of Loxahatchee Groves Florida comprehensive plan to (1) amend the comprehensive plan text to create special Policy 1.15.4 under Objective 1.15 of the Future Land Use Element which regulates development on the 74.99 acre property located generally at the northwest corner of Southern Boulevard and “B” Road Loxahatchee Groves, Florida, as specifically indicated on Exhibit 1, known as the Palm Beach State College Parcel; and (2) amend the Future Land Use Map FLU-1.10 to incorporate a specific reference to special Policy 1.15.4; providing for amendment to the comprehensive plan to reflect such changes; providing for conflicts; providing for severability; and providing for an effective date.”

	Print Name	Signature	Current Physical Address No PO Boxes	Date	Witness Initials
1			Loxahatchee, FL 33470		
2			Loxahatchee, FL 33470		
3			Loxahatchee, FL 33470		
4			Loxahatchee, FL 33470		
5			Loxahatchee, FL 33470		
6			Loxahatchee, FL 33470		
7			Loxahatchee, FL 33470		
8			Loxahatchee, FL 33470		
9			Loxahatchee, FL 33470		
10			Loxahatchee, FL 33470		
11			Loxahatchee, FL 33470		
12			Loxahatchee, FL 33470		
13			Loxahatchee, FL 33470		

**A PETITION FOR AN INITIATIVE TO REPEAL TOWN OF LOXAHATCHEE GROVES ORDINANCE
NUMBER 2012-05.**

	Print Name	Signature	Current Physical Address No PO Boxes	Date	Witness Initials
14			Loxahatchee, FL 33470		
15			Loxahatchee, FL 33470		
16			Loxahatchee, FL 33470		
17			Loxahatchee, FL 33470		
18			Loxahatchee, FL 33470		
19			Loxahatchee, FL 33470		
20			Loxahatchee, FL 33470		
21			Loxahatchee, FL 33470		
22			Loxahatchee, FL 33470		
23			Loxahatchee, FL 33470		
24			Loxahatchee, FL 33470		
25			Loxahatchee, FL 33470		
26			Loxahatchee, FL 33470		
27			Loxahatchee, FL 33470		
28			Loxahatchee, FL 33470		
29			Loxahatchee, FL 33470		

Affidavit of circulator:

State of FL, County of Palm Beach, Town of Loxahatchee Groves

I, _____ swear and affirm that I personally circulated this petition, that there are ____ signatures on this page, that all signatures were affixed in my presence on the date appearing next to the signature, that I believe them to be the genuine signatures of the persons whose names they purport to be, that each signer had the opportunity before signing to read the full text of this petition and its attachments.

Sworn before me this day _____, _____ 2013

Signature of Circulator

**CHARTER AMENDMENT #2:
REFERENDUM REQUIRING VOTER APPROVAL OF COMMUNITY
REDEVELOPMENT PLAN**

BALLOT TITLE: Referendum to amend City Charter to add:

Section 3.16: Voter Approval Required for Approval of or Effectiveness of Community Redevelopment Plan.

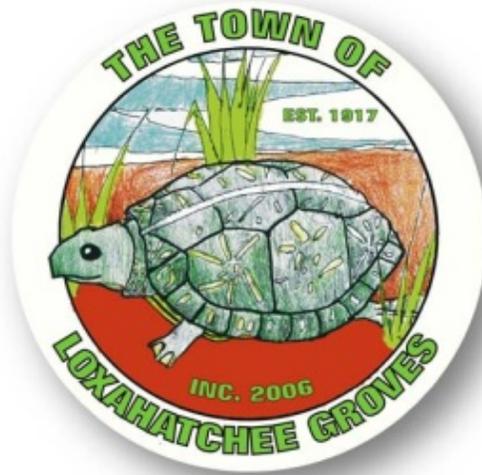
FULL TEXT OF PROPOSED CHARTER AMENDMENT

Section 3.16 Voter Approval Required for Approval of or Effectiveness of Community Redevelopment Plan

A community redevelopment plan as set forth in Florida Statutes Section 163 (as may be amended) shall not be adopted by the City Commission or shall not become effective until such proposed community redevelopment plan is submitted to a vote of the electors by referendum as provided by law. (*Include "as provided by Florida Statute Section 166.031 or in the City Charter"?*) This amendment shall become effective immediately upon approval by a majority of the electors voting in such referendum. This provision shall not apply to any community redevelopment plan that is in effect on the effective date of this amendment.

