



Town of Loxahatchee Groves
Town Council Meeting
Tuesday, February 5, 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.
- b. Minutes for Approval: January 15, 2013
- c. Municipal Election Agreement with Palms West Presbyterian Church

3. PRESENTATIONS

- a. Anna Stewart, Manager Drowning Prevention Coalition – *Requested by Council Member Jarriel*
- b. F. Martin Perry – presentation re: PUD (Loxahatchee Groves Town Center)
- c. Joe Lelonek – presentation re: PUD (Loxahatchee Groves Commons)

4. COMMITTEE REPORTS

- a. Finance Advisory & Audit Committee (FAAC) Report and Approval of the November and December 2012 Financial Reports – *Vice Chair Elise Ryan*
- b. Finance Advisory & Audit Committee (FAAC) appointment – *Mayor Browning*

5. PUBLIC HEARINGS (Ordinances 2nd Reading) –

- a. 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.

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

a. Public Hearing:

Ordinance No. 2013-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING COMPENSATION FOR COUNCIL MEMBERS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

7. RESOLUTIONS

8. ADMINISTRATIVE UPDATE – Town Manager Kutney

9. OLD BUSINESS

a. Discussion of Initiative Petition – *Requested by Council Member Goltzené*

10. NEW BUSINESS

- a. Purchase and Installation of Solar Powered Flashing Red Lights to Add to Stop Signs – *Requested by Council Member Rockett*
- b. Manure Ordinance – *Requested by Council Member Goltzené*
- c. Town Council Interest in Purchasing Property

11. CLOSING COMMENTS

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

12. ADJOURNMENT

The next Town Council Meeting is scheduled for Tuesday, March 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. Invoices from Goren, Cherof, dDoody & Ezrol, P.A.

TOWN OF LOXAHATCHEE GROVES

Att: Mayor Dave Browning
14579 Southern Boulevard
Suite 2
Loxahatchee FL 33470

ACCOUNT NO: 1574-0702400R
STATEMENT NO: 74

General Matters

MDC

		HOURS
01/02/2013		
MDC	Telephone conference with MK on agenda items, FAAC and P&Z Board items.	0.30
01/03/2013		
MDC	Review FAAC materials regarding Councilmember compensation.	0.30
01/04/2013		
MDC	Review draft agenda, miscellaneous telephone calls with Council on pending items.	0.50
01/08/2013		
MDC	Telephone conference with MK on agenda matters, review correspondence on pending items.	0.50
01/09/2013		
MDC	Miscellaneous review of agenda items; telephone conference with MK; telephone calls with Council; prepare fee resolution.	1.40
01/10/2013		
MDC	Miscellaneous review of agenda items; telephone conference with MK on agenda items; telephone conference with Council on issues; prepare for and attend P&Z Board meeting (Valley Crest).	6.70
01/11/2013		
MDC	Miscellaneous telephone calls on agenda items with MK, Council members.	1.00
01/14/2013		
MDC	Review pending matters with BU, MK; telephone conference with M. Viator on roadway issues; review correspondence, agenda materials for 1/15/13 meeting; miscellaneous telephone calls with Council.	2.10
DJD	Review Town Manager/Ethics related issues with MDC.	0.50

General Matters

		HOURS	
01/15/2013	MDC	Miscellaneous telephone calls with Council members, MK, SE; review materials for Council meeting; prepare for and attend Council meeting.	6.90
01/16/2013	MDC	Telephone conference call MK, review items from 1/15/13 Council meeting.	0.60
01/17/2013	MDC	Telephone conference call MK on pending items.	0.30
01/18/2013	MDC	Miscellaneous telephone calls with Council, MK on pending items, status of code matters.	1.00
01/25/2013	MDC	Review procurement issues; miscellaneous telephone calls with MK, Council on pending matters; review correspondence on planning matters.	1.70
	FM	Research issues regarding pending procurement matter; discuss matter with MDC.	0.50
01/28/2013	FM	Continued review of procurement issues.	0.50
	MDC	Review materials, prepare ordinance on compensation; research procurement issues.	1.20
01/29/2013	MDC	Telephone call with MK on pending items, agenda, procurement; review AGO 13-01 (nonresidential farm buildings); update Council.	0.90
		FOR CURRENT SERVICES RENDERED	26.90
			<u>4,976.50</u>

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D.J. DOODY	0.50	\$185.00	\$92.50
MICHAEL D. CIRULLO	25.40	185.00	4,699.00
FELIPPE MONCARZ	1.00	185.00	185.00
COPYING COST			55.30
TOTAL EXPENSES			55.30
TOTAL CURRENT WORK			5,031.80
BALANCE DUE			<u>\$5,031.80</u>

Attorneys at Law
 3099 East Commercial Boulevard
 Suite 200
 Fort Lauderdale, Florida 33308
 Telephone (954) 771-4500

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01/30/2013

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

ACCOUNT NO: 1574-1107560R
 STATEMENT NO: 4

Water Control District Matters

MDC

HOURS

01/17/2013			
MDC	Review documents regarding Letter Roads, Compton and Marcello Roads; meet with DJ to review title issues.	1.20	
DJD	Review maintenance map and initiate title search.	1.00	
01/24/2013			
MDC	Conference call with MB, JG (District counsel) and DJD on road title issues.	1.00	
DJD	Prepare for and participate in conference call with legal counsel for District regarding transfer of roads.	0.90	
01/29/2013			
MDC	Review documents on title of roads, loan documents.	0.30	
	FOR CURRENT SERVICES RENDERED	4.40	814.00

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D.J. DOODY	1.90	\$185.00	\$351.50
MICHAEL D. CIRULLO	2.50	185.00	462.50

COPYING COST	56.70
TOTAL EXPENSES	56.70
TOTAL CURRENT WORK	870.70
BALANCE DUE	<u>870.70</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.

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

ACCOUNT NO: 1574-1107562R
 STATEMENT NO: 7

adv. Day, Willie and Frankie

MDC

		HOURS	
01/03/2013			
MDC	Review status of records request with MB, SE, DR, JF.	1.00	
01/08/2013			
MDC	Review status of document production.	0.30	
01/09/2013			
MDC	Review miscellaneous discovery, status of document production.	0.30	
01/23/2013			
MDC	Review status of case, telephone conference with Michael Burke; update Council; telephone conference with MK.	1.20	
01/25/2013			
MDC	Review correspondence on mediation.	0.30	
01/29/2013			
MDC	Review Town's Motion for Summary Judgment; review materials; attend mediation preparation conference call.	1.30	
	FOR CURRENT SERVICES RENDERED	4.40	814.00

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	4.40	\$185.00	\$814.00
TOTAL CURRENT WORK			814.00
BALANCE DUE			<u>\$814.00</u>

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01/30/2013

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

ACCOUNT NO: 1574-1107568R
STATEMENT NO: 1

adv. Day, Willie and Frankie (Bert J. Harris Claim

MDC

HOURS

01/24/2013			
MDC	Review BJH claim, appraisal; review applicable statutes.	0.80	
01/25/2013			
MDC	Review correspondence, statutes, issues related to notice.	0.40	
	FOR CURRENT SERVICES RENDERED	1.20	222.00

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	1.20	\$185.00	\$222.00
TOTAL CURRENT WORK			222.00
BALANCE DUE			<u>\$222.00</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

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01/30/2013

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

ACCOUNT NO: 1574-1107564R
STATEMENT NO: 2

Wellington Edge Code Matter

		HOURS	
01/16/2013	MDC		
	Review materials, prepare for hearing; attend Magistrate hearing per MK.	2.80	
	FOR CURRENT SERVICES RENDERED	2.80	518.00

RECAPITULATION			
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	2.80	\$185.00	\$518.00
TOTAL CURRENT WORK			518.00
BALANCE DUE			<u>\$518.00</u>

MDC

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

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TOWN OF LOXAHATCHEE GROVES
 Att: Mark Kutney, Town Manager
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 Loxahatchee Groves FL 33470

ACCOUNT NO: 01/30/2013 1574-1107566R
 STATEMENT NO: 3

Initiative Committee (PBSC Comp Plan)

		HOURS	
01/08/2013			
MDC	Review new, filed Petition, telephone conference with MK.	0.40	
BJS	Legal Research re: Elements of Vested Rights and review of commencement of a referendum action.	1.50	
DJD	Address administrative challenge issues.	0.40	
01/09/2013			
MDC	Review petitions; miscellaneous telephone calls Council, MK and PBSC attorney.	0.90	
01/10/2013			
MDC	Miscellaneous review of Petition, related issues.	0.50	
	FOR CURRENT SERVICES RENDERED	3.70	684.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D.J. DOODY	0.40	\$185.00	\$74.00
MICHAEL D. CIRULLO	1.80	185.00	333.00
BRIAN J. SHERMAN	1.50	185.00	277.50

TOTAL CURRENT WORK 684.50

BALANCE DUE \$684.50

(MOC)

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

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

01/30/2013
ACCOUNT NO: 1574-1107567R
STATEMENT NO: 2

Valley Crest Site Plan

		HOURS	
01/18/2013	MDC	Conference call with Valley Crest and Town staff regarding status of application, issues of review.	0.80
		FOR CURRENT SERVICES RENDERED	0.80 <u>148.00</u>

RECAPITULATION			
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	0.80	\$185.00	\$148.00
TOTAL CURRENT WORK			148.00
BALANCE DUE			<u>\$148.00</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.