BALLOT SUMMARY

The referendum amends the City Charter to require voter approval before the adoption by the City Commission of a community redevelopment plan or before date on which such community redevelopment plan becomes effective.



9.b. CODE ENFORCEMENT POLICY

SUBJECT:

Administrative Policy 1-13 Proactive Code Enforcement

PURPOSE:

To provide Town Management Staff with guidance in determining when proactive code enforcement practices may be employed.

BACKGROUND:

The Town currently addresses code violations by complaint, with written complaints only, that are accepted via an affidavit of complaint. This practice permits certain known violations to exist without any remedy to Town Management Staff for the proper code enforcement of these violations.

POLICY:

Code enforcement complaints will still be handled on a complaint basis with a Written Affidavit of Complaint executed by the complainant. The Town Manager is authorized to commence proactive code enforcement without a written complaint in cases where code enforcement violations are observed in Commercial Zoning Districts within the Town. The Town Manager is also authorized to initiate code enforcement efforts upon direction from the Town Council during a Town Council meeting when a violation may cause irreparable harm or is deemed to be egregious in nature. Illegal manure dumping complaint are also handled proactively pursuant to Ordinance 2012-03. Similarly, should the Town Manager become aware of a situation that is a code violation and may cause irreparable harm or is egregious in nature, The Town Manager may initiate code enforcement action and bring the matter to the Town Council at their next regularly scheduled meeting for advice and consent.

Mark A. Kutney, Town Manager

01/15/2013



9.c.

JARRIEL ADDITONS TO AGENDA

January 4, 2013

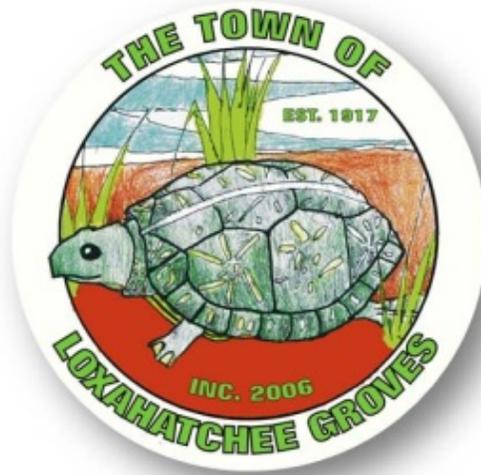
Councilman Ron Jarriel

Please put on agenda for Town Council Meeting on Tuesday, January 15, 2013 under New Business.

1. Councilman Ron Jarriel being brought up on ethic charges by Town Manager, Mark Kutney
2. Paying yearly debt assessment for OGEM roads that are finished.
3. Town to pay for rest of lettered roads to be OGEMed with approval of residents.
4. Town to pay for the resurfacing of Bryan Road, Compton Road and Marcella Blvd. Need to get an estimate from local contractors now.
5. Town to purchase property at 3995 A Road for future equestrian, bike and hiking trails.
6. Get an estimate from local contractors on cleaning out Compton Road's drainage ditch on north side.
7. Establish interlocal agreement with LGWCD for hedging Town Road's easements/right-aways.

Thank you,
Councilman Ron Jarriel
(561) 315-5213





10.a. CHARTER AND ETHICS CODE VIOLATIONS-

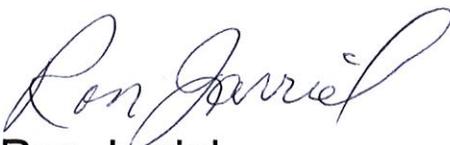
Ron Jarriel

January 4, 2013

Councilman Ron Jarriel

Please put on agenda for Town Council Meeting on Tuesday, January 15, 2013 under New Business.