2.b. Minutes for Approval

Town of Loxahatchee Groves
Town Council Meeting Minutes
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.

MINUTES

1. OPENING

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

Councilman Jarriel requested that item 10.a. be moved to follow item 8.

Motion: Council Member Liang made a motion to approve the Agenda, as amended. The motion was seconded by Vice Mayor Rockett. The motion passed 5/0.

2. CONSENT AGENDA

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

Motion: Vice Mayor Rockett made a motion to approve the Consent Agenda. The motion was seconded by Council Member Liang. Town Manager Kutney pointed out that an additional invoice had been received today, and it should be included in the approval. Vice

Mayor Rocket amended his motion to include the invoice in the amount of \$612.45 for in his motion to approve. The amended motion was seconded by Council Member Liang. The motion passed 5/0.

3. PRESENTATIONS

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

Darlene Malaney, Director of Finance Services with Palm Beach County Clerk & Comptroller’s Office presented the Certificate for Achievement for Excellence in Financial Reporting.

- 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 & Outreach Coordinator.*

Jeanne Heavilin, Volunteer & Outreach Coordinator, presented the Certificate of Appreciation for Read for the Record to Mayor Browning.

- c. South Florida Water Management Presentation – *Pam Mac’Kie*

Town Manager Kutney advised that Ms. Mac’Kie could not be present for the meeting, and would be present at the February 5, 2013, meeting for the presentation at that time.

- d. Proclamation for Volunteers – Certificates of Appreciation – *Mayor Browning*
C & C Loader: Johnny Choquette
Color Garden Farms: Elise Ryan,
Weston Nursery: Jim Rockett

Mayor Browning presented the Certificates of Appreciation to Johnny Choquette, Elise and John Ryan, and Jim Rockett, and thanked them for their efforts.

4. COMMITTEE REPORTS

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

Town Manager Kutney advised that the Town Council had indicated that input from the FAAC was needed regarding the issue of Town Council compensation, and the meeting had been held on January 9, 2013. Data had been provided to the FAAC, and after their consideration, the recommendation had been for Option 2 of the data presented - a \$500 month allowance per council member

Vice Chair Elise Ryan addressed the Town Council, and summarized the discussion that had taken place at the FAAC meeting on January 9, 2013, reporting that the FAAC recommendation had been for a \$500 per month allowance per council member.

Comments from the Town Council:

Discussion took place regarding compensation of \$100 per meeting; \$250 per council member per month; \$500 per council member per month; a 12 month basis of compensation, with evaluation at the end of that time.

Motion: Vice Mayor Rockett made a motion to approve compensation in the amount of \$250 per council person per month for an annual max of \$15,000 for the entire Town Council – and proceed only for 12 months to see how it goes, and then take another look at it next year. The motion died for lack of a second.

Motion: Council Member Jarriel made a motion to approve compensation of \$500 per month per council member, as recommended by the FAAC, with a re-evaluation taking place at the end of 12 months. The motion was seconded by Council Member Liang.

Further discussion took place.

The motion passed 3/2, with Mayor Browning and Vice Mayor Rockett opposed.

Town Attorney Cirullo stated that the vote tonight was 3/2, and the directive would need to come back as an ordinance, when four votes would be needed to authorize the compensation. Any ordinance that was passed could not take effect until the next following election.

It was the consensus of the Town Council that the ordinance would be prepared for first reading at the next Town Council meeting.

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.

Town Attorney Cirullo read Ordinance No. 2012-13 by title, as printed above.

Motion: Vice Mayor Rockett made a motion to adopt Ordinance No. 2012-13. The motion was seconded by Council Member Liang.

Mayor Browning opened the public hearing.

There was no one desiring to speak

Mayor Browning closed the public hearing.

The motion passed 5/0.

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

Town Attorney Cirullo read ordinance no. 2012-12 by title, as printed above.

Public Hearing:

Town Manager Kutney noted that this was continued from December 4, 2012, so that more information could be gathered by Councilman Goltzené. This ordinance was the original ordinance that was presented on December 4, 2012, and the changes made did not change the title.

Town Planning Consultant Fleischmann reported that the proposed ordinance was received by the Planning & Zoning Board on November 8, 2012, and they recommended approval. The ordinance was presented at the December 4, 2012, Town Council meeting, and at that time Councilman Goltzené requested that additional time was needed to review the language of the ordinance. Staff met with Councilman Goltzené last week to discuss his particular concerns. The changes made were highlighted in yellow. The underlined sections were sections that were added and strike through sections represented those sections that would be deleted. The Council could decide to approve the unedited edition of the ordinance, or alternatively it could decide to approve the ordinance with some or all of the changes.

Mr. Fleischman presented a brief power point with the history and key components of the ordinance.

Motion: The following motions were made in regard to Ordinance No. 2012-12:

Councilman Goltzené made a motion to strike the provision regarding special exception for semi-trucks making deliveries. The motion was seconded by Councilman Jarriel. The motion passed 5/0.

Councilman Goltzené made a motion to strike the provision regarding limiting the number of employees to two. The motion was seconded by Councilman Jarriel. The motion passed 5/0.

Councilman Goltzené made a motion that the hours of operation are 8:00 a.m. – 8:00 p.m. five days a week, and on Saturday; Sunday hours 12:00 p.m. – 5:00 p.m. The motion was seconded by Councilman Jarriel. The motion passed 5/0.

Mr. Fleischmann explained that the changes on pages 45-58 related to ownership of the property and the business. Council Member Goltzené suggested that the owner of the business would not necessarily have to be the owner of the property. After discussion, it was determined that the language relating to ownership of the property would remain.

Motion: Councilman Jarriel made a motion to adopt Ordinance No. 2012-12 on first reading, incorporating the changes made. The motion was seconded by Vice Mayor Rockett.

Public Comment:

Howard Voren, 1538 “E” Road: Commented regarding handling all of the mom and pop organizations that existed prior to incorporation at one time.

Todd McLendon, 3481 “D” Road: Commented regarding clarification as to accessory use as opposed to primary use. Town Planning Consultant Fleischmann advised that the principal use had to be a residence; the only criteria in the code was that an accessory use had to be smaller physically on the property than the primary use.

Thias Gonzalez, 13090 Raymond Dr: Commented that she agreed with Howard Voren and noted that the Red Bard opens at 10 am on Sun.

The motion passed 3/2, with Council Member Goltzené and Mayor Browning opposed.

Town Attorney Cirullo advised that the Charter required approval of four Town Council members on second reading of the ordinance.

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.

Town Manager Kutney advised that the Town Council had asked the Management Company to try to recoup costs. He explained the basis of the fees included in the Resolution.

Town Attorney Cirullo read Resolution No. 2013-01 by title as printed above.

Motion: Vice Mayor Rockett made a motion to approve Resolution 2013-01. The motion was seconded by Council Member Liang. The motion passed 5/0.

8. ADMINISTRATIVE UPDATE – Town Manager Kutney

Town Manager Kutney advised that another Petition for Initiative, with a page included that referred to a charter amendment, was received on January 7, 2013.

Town Attorney Cirullo stated that this is the same question that was the subject of the initial petition that was filed in November. It raises the same legal concerns that were outlined earlier. Palm Beach State College is aware of this petition and they had sent a letter outlining their concerns about the original petition. Nothing is different today than when we met in November, other than the resolution of support. I will update and mention that the core issue has to be with the substance, and whether it is appropriate under state law for a referendum issue. There has been a circuit court opinion that permitted a referendum on an issue similar to this. The city of

Boca Raton has filed an appeal and there is a decision pending in the Appellate Court. Any decision in that case would be binding on the Town. The Charter contains a time frame for signatures, and from the Town's perspective, the Committee is in that time frame to collect the signatures.

Council Member Jarriel read a letter from Patrick Kavanaugh, 15060 25th Place North, regarding an incident relative to the initiative petition issue, into the record.

Town Manger Kutney continued with his administrative update. He referred to the workshop that was held recently regarding the moratorium effort and Okeechobee Blvd, and noted that a second workshop would be held with the property owners along Southern Blvd., as well as the general public, in order to receive input as it related to the moratorium effort.

Public Comment:

Marshal Newell, 3508 "C" Road: Commented regarding the petition, and that it was asking that the people of Loxahatchee Groves can vote on whether they want the college or not, and that no one would be forced to sign.

Vice Mayor Rockett commented that it is unfair that more of the story is not included – the people have to know what they are voting for.

Town Manager Kutney continued with his administrative update, and announced that State Representative Pafford would hold a Town Hall Meeting on January 31, 2013, at the Village of Royal Palm Beach Cultural Center, 151 Civic Center Way, Royal Palm Beach, Florida.

Town Manager Kutney continued with his administrative update, and advised that Lee Wright, 727 "E" Road, had indicated that he had an interest in selling the property, 15.3 acres, to the Town. Mr. Kutney stated that he had indicated that the process would be to bring it to the Town Council to see if there was any interest.

Council Member Goltzené recused himself if there was discussion in regard to that matter due to business matters with Mr. Wright.

Town Manager Kutney reminded the Town Council that Council Member Liang needed to appoint a member to the Unified Land Development Code Review Committee. Council had indicated that it would provide the staff with specific sections that they would like to look at. An introductory meeting date was planned in January, and Mr. Kutney would receive input from the Town Council at any time prior to that time. He indicated that the Committee would first try to correct all of the problems that have been identified, or that may be encountered as the review

took place, and secondly, the Committee would find the nebulous, in appropriate and over-regulatory matters that the Town Council would want the Committee to review. It was the consensus of the Town Council that was the process that would be followed.

Town Manager Kutney provided an update on code enforcement policies and upcoming matters that would be heard at the Special Magistrate hearing.

9. OLD BUSINESS

a. Ryan Liang appointment to ULDC Committee

Council Member Liang appointed Katie Davis to the Unified Land Development Code Review Committee.

b. Code Enforcement Policy – Town of Loxahatchee Groves

Town Manager Kutney reviewed the code enforcement policy that was discussed at the last Town Council meeting, noting that code enforcement complaints will still be handled on a complaint basis, and that 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 complaints are also handled proactively pursuant to Ordinance 2012-03.

Martin McKabe, “C” Road (Southwest corner Okeechobee and “D”): Commented that he was looking to make mulch for sale; to do chipping and mulching as an accessory use; he could meet all requirements except the 5 acre requirement.

Town Attorney Cirullo clarified that the issue is how do you establish a mulching process.

Town Manager Kutney replied that the code requires 10 acres; it is a conditional use approval. He did not know that Mr. McCabe was even operating, until Councilman Jarriel brought it to our attention, and it was then found that it was in violation.

Mayor Browning commented that this is something we are going to be dealing with in the ULDC review.

Motion: Council Member Goltzené made a motion to approve the policy as set forth by Town Manager Kutney. The motion was seconded by Vice Mayor Rockett. The motion passed 5/0.

Mayor Browning explained that Mr. McCabe should meet with Town Manager Kutney and go through the process.

Council Member Jarriel commented that the application was applied back in July of 2012. Here it is January, and we still have not solved the problem.

- 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*

Discussion took place regarding reviewing all of the Town funds to determine what dollars were committed and what could be available to be spent on roads. Vice Mayor Rockett exhibited a document put together by staff that reviewed all of the funds available and what was committed so far. Discussion took place regarding the Intergovernmental Committee meetings, and various roads in the Town that needed work.

Town Manager Kutney stated that he understood the frustration; relative to the Intergovernmental Committee, he had indicated to the Town Council that we are ready to go once we get the administrator for the LGWCD. He offered that he could meet with one of the supervisors if the Town Council so directed. He noted that the Management Company has been working

diligently, and would issue an invitation to bid regarding the roadway work. He hoped to have the engineering RFP done at the end of January.

Town Attorney Cirullo explained that the moratorium would expire at the end of March. Proposals will be brought before the Town Council in March, and that was a very compressed time frame; there was litigation in federal court as well. Both items were deadline driven.

Vice Mayor Rockett recommended that the RFP for engineering services be accomplished. He noted that the whole discussion about what the District could be asked to do, and what role they would have was a very long and complex discussion

Motion: Councilman Jarriel made a motion to approve establishing an Intergovernmental Committee again, and do it now and make a meeting as soon as possible as long as the Town Manager is available, and I would like to be at that first meeting, and I am sure that John Ryan can be on the other.

The motion failed for lack of a second.

Public Comments:

Howard Voren, 1538 "E" Road: Commented regarding the joint meeting with the LGWCD and discussion regarding the LGWCD turning over the road easements,

Town Attorney Cirullo clarified that the motion made included the letter roads, plus Compton and Marcella and Bryan.

Motion: Council Member Jarriel made a motion that action be taken on all of the Ogemed roads, the district roads, and Bryan, Compton and Marcella. The motion was seconded by Council Member Liang.

John Ryan, A Road stated: There are no public easements recorded for Bryan Road. On Compton and Marcella; the District does not have ownership of an easement right. The county named us as a grantee on behalf of the public, and we have instructed our counsel to work with the Town Attorney to find out what kind of transfer we can make to the Town that has sufficient validity for the Town to take responsibility of those roads. We think that in July 2014, the Town may be able to qualify under a Florida Statute to actually take responsibility of the roads. There is no hesitancy on the part of the District to turn over whatever our interest is, but we don't really know what our interest is.

The motion passed 5/0.

Marsha Newell, 3508 C Road: Commented regarding the committee, and that who is on the committee should be decided by the Town Council.

Marianne Miles; 3413 B Road: Commented that she had handed in a packet in regard to the roads that she would like the Town Council to review, and that the facts and figures she had put together took a lot of time and energy.

Harold Murphy: 13245 Compton Road: Commented that Compton Road was dangerous and needed to be fixed; drainage was also blocked.

Virginia Standish: 15410 North Road: Commented with feedback as to why some residents voted no for OGEM on their roads; the transfer of easements from LGWCD to the Town, and the legal consequences thereof.

10. NEW BUSINESS

- a. Charter and Ethics Code Violations -*Ron Jarriel* [Clerk's note: item 10.a. was heard immediately following Item 8.]

Councilman Jarriel commented that he believed that the Town has the best management team that money could buy, and that he supported them and thought they did an outstanding job. He referred to a letter to him from the Town Manager regarding the work done on 6th Court North, and the Town's ethical code, as well as a letter from the Town Manager to the Loxahatchee Groves Water Control District on the same issue. Mr. Jarriel proceeded to read the letters into the record, and then provided his comments. He noted that he had gone to the Palm Beach County Commission on Ethics, and that it was the opinion that there was not anything unethical done on his part. He requested that the Town Council let him know if the Town Manager was justified in writing the letter.

Discussion took place between the Town Council members.

Council Member Jarriel stated that the Town Manager should have handled the situation with him, and that he did not see anything wrong with his actions in regard to the road work that would save money for the Town. Any questions should have been clarified at the meeting at which the issue occurred. He stated that he had contacted the Town legal staff and asked that the letter be read over and that he is told whether the action was unethical.

Town Attorney Cirullo stated that he does not give opinions on whether someone acts unethically. The ultimate conclusion is for the Town Council, because it is their charter and their code. He does not investigate these matters. The Town Manager felt that there was an issue and he put it in this format, and now it is before the Council. He stated that Mr. Jarriel was the judge of his own conduct under the charter and the code, and at this point, the Council has to decide whether to take any action and what that action would be.

Town Manager Kutney stated that he felt compelled to address the other side of the issue: The Management Company enjoys working with the Town Council, and Ron is a fine man and I like him and all of you very much. There have been numerous attempts by myself and Bill Underwood to try to counsel Ron that the direction he is going affects not only him, but the entire Town Council. We work out of a Town Council majority, and to have an individual council member doing things that could affect the entire Town Council is a dangerous situation. We understand ethics law and what you have to do. I never intended to put Ron in this position. I don't have the authority to file ethics charges. Mike is correct, you all are the judge. All I can do is suggest when I think behavior is getting out of hand. I have made attempts to meet with Ron, and did meet with him, and I felt that the only way we could get his attention was to put it in writing. He insisted that this be put on the agenda. He spent a lot of time talking about my letter to the LGWCD. Ron cannot have it both ways – as a resident, and as a council member. My concern to them was that I was speaking on behalf of the Town as your authorized representative. The issue is this: before we even got into that situation, earlier that evening Ron got up and made a comment that the Town had \$4 million and that the resident should come and talk to us. Bill and I have told Ron that you cannot do that, and you are putting yourself and the Council in harm's way. The road issue is now being confused. The question was one of interference and violating ethics.

Public Comment:

Dominic Pologruto, 12918 Marcella Blvd.: Mayor Browning read his comments of support for Council Member Jarriel into the record on request.

Jeff Smith, 3410 "A" Road: Mayor Browning read his comments of support for Council Member Jarriel into the record on request.

Don Widing, 13169 Marcella Blvd.: Commented regarding the correspondence between Town Manager Kutney and Council Member Jarriel and the LGWCD.

Todd McLendon, 3481 "D" Road: Commented regarding the issue concerning Council Member Jarriel.

Gerald Eickes, 3481 B Road: Commented that Vinceremos is a great organization, and if that is all it took to keep the support there, I don't have a problem with cutting those trees.

Vice Mayor Rockett stated that Council Member Jarriel is asking the Town Council what it thinks. I think he gets over-zealous sometimes, but that's it.