1. Councilman Ron Jarriel being brought up on ethic charges by Town Manager, Mark Kutney
2. Paying yearly debt assessment for OGEM roads that are finished.
3. Town to pay for rest of lettered roads to be OGEMed with approval of residents.
4. Town to pay for the resurfacing of Bryan Road, Compton Road and Marcella Blvd. Need to get an estimate from local contractors now.
5. Town to purchase property at 3995 A Road for future equestrian, bike and hiking trails.
6. Get an estimate from local contractors on cleaning out Compton Road's drainage ditch on north side.
7. Establish interlocal agreement with LGWCD for hedging Town Road's easements/right-aways.

Thank you, 
Councilman Ron Jarriel
(561) 315-5213





Town of Loxahatchee Groves

14579 Southern Boulevard, Suite 2 • Loxahatchee Groves, Florida 33470 • (561) 793-2418 Phone • (561) 793-2420 Fax • clerk@loxahatcheegroves.org

MEMORANDUM

TO: Ronald Jarriel, Town Councilmember

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

RE: Charter and Ethics Code Violations

DATE: December 11, 2012

It is with deep regret and sadness that I must write this memorandum to you. I am specifically referring to your actions at Loxahatchee Groves Water Control District (LGWCD) Board of Supervisors meeting last evening. Earlier that afternoon, I had informed you that the Town's Public Works Independent Contractor was set to undertake the hedging of 6th Court N from "D" Road to Folsom Road. Although you expressed a contrary view, you did not advise me of any intention to address this matter in front of the LGWCD Board.

At the aforementioned meeting last evening, you addressed the Board and proceeded to request that the District undertake the hedging of 6th Court N. at no cost and instead of the Town's Contractor. This action served to totally undermine my authority with respect to this work assignment. Further, you were at this meeting speaking on behalf of yourself and did not represent a majority of the collective Town Council. Finally, your request to LGWCD Supervisors to undertake these activities appear to not comport with Florida AGO 99-73 issued on December 8, 1999.

More specifically, you have violated the Town of Loxahatchee Charter (14) Noninterference By Town Council which States: **"Except for the purposes of inquiry and information, council members are expressly prohibited from interfering with the performance of the duties of any employee of the Town Government who is under the direct or indirect supervision of the Town Manager or Town Attorney. Such action shall be malfeasance within the meaning of section 112.51, Florida Statutes. Recommendations for improvements in the Town Government operations shall come through the Town Manager, but each member of Council shall be free to discuss or recommend improvements to the Town Manager, and the Council is free to direct the Town Manager to implement specific recommendations for improvement in Town Government operations."**

Also, in my opinion, you have violated Ordinance 2009-01 The Ethics Code. Section (4) (s) indicates: **"No public officer shall undermine the duties, responsibilities and role of the Town Manager as provided in**

the Charter and the Code of Ordinances and as assigned by the Town Council” and Section (4) (q) which indicates: “ Each public officer serving on the Town Council or an advisory board of the Town, when appearing before any other governmental body or within the contents of any written communication, pledges to inform the recipient of the oral or written communication that the issue before such governmental body or in writing has or has not been addressed officially by the Town Council or the advisory board of which he or she is a member; and further pledges to inform the recipient(s) of the oral or written communication of any official position taken by the Town Council or an advisory board and indicate that his or her appearance or written correspondence is or is not authorized by the Town Council or an advisory board. When a member of the Town Council is representing the Town Council before another governmental body, said member of the Town Council shall, at a minimum, update the other members of the Town Council and the Town Manager at the next scheduled Town Council meeting.”

Councilman Jarriel, I would advise you that the transgressions cited above are serious since these infractions are considered malfeasance within the meaning of Section 112.51, Florida Statutes. Therefore, by means of this memorandum, I am advising the members of Town Council of your recent actions and they may take whatever action that is deemed appropriate.

I would advise that you conduct yourself accordingly as the Management Company cannot continue to overlook this indiscriminate behavior in the future.

CC: Mayor David Browning, Vice Mayor Jim Rockett, Councilman Ryan Liang, Councilman Tom Goltzene,
City Attorney Michael Cirullo, Jr. William Underwood, UMSG, Frank Schiola