Council Member Liang stated: I support Ron and what he is doing. I think the question is why did he feel he needed to go directly to the District. Ron at times feels he needs to take things into his own hands and get it done – government moves too slowly. We do need to follow our own guidelines. Mark, I would have liked to have had some notice or been talked to before we got this letter sent to the District, just to feel how the rest of the Council wants to handle the situation. This could have been handled better, but now let's get past it and move on.

Council Member Goltzené stated: My thoughts are that our function as a Town Council is to make policy, set rules, make regulations, etc., and in doing that, we ought to realize that these ordinances are for everyone, including ourselves, and the ethics ordinance should be followed and policy should be followed. If the goal is to have a town manager form of government, Ron needs to understand that his role in this situation is one of five and one who is to vote on issues and give direction to the management, and then allow them to do the work. There are rules, regulations and laws and great complexity in the rules we live by in the 21st century. We are a government, and when we make rules the rules need to be followed. Ron should give Mark the respect to get the job done. I don't believe that there are people in this town who want us to borrow money or raise taxes. How does he stretch the \$4 million and pay for \$9-12 million worth of roads. I do not want to punish Ron, and this entire procedure is at his desire. If he wants to get someone to investigate this, that is his decision.

11. CLOSING COMMENTS

a. Public

Robin Shehan and Henry Noyes, 14345 Tripp Road North: Commented regarding a problem with a neighbor and a motor cross track, and that the noise could not be tolerated and something needed to be done.

Todd McLendon, 3481 "D" Road: Commented regarding the initiative petition and that the petition is to give the people a voice to tell the Town Council what they want.

Marianne Miles: 3412 “E” Road: Commented that if the people that are signing the petition for the college wanted to take a vote to have it done, they should have done it a while ago before the property was purchased. If they don’t want it, they should get together and buy the property from the college, so that it doesn’t cost the taxpayers money for an ongoing process for getting this resolved. She commented regarding people riding horses on the road, and commented regarding the packet she had handed in regarding the roadways.

b. Town Attorney

c. Town Council Members

Vice Mayor Rockett requested that, if the Town Council agreed, Town Attorney Cirullo could advise the Town Council on a monthly basis how often meetings are set up with the LGWCD attorney, when the meets are held and what was discussed.

Town Attorney Cirullo advised that a meeting had been held in early December when the District was trying to figure out how to get an administrator, there had not been any hesitancy on the part of the LGWCD attorney, and he would be happy to provide updates in any form that the Town Council desired. He offered that he could give a verbal update, or a brief bullet report under his report once a month on the status of road transfer issues with the District.

Vice Mayor Rockett stated the he would want to see something once a month if possible.

After discussion, it was the consensus of the Town council that Town Attorney Cirullo provide a report once a month.

Vice Mayor Rockett: Regarding the initiative petition, stating that it was not simply the right to vote, and that people need to be told the end result that they will be part and party to, if they sign the petition and a vote is taken, and the intent is to have the Council undo what they have approved. They always have the right to sign, but they should know the consequences of signing.

Council Member Liang: Goodnight.

Council Member Jarriel: Thanked everyone. Apologize for his part in making it this late. I am glad that Jim Rockett and Mayor Browning are running for re-election.

Mayor: Thanked everyone for coming. Added one thing – maybe what we need to do is change our charter to let everyone vote for every land change in Loxahatchee Groves. America does not have a pure democracy. It is a republic and you elect people to make decisions, and we make decisions with the best input that we can get and come up with a conclusion.

12. ADJOURNMENT

There being no further business, the Town Council meeting of January 15, 2013, was adjourned at 11:25 p.m.

Susan Eichhorn
Town Clerk

David Browning
Mayor

(SEAL)

**These minutes were approved by the Town Council at the
February 5, 2013, Town Council Meeting**



2.c. Municipal Election Agreement with Palms West Presbyterian Church

THIS AGREEMENT, dated this 12TH day of December, 2012, by and between The Town of Loxahatchee Groves, 14579 Southern Blvd., Suite 2, Loxahatchee Groves, Florida 33470 (Palm Beach County, Florida), and the owner/representative of the Polling Place located at:

The Palms West Presbyterian Church
NAME OF POLLING LOCATION (Include name and/or room number)
13689 Okeechobee Blvd., Loxahatchee Groves, FL 33470
POLLING LOCATION STREET ADDRESS, CITY AND ZIP CODE

OWNER/REPRESENTATIVE AGREES:

- To provide a Polling Place for holding the following Elections.

TOWN OF LOXAHATCHEE GROVES MUNICIPAL ELECTION

TUESDAY, MARCH 12, 2013 - Municipal Election
TUESDAY, MARCH 26, 2013 (Possible Run-Off Election Date)

- To provide the following items from 6:00 a.m. until closing procedures required by Florida Statutes are completed by the Election Board.

CHAIRS FOR ELECTION WORKERS (circle) YES NO NUMBER OF CHAIRS AVAILABLE: 25
TABLES FOR ELECTIONS WORKERS (circle) YES NO SIZE OF TABLES AVAILABLE: 5
RESTROOM FACILITIES AVAILABLE (circle) YES NO AIR CONDITIONING/HEATING (circle) YES NO

- To provide access to the Polling Place on election day by one of the following means:

(circle) YES NO Owner will open Polling Place NO LATER THAN 6:00 a.m. on Election Day.
(circle) YES NO Owner will provide the Precinct Clerk with a key to the facility prior to Election Day.

STATEMENT OF INDEMNITY: The Town of Loxahatchee Groves shall be responsible for damages, as found legally liable for and to the extent permitted by law, arising out of injury or damage to persons or property directly caused by or resulting from the sole negligence of The Town of Loxahatchee Groves or any of its officers or employees. The owner shall be responsible for damages, and shall indemnify save, and hold harmless The Town of Loxahatchee Groves for damages or claims arising out of injury or damage to persons or property caused by or resulting from the negligence of the owner alone or in connection with a third party or any of its employees, agents, invitees, guests or representatives. The Town of Loxahatchee Groves shall be listed as an additional insured to any existing insurance policy for the premises and a certificate of insurance shall be issued listing The Town of Loxahatchee Groves as an additional insured no less than thirty (30) days prior to the polling event. Nothing in this provision shall constitute as a waiver of sovereign immunity.

I AGREE TO THE ABOVE CONDITIONS AND WILL MAKE MY FACILITY AVAILABLE TO THE TOWN OF LOXAHATCHEE GROVES ON THE DATES INDICATED ABOVE.

[Signature] DAVID STERMAN Facilities Manager 12/12/12
SIGNATURE PRINT NAME TITLE DATE SIGNED

1128 Royal Palm Beach Blvd, PMB 025, Royal Palm Beach, FL, 33411
MAILING ADDRESS (INCLUDE CITY, STATE AND ZIP CODE)

E-MAIL: PWPE_OfficeManager@yahoo.com TELEPHONE: 561-795-6292

ADDITIONAL INFORMATION

- To provide access to the premises or delivery and pickup of voting equipment before and after each Election, please provide the days and hours facility is open for the delivery and pickup of voting equipment:

OPEN MONDAY THRU FRIDAY 9:00AM TO 12:00 NOON

- Name and telephone number of emergency contact person before and after regular business hours:

DAVID STERMAN 561-762-5855 STERMANX4@bellsouth.net
NAME TELEPHONE ALT. TELEPHONE EMAIL

- Name and telephone number of contact person at Polling Place on Election Day:

CAROL EVEREST 561-795-6292 PWPE_OfficeManager@yahoo.com
NAME TELEPHONE ALT. TELEPHONE EMAIL

- Two alternate contacts:

JOHN HALL 561-795-2475H 561-398-8722 CELL
NAME TELEPHONE ALT. TELEPHONE EMAIL

RUFFIN STEPP 561-601-7122 CELL
NAME TELEPHONE ALT. TELEPHONE EMAIL

SUSAN EICHHORN, CMC, TOWN CLERK,

SIGNATURE

DATE SIGNED

TOWN CLERK: Susan Eichhorn

TELEPHONE: 561-793-2418

EMAIL: seichhorn@loxahatchee groves.fl.gov

FAX: 561-793-2420



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/07/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Florida Church Insurance Agency, Inc. A262530 99353 Overseas Hwy Ste 13 Key Largo, FL 33037	CONTACT NAME: PHONE (A/C No. Ext): FAX (A/C No.): E-MAIL ADDRESS: ADDRESS: INSURER(S) AFFORDING COVERAGE NAIC # INSURER A : Guideone Elite Ins Co 42803 INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :
INSURED Palms West Community Church Inc. 2103 Maplewood Dr West Palm Beach, FL 33415	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS HRED AUTOS SCHEDULED AUTOS NON-OWNED AUTOS	Y		1229149	07/26/2012	07/26/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COM/OP AGG \$ 3,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ EACH OCCURRENCE \$ AGGREGATE \$ WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION \$ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Church operations specific to Municipal Elections March 12 & March 26 (if run-off) 2013

CERTIFICATE HOLDER

CANCELLATION

TOWN OF LOXAHATCHEE GROVES 14579 SOUTHERN BLVD STE 2 Loxahatchee, FL 33470	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	---

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3.a. Drowning Coalition Information

DPC Directory

- o Home
- o About Us
- o Aquatics Facilities
- o Contact Us
- o CPR Information
- o Education
- o News
- o Ocean Safety
- o Pool Safety
- o Related Links
- o Statistics
- o Upcoming Events
- o Water Safety

How to Escape a Sinking Vehicle



Would you know how to escape? 

Videos

- o Water Safety Natural Bodies
- o Water Safety Inside the Home
- o National Drowning Prevention Alliance—Swimming Lessons
- o National Drowning Prevention Alliance—Pool Safety
- o Simple Steps to Safer Pools
- o Waterproof FL
- o Drowning Prevention —The Kimberly Esau Story
- o Pool Safety Tips

About Us



The Drowning Prevention Coalition of Palm Beach County was established in 1996 to raise the level of community awareness regarding safety in and around all bodies of water within the County.

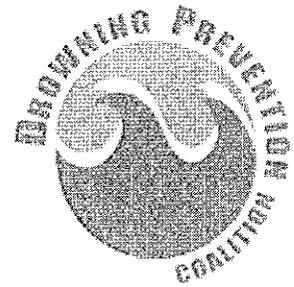
The DPC strives to be the primary resource for all of PBC residents' water safety needs. By calling us at 561-616-7068 you have access to information about local pools, layers of protection, swim instruction, and lifeguarded areas.

Through services provided to PBC residents, the Drowning Prevention Coalition continuously tries to reduce drowning, near drowning and other water related incidents in Palm Beach County. Such services include but are not limited to: Education, providing free-swimming lessons to qualified families, and guiding groups and special needs programs to area swimming lessons.

Download our brochure 

Services We Provide:

- o **Education:** Organizations, educational programs, facilities, and summer camps can schedule an interactive water safety program for their participants. Activities are age appropriate and may include life jacket relay races, water safety bingo, stories, crafts and more. All activities are available at no cost, we travel to your location and they are land based, therefore not requiring water.
- o **Drowning Prevention Bucks:** The DPC has vouchers for free-swimming lessons for qualified, PBC resident children ages 3-12. Pools accepting these vouchers are located throughout PBC. Vouchers are limited and therefore are on a first come first serve basis. To see if your child



Supported by:

- o Palm Beach County Board of County Commissioners
- o Children's Services Council of Palm Beach County
- o Palm Beach County Fire/Rescue

Red Cross

Sign up for CPR/First Aid Classes

Pool Safety



Click here to sign up for updates on Pool and Spa Safety from CPSC.

qualifies please call 561-616-7068.

- o **S.W.I.M. (Safe Water Instruction Module):** In partnership with the YMCA of South Palm Beach County, the goal is to help reduce the risk of accidental drowning in Palm Beach county by providing water safety education, swim instruction and advanced aquatic training to children and teens. This program is available to community-based organizations and schools. Please call the YMCA of South Palm Beach County at 561-738-9622 for more information.

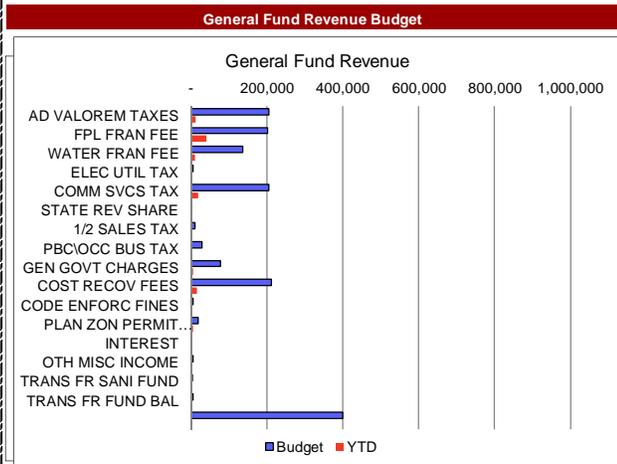
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4.a. FAAC Report and Approval of the November and December 2012 Financial Reports



Town of Loxahatchee Groves Financial Activity Report as of November 30, 2012 (17% of year elapsed)



General Fund Revenues			
Revenues	Budget	Year-to-Date	%
AD VALOREM TAXES @ 1.2000	206,025	12,130	5.9%
ELECTRIC UTILITY TAX	202,000	41,353	20.5%
COMMUNICATION SERVICES TAX	136,726	10,709	7.8%
COUNTY OCCUPATIONAL LICENSES	5,000	3,068	61.4%
FPL FRANCHISE FEE	206,000	19,687	9.6%
HAULER LICENSE FEE	2,000	-	0.0%
PBC WATER UTILITY FRANCHISE	10,500	799	7.6%
PLANNING & ZONING PERMIT FEES	30,000	-	0.0%
STATE REVENUE SHARING	77,873	6,384	8.2%
HALF CENT SALES TAX	212,024	16,262	7.7%
GENERAL GOVERNMENT CHARGES	5,000	1,180	23.6%
COST RECOVERY FEES	20,000	6,026	30.1%
COURT FINES	-	478	-
CODE ENFORCEMENT FINES	5,000	300	6%
INTEREST	3,600	25	0.7%
OTHER MISC. INCOME	5,000	-	0
TRANSFER FROM FUND BALANCE*	400,000	-	0.0%
Total Revenues	1,526,748	118,400	7.8%

General Fund Expenditures			
Expenditures	Budget	Year-to-Date	%
LEGISLATIVE	39,235	3,806	9.7%
EXECUTIVE	275,259	45,279	16.4%
FINANCIAL AND ADMINISTRATIVE	23,750	910	3.8%
LEGAL COUNSEL	60,000	18,197	30.3%
COMPREHENSIVE PLANNING & ZONING	148,700	24,330	16.4%
OTHER GENERAL GOVERNMENT	695,519	21,632	3.1%
LAW ENFORCEMENT	275,285	45,798	16.6%
PUBLIC WORKS	9,000	186	2.1%
Total Expenditures	1,526,748	160,137	10.5%
Excess(deficiency)	-	(41,737)	

YTD-Total Funds Expen. Budget			
Expenditures	Budget	Year-to-Date	%
Total Townwide Budget	3,675,754	246,104	6.7%

Selected Other Funds			
Transportation Fund	Budget	Year-to-Date	%
FIRST LOCAL OPTION FUEL TAX (6 CENT)	249,245	19,630	7.9%
SECOND LOCAL OPTION FUEL (5 CENT)	117,326	9,123	7.8%
CONTRIBUTION FROM GENERAL FUND	-	-	-
TRANSFER FROM FUND BALANCE	-	-	-
Total Revenues	366,571	28,753	7.8%
TRAFFIC CONTROL SIGNS (6 CT) MAINT.	9,245	-	0.0%
NON-DISTRICT ROADS (6 CT) MAINT.	40,000	9,290	23.2%
DISTRICT ROADS (6 CT) MAINT.	-	-	-
ROADS AND STREETS (5 CT)	150,000	-	-
SPECIAL PROJECTS (6 CT)	50,000	0	-
148th TERR BRIDGE(5)/CULVERT	-	-	-
CONSTRUCTION TOWN RDS & STREETS	-	-	-
TRANSFER TO FUND BALANCE	117,326	0	-
Total Expenses	366,571	9,290	2.5%
Excess(deficiency)	-	19,463	

Solid Waste Fund			
Budget	Year-to-Date	%	
SOLID WASTE ASSESSMENTS	346,361	17,879	5.2%
DISCOUNT FEES	(10,392)	(819)	7.9%
SWA RECYCLING INCOME	8,000	3,652	45.7%
CONTRIBUTION FROM GENERAL FUND	126,000	-	-
Total Revenues	469,969	20,713	4.4%
CONTRACTUAL-WASTE OVERSIGHT	12,000	1,234	10.3%
PBC ADMINSTRATION FEE 1%	3,463	170.61	4.9%
POSTAGE & FREIGHT	500	-	-
SOLID WASTE CONTRACTOR	451,634	75,272	16.7%
OTHER SANITATION SERVICES	1,500	-	0.0%
LEGAL ADVERTISING	872	-	0.0%
MANAGEMENT FEES	-	-	-
Total Expenses	469,969	76,677	16.3%
Excess(deficiency)	-	(55,964)	

Capital Improvement Program (CIP) Fund			
Budget	Year-to-Date	%	
CONTRIBUTION FROM GENERAL FUND	400,000	-	-
TRANSFER FROM FUND BALANCE	912,466	-	-
Total Revenues	1,312,466	-	0.0%
DEVELOP TOWN HALL ALTERNATIVES	500,000	-	-
TRAILS	200,000	-	-
OGEM PAVING/COST SHARING	-	-	-
ROAD & DRAINAGE IMPROVEMENT	362,466	-	-
TRAFFIC LIGHT OKEECHOBEE	250,000	-	-
Total Expenses	1,312,466	-	0.0%
Excess(deficiency)	-	-	-

Contract Services Expenditures			
Expenditures	Budget	Year-to-Date	%
Waste Pro	451,634	75,272.40	16.7%
Palm Beach County Sheriff	275,285	45,797.50	16.6%
Underwood Management Services Group	330,835	55,524.25	16.8%
Goren, Cherof, Doody, Ezrol	60,000	18,659.65	31.1%
Tew & Associates	35,000	5,018.50	14.3%
Land Research Management	-	5,585.50	-
Calvin Giodorno	-	-	-
Frank Schiola	25,000	2,630.50	10.5%
YEE's Corporation	10,800	1,800.00	16.7%
Loxahatchee Water Control District	150,000	-	-
Total Expenses	1,338,554	210,288.30	

**BUDGET VS ACTUAL
 AS OF NOVEMBER 30, 2012**
 17% Elapsed
 General Fund
 Revenues

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
001-311-100-000	Ad Valorem Taxes	12,130.38	12,130.38	-	206,025.00	(193,894.62)	5.9%
	Ad Valorem Taxes Subtotal	12,130.38	12,130.38		206,025.00	(193,894.62)	
001-314-100-000	Electric Utility Tax	24,011.34	41,352.99	-	202,000.00	(160,647.01)	20.5%
001-315-100-000	Communications Services	10,708.79	10,708.79	-	136,726.00	(126,017.21)	7.8%
001-316-200-000	County Occupational License	757.89	3,067.65	-	5,000.00	(1,932.35)	61.4%
	Local Taxes Subtotal	35,478.02	55,129.43		343,726.00	(288,596.57)	
001-323-100-000	FPL Franchise Fee	19,686.54	19,686.54	-	206,000.00	(186,313.46)	9.6%
001-323-125-000	Haulers License Fee	-	-	-	2,000.00	(2,000.00)	0.0%
001-323-300-000	PBC Water Utility Franchise	789.48	798.73	-	10,500.00	(9,701.27)	7.6%
001-329-100-000	Planning & Zoning Permit	-	-	-	30,000.00	(30,000.00)	0.0%
	Permits, Franchise Fees & Special Subtotal	20,476.02	20,485.27		248,500.00	(228,014.73)	
001-335-120-000	State Revenue Sharing	6,383.62	6,383.62	-	77,873.00	(71,489.38)	8.2%
001-335-180-000	Half Cent Sales Tax	16,262.29	16,262.29	-	212,024.00	(195,761.71)	7.7%
	Intergovernmental Revenue Subtotal	22,645.91	22,645.91		289,897.00	(267,251.09)	7.8%
001-341-000-000	General Government Charges	550.00	1,180.00	-	5,000.00	(3,820.00)	23.6%
001-343-349-000	Cost Recovery Fees	1,587.50	6,026.25	-	20,000.00	(13,973.75)	30.1%
	Charges for Services Subtotal	2,137.50	7,206.25		25,000.00	(17,793.75)	
001-351-100-000	Court Fines	261.80	477.74	-	-	477.74	
001-354-100-000	Code Enforcement Fines	-	300.00	-	5,000.00	(4,700.00)	6.0%
	Code Enforcement Fines Subtotal	261.80	777.74		5,000.00	(4,222.26)	
001-361-100-000	Interest	13.06	25.13	-	3,600.00	(3,574.87)	#N/A
001-369-000-000	Other Misc Income	-	-	-	5,000.00	(5,000.00)	0.0%
	Other Misc Revenue Subtotal	13.06	25.13		8,600.00	(8,574.87)	
001-399-000-000	Transfer from Fund Balance	-	-	-	400,000.00	(400,000.00)	0.0%
	Other Non-operating Sources Subtotal	-	-		400,000.00	(400,000.00)	
	Grand Total Revenue	93,142.69	118,400.11	-	1,526,748.00	(1,408,347.89)	7.8%



Town of
LOXAHATCHEE GROVES

**TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL**

17% Elapsed
General Fund
Expenditures

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
001-511-310-000	Professional Services	-	-	-	20,000.00	20,000.00	0.0%
001-511-400-000	Travel	-	92.00	-	3,000.00	2,908.00	3.1%
001-511-492-000	Other Operating Expenses	-	-	-	1,500.00	1,500.00	0.0%
001-511-500-000	Education & Training	-	-	-	1,000.00	1,000.00	0.0%
001-511-510-000	Office Supplies	-	-	-	300.00	300.00	0.0%
001-511-520-000	Operating Supplies	-	-	-	300.00	300.00	0.0%
001-511-540-000	Books, Publications & Subscriptions	1,270.00	3,714.00	-	7,785.00	4,071.00	47.7%
001-511-820-000	Special Events/Contributions	-	-	-	5,350.00	5,350.00	0.0%
	Legislative Total	1,270.00	3,806.00	-	39,235.00	35,429.00	9.7%
001-512-340-000	Other Services	21,367.82	42,735.64	-	254,635.00	211,899.36	16.8%
001-512-400-000	Travel	58.07	118.90	-	1,000.00	881.10	11.9%
001-512-410-000	Communication Services	-	476.26	-	-	(476.26)	-
001-512-420-000	Postage & Freight - NEW	47.70	47.70	-	1,000.00	952.30	4.8%
001-512-490-000	Legal Advertising	-	-	-	500.00	500.00	0.0%
001-512-492-000	Other Operating Expenses	5.00	10.00	-	944.00	934.00	1.1%
001-512-493-000	Election Expense	-	-	-	8,010.00	8,010.00	0.0%
001-512-510-000	Office Supplies	551.85	740.40	-	8,600.00	7,859.60	8.6%
001-512-521-000	Loxahatchee Groves CERT - MOVED	-	1,149.67	-	-	(1,149.67)	-
001-512-540-000	Books, Publications & Subscriptions	-	-	-	570.00	570.00	0.0%
	Executive Total	22,030.44	45,278.57	-	275,259.00	229,980.43	16.4%
001-513-320-000	Accounting and Auditing	-	-	-	18,000.00	18,000.00	0.0%
001-513-470-000	Printing and Binding	-	-	-	4,750.00	4,750.00	0.0%
001-513-490-000	Legal Advertising	910.00	910.00	-	1,000.00	90.00	91.0%
001-513-493-000	Election Expense (moved)	-	-	-	-	-	0.0%
	Financial & Administrative Total	910.00	910.00	-	23,750.00	22,840.00	3.8%
001-514-310-000	Professional Services	9,629.15	18,197.25	-	60,000.00	41,802.75	30.3%
	Legal Total	9,629.15	18,197.25	-	60,000.00	41,802.75	32.6%

TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF NOVEMBER 30, 2012
 17% Elapsed
 General Fund
 Expenditures

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
001-515-310-000	Professional Services	10,974.43	18,303.86	-	40,000.00	21,696.14	45.8%
001-515-340-000	Other Services	-	-	-	76,200.00	76,200.00	0.0%
001-515-343-000	Planning & Zoning Contract	-	-	-	-	-	0.0%
001-515-347-000	Comprehensive Plan	-	-	-	5,000.00	5,000.00	0.0%
001-515-349-000	Cost Recovery Expenditure	1,587.50	6,026.25	-	25,000.00	18,973.75	24.1%
001-515-490-000	Legal Advertising - NEW	-	-	-	2,500.00	2,500.00	0.0%
	Comprehensive Planning & Zoning Total	12,561.93	24,330.11		148,700.00	124,369.89	16.4%
001-519-315-000	Special Magistrate	1,125.00	1,755.00	-	16,000.00	14,245.00	11.0%
001-519-354-000	Code Compliance	2,096.50	3,339.00	-	41,000.00	37,661.00	8.1%
001-519-410-000	Communications Services	467.66	467.66	-	5,100.00	4,632.34	9.2%
001-519-440-000	Rentals and Leases	2,136.17	2,377.40	-	16,305.00	13,927.60	14.6%
001-519-450-000	Insurance	-	12,316.00	-	16,500.00	4,184.00	74.6%
001-519-460-000	Repair & Maint - Building	200.00	400.00	-	2,126.00	1,726.00	18.8%
001-519-470-000	Printing and Binding	471.18	471.18	-	-	(471.18)	0.0%
001-519-480-000	Promotional Activities	-	-	-	-	-	0.0%
001-519-490-000	Computer Repair	176.75	505.80	-	4,500.00	3,994.20	11.2%
001-519-491-000	Computer Services	-	-	-	11,131.00	11,131.00	0.0%
001-519-494-000	Inspector General Office	-	-	-	5,280.00	5,280.00	0.0%
001-519-820-000	Loxahatchee Groves CERT	-	-	-	2,000.00	2,000.00	0.0%
001-519-900-000	Transfer toTransportation Fund	-	-	-	-	-	0.0%
001-519-910-000	Transfer to Sanitation Fund	-	-	-	126,000.00	126,000.00	0.0%
001-519-920-000	Transfer to Capital Projects	-	-	-	400,000.00	400,000.00	0.0%
001-519-990-000	Contingency	-	-	-	49,577.00	49,577.00	0.0%
	Other Governmental Services Total	6,673.26	21,632.04		695,519.00	673,886.96	3.1%
001-521-341-000	Professional Services-PBSO	22,898.75	45,797.50	-	274,785.00	228,987.50	16.7%
001-521-342-000	Contractual-ADDL PBSO	-	-	-	500.00	500.00	0.0%
	Law Enforcement Total	22,898.75	45,797.50		275,285.00	229,487.50	16.6%
001-539-310-000	Other Services	-	-	-	-	-	0.0%
001-539-340-000	Professional Services	185.50	185.50	-	9,000.00	8,814.50	2.1%
	Public Works Total	185.50	185.50		9,000.00	8,814.50	2.1%
	Grand Total Expenditure	76,159.03	160,136.97	-	1,526,748.00	1,366,611.03	10.5%
	Net Revenue	16,983.66	(41,736.86)		-		



Town of
LOXAHATCHEE GROVES

**TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF NOVEMBER 30, 2012**

17% Elapsed
Transportation Fund
Revenues

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
101-312-410-000	1st Local Option Fuel Tax	19,629.77	19,629.77	-	249,245.00	(229,615.23)	7.9%
101-312-420-000	2nd Local Option Fuel Tax	9,122.75	9,122.75	-	117,326.00	(108,203.25)	7.8%
101-363-990-000	Contribution from General Fund	-	-	-	-	-	0.0%
101-399-000-000	Transfer from Fund Balance	-	-	-	-	-	0.0%
	Total Revenue	28,752.52	28,752.52		366,571.00		7.8%

Transportation Fund
Expenditures

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
101-541-467-000	Traffic Control Signs (6 ct) Maint.	-	-	-	9,245.00	9,245.00	0.0%
101-541-468-000	Non-District Roads (6 ct) Maint.	8,609.80	9,289.80	-	40,000.00	30,710.20	23.2%
101-541-469-000	District Roads (6 ct) Maint.	-	-	-	-	-	0.0%
101-541-631-000	Road and Streets (5 cent)	-	-	-	150,000.00	150,000.00	0.0%
101-541-632-000	Special Projects (6 cent)	-	-	-	50,000.00	50,000.00	0.0%
101-541-634-000	148th Terr Bridge (5)/Culvert	-	-	-	-	-	0.0%
101-541-636-000	Construct Town Rds & Sts	-	-	-	-	-	0.0%
101-541-990-000	Transfer to Fund Balance	-	-	-	117,326.00	117,326.00	0.0%
	Total Expenditure	8,609.80	9,289.80	-	366,571.00		2.5%
	Net Revenue	20,142.72	19,462.72		-	-	



Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF NOVEMBER 30, 2012
 17% Elapsed
Capital Improvement Program
Revenues

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
305-363-990-000	Contributions from General Fund	-	-	-	400,000.00	(400,000.00)	0.0%
305-399-000-000	Transfer from Fund Balance	-	-	-	912,466.00	(912,466.00)	0.0%
	Total Revenue	-	-	-	1,312,466.00	(1,312,466.00)	0.0%

Capital Improvement Program
Expenditures

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
305-519-600-000	Develop Town Hall Alternatives	-	-	-	500,000.00	500,000.00	0.0%
305-541-341-000	Trails (changed from Linear Park/Grant Match)	-	-	-	200,000.00	200,000.00	0.0%
305-541-346-000	OGEM Paving/Cost Sharing	-	-	-	-	-	0.0%
305-541-434-000	Road & Drainage Improvement	-	-	-	362,466.00	362,466.00	0.0%
305-541-436-000	Traffic Light Okeechobee	-	-	-	250,000.00	250,000.00	0.0%
	Total Expenditure	-	-	-	1,312,466.00	1,312,466.00	0.0%
	Net Revenue	-	-	-	-	-	-

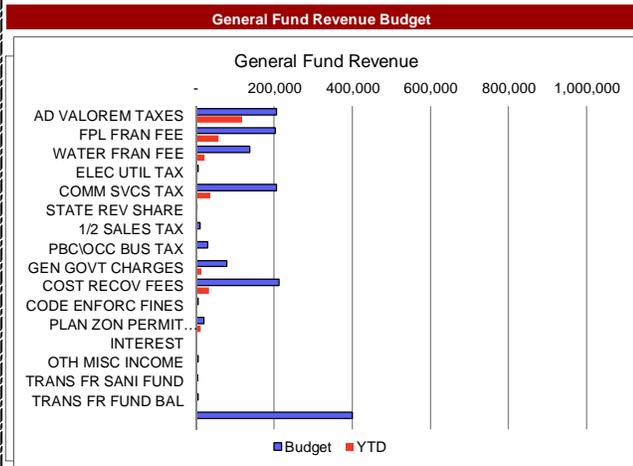
TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF NOVEMBER 30, 2012
 17% Elapsed
Solid Waste Fund
Revenues

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
405-323-125-000	Haulers Licensing Fee - MOVED TO GF	-	-	-	-	-	0.0%
405-325-205-000	Solid Waste Assessments	17,879.42	17,879.42	-	346,361.00	(328,481.58)	5.2%
405-325-206-000	Discount Fees	(818.86)	(818.86)	-	(10,392.00)	9,573.14	7.9%
405-343-120-000	SWA Recycling Income	2,618.74	3,652.09	-	8,000.00	(4,347.91)	45.7%
405-363-990-000	Contributions from General Fund	-	-	-	126,000.00	(126,000.00)	0.0%
	Total Revenue	19,679.30	20,712.65	-	469,969.00	(449,256.35)	4.4%

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
405-534-345-000	Contractual - Waste Over	159.00	1,234.00	-	12,000.00	10,766.00	10.3%
405-534-346-000	PBC Administration Fee 1	170.61	170.61	-	3,463.00	3,292.39	4.9%
405-534-420-000	Postage & Freight	-	-	-	500.00	500.00	0.0%
405-534-434-000	Solid Waste Contractor	37,636.20	75,272.40	-	451,634.00	376,361.60	16.7%
405-534-436-000	Other Sanitation Service	-	-	-	1,500.00	1,500.00	0.0%
405-534-490-000	Legal Advertising	-	-	-	872.00	872.00	0.0%
405-534-595-000	TOLG Management Fee	-	-	-	-	-	0.0%
	Total Expenditure	37,965.81	76,677.01	-	469,969.00	393,291.99	16.3%
	Net Revenue	(18,286.51)	(55,964.36)		-		



Town of Loxahatchee Groves Financial Activity Report as of December 31, 2012 (25% of year elapsed)



General Fund Revenues			
Revenues	Budget	Year-to-Date	%
AD VALOREM TAXES @ 1.2000	206,025	117,729	57.1%
ELECTRIC UTILITY TAX	202,000	58,051	28.7%
COMMUNICATION SERVICES TAX	136,726	21,708	15.9%
COUNTY OCCUPATIONAL LICENSES	5,000	3,162	63.2%
FPL FRANCHISE FEE	206,000	36,528	17.7%
HAULER LICENSE FEE	2,000	-	0.0%
PBC WATER UTILITY FRANCHISE	10,500	1,742	16.6%
PLANNING & ZONING PERMIT FEES	30,000	76	0.3%
STATE REVENUE SHARING	77,873	12,767	16.4%
HALF CENT SALES TAX	212,024	33,046	15.6%
GENERAL GOVERNMENT CHARGES	5,000	2,390	47.8%
COST RECOVERY FEES	20,000	11,577	57.9%
COURT FINES	-	563	-
CODE ENFORCEMENT FINDS	5,000	300	6%
INTEREST	3,600	37	1.0%
OTHER MISC. INCOME	5,000	-	0
TRANSFER FROM FUND BALANCE*	400,000	-	0.0%
Total Revenues	1,526,748	299,676	19.6%

General Fund Expenditures			
Expenditures	Budget	Year-to-Date	%
LEGISLATIVE	39,235	6,031	15.4%
EXECUTIVE	275,259	67,224	24.4%
FINANCIAL AND ADMINSTRATIVE	23,750	910	3.8%
LEGAL COUNSEL	60,000	26,085	43.5%
COMPREHENSIVE PLANNING & ZONING	148,700	39,935	26.9%
OTHER GENERAL GOVERNMENT	695,519	27,001	3.9%
LAW ENFORCEMENT	275,285	68,696	25.0%
PUBLIC WORKS	9,000	357	4.0%
Total Expenditures	1,526,748	236,239	15.5%
Excess(deficiency)	-	63,437	

YTD-Total Funds Expen. Budget			
Expenditures	Budget	Year-to-Date	%
Total Townwide Budget	3,675,754	363,231	9.9%

Selected Other Funds			
Transportation Fund	Budget	Year-to-Date	%
FIRST LOCAL OPTION FUEL TAX (6 CENT)	249,245	39,654	15.9%
SECOND LOCAL OPTION FUEL (5 CENT)	117,326	18,613	15.9%
CONTRIBUTION FROM GENERAL FUND	-	-	-
TRANSFER FROM FUND BALANCE	-	-	-
Total Revenues	366,571	58,266	15.9%
TRAFFIC CONTROL SIGNS (6 CT) MAINT.	9,245	-	0.0%
NON-DISTRICT ROADS (6 CT) MAINT.	40,000	10,193	25.5%
DISTRICT ROADS (6 CT) MAINT.	-	-	-
ROADS AND STREETS (5 CT)	150,000	-	-
SPECIAL PROJECTS (6 CT)	50,000	0	-
148th TERR BRIDGE(5)/CULVERT	-	-	-
CONSTRUCTION TOWN RDS & STREETS	-	-	-
TRANSFER TO FUND BALANCE	117,326	0	-
Total Expenses	366,571	10,193	2.8%
Excess(deficiency)	-	48,074	

Solid Waste Fund			
Budget	Year-to-Date	%	
SOLID WASTE ASSESSMENTS	346,361	194,020	56.0%
DISCOUNT FEES	(10,392)	(7,870)	75.7%
SWA RECYCLING INCOME	8,000	3,652	45.7%
CONTRIBUTION FROM GENERAL FUND	126,000	-	-
Total Revenues	469,969	189,801	40.4%
CONTRACTUAL-WASTE OVERSIGHT	12,000	2,029	16.9%
PBC ADMINSTRATION FEE 1%	3,463	1,861.49	53.8%
POSTAGE & FREIGHT	500	-	-
SOLID WASTE CONTRACTOR	451,634	112,909	25.0%
OTHER SANITATION SERVICES	1,500	-	0.0%
LEGAL ADVERTISING	872	-	0.0%
MANAGEMENT FEES	-	-	-
Total Expenses	469,969	116,799	24.9%
Excess(deficiency)	-	73,002	

Capital Improvement Program (CIP) Fund			
Budget	Year-to-Date	%	
CONTRIBUTION FROM GENERAL FUND	400,000	-	-
TRANSFER FROM FUND BALANCE	912,466	-	-
Total Revenues	1,312,466	-	0.0%
DEVELOP TOWN HALL ALTERNATIVES	500,000	-	-
TRAILS	200,000	-	-
OGEM PAVING/COST SHARING	-	-	-
ROAD & DRAINAGE IMPROVEMENT	362,466	-	-
TRAFFIC LIGHT OKEECHOBEE	250,000	-	-
Total Expenses	1,312,466	-	0.0%
Excess(deficiency)	-	-	-

Contract Services Expenditures			
Expenditures	Budget	Year-to-Date	%
Waste Pro	451,634	112,908.60	25.0%
Palm Beach County Sheriff	275,285	68,696.25	25.0%
Underwood Management Services Group	330,835	82,659.45	25.0%
Goren, Cherof, Doody, Ezrol	60,000	26,547.00	44.2%
Tew & Associates	35,000	7,021.00	20.1%
Land Research Management	-	10,585.50	-
Calvin Giodorno	-	507.50	-
Frank Schiola	25,000	4,074.46	16.3%
YEE's Corporation	10,800	2,700.00	25.0%
Loxahatchee Water Control District	150,000	7,420.78	-
Total Expenses	1,338,554	323,120.54	

BUDGET VS ACTUAL
AS OF DECEMBER 31, 2012
 25% Elapsed
 General Fund
 Revenues

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
001-311-100-000	Ad Valorem Taxes	105,598.31	117,728.69	-	206,025.00	(88,296.31)	57.1%
	Ad Valorem Taxes Subtotal	105,598.31	117,728.69		206,025.00	(88,296.31)	
001-314-100-000	Electric Utility Tax	16,697.59	58,050.58	-	202,000.00	(143,949.42)	28.7%
001-315-100-000	Communications Services	10,999.55	21,708.34	-	136,726.00	(115,017.66)	15.9%
001-316-200-000	County Occupational License	94.43	3,162.08	-	5,000.00	(1,837.92)	63.2%
	Local Taxes Subtotal	27,791.57	82,921.00		343,726.00	(260,805.00)	
001-323-100-000	FPL Franchise Fee	16,841.87	36,528.41	-	206,000.00	(169,471.59)	17.7%
001-323-125-000	Haulers License Fee	-	-	-	2,000.00	(2,000.00)	0.0%
001-323-300-000	PBC Water Utility Franchise	943.31	1,742.04	-	10,500.00	(8,757.96)	16.6%
001-329-100-000	Planning & Zoning Permit	76.00	76.00	-	30,000.00	(29,924.00)	0.3%
	Permits, Franchise Fees & Special Subtotal	17,861.18	38,346.45		248,500.00	(210,153.55)	
001-335-120-000	State Revenue Sharing	6,383.61	12,767.23	-	77,873.00	(65,105.77)	16.4%
001-335-180-000	Half Cent Sales Tax	16,783.61	33,045.90	-	212,024.00	(178,978.10)	15.6%
	Intergovernmental Revenue Subtotal	23,167.22	45,813.13		289,897.00	(244,083.87)	15.8%
001-341-000-000	General Government Charges	1,210.00	2,390.00	-	5,000.00	(2,610.00)	47.8%
001-343-349-000	Cost Recovery Fees	5,550.40	11,576.65	-	20,000.00	(8,423.35)	57.9%
	Charges for Services Subtotal	6,760.40	13,966.65		25,000.00	(11,033.35)	
001-351-100-000	Court Fines	85.75	563.49	-	-	563.49	
001-354-100-000	Code Enforcement Fines	-	300.00	-	5,000.00	(4,700.00)	6.0%
	Code Enforcement Fines Subtotal	85.75	863.49		5,000.00	(4,136.51)	
001-361-100-000	Interest	11.94	37.07	-	3,600.00	(3,562.93)	#N/A
001-369-000-000	Other Misc Income	-	-	-	5,000.00	(5,000.00)	0.0%
	Other Misc Revenue Subtotal	11.94	37.07		8,600.00	(8,562.93)	
001-399-000-000	Transfer from Fund Balance	-	-	-	400,000.00	(400,000.00)	0.0%
	Other Non-operating Sources Subtotal	-	-		400,000.00	(400,000.00)	
	Grand Total Revenue	181,276.37	299,676.48		1,526,748.00	(1,227,071.52)	19.6%



Town of
LOXAHATCHEE GROVES

**TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL**

25% Elapsed
General Fund
Expenditures

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
001-511-310-000	Professional Services	-	-	-	20,000.00	20,000.00	0.0%
001-511-400-000	Travel	-	92.00	-	3,000.00	2,908.00	3.1%
001-511-492-000	Other Operating Expenses	1,084.00	1,084.00	-	1,500.00	416.00	72.3%
001-511-500-000	Education & Training	-	-	-	1,000.00	1,000.00	0.0%
001-511-510-000	Office Supplies	-	-	-	300.00	300.00	0.0%
001-511-520-000	Operating Supplies	-	-	-	300.00	300.00	0.0%
001-511-540-000	Books, Publications & Subscriptions	-	3,714.00	-	7,785.00	4,071.00	47.7%
001-511-820-000	Special Events/Contributions	1,140.94	1,140.94	-	5,350.00	4,209.06	21.3%
	Legislative Total	2,224.94	6,030.94	-	39,235.00	33,204.06	15.4%
001-512-340-000	Other Services	20,885.20	63,620.84	-	254,635.00	191,014.16	25.0%
001-512-400-000	Travel	98.61	217.51	-	1,000.00	782.49	21.8%
001-512-410-000	Communication Services	-	476.26	-	-	(476.26)	-
001-512-420-000	Postage & Freight - NEW	11.50	59.20	-	1,000.00	940.80	5.9%
001-512-490-000	Legal Advertising	209.84	209.84	-	500.00	290.16	42.0%
001-512-492-000	Other Operating Expenses	50.00	60.00	-	944.00	884.00	6.4%
001-512-493-000	Election Expense	-	-	-	8,010.00	8,010.00	0.0%
001-512-510-000	Office Supplies	690.10	1,430.50	-	8,600.00	7,169.50	16.6%
001-512-521-000	Loxahatchee Groves CERT - MOVED	-	1,149.67	-	-	(1,149.67)	-
001-512-540-000	Books, Publications & Subscriptions	-	-	-	570.00	570.00	0.0%
	Executive Total	21,945.25	67,223.82	-	275,259.00	208,035.18	24.4%
001-513-320-000	Accounting and Auditing	-	-	-	18,000.00	18,000.00	0.0%
001-513-470-000	Printing and Binding	-	-	-	4,750.00	4,750.00	0.0%
001-513-490-000	Legal Advertising	-	910.00	-	1,000.00	90.00	91.0%
001-513-493-000	Election Expense (moved)	-	-	-	-	-	0.0%
	Financial & Administrative Total	-	910.00	-	23,750.00	22,840.00	3.8%
001-514-310-000	Professional Services	7,887.35	26,084.60	-	60,000.00	33,915.40	43.5%
	Legal Total	7,887.35	26,084.60	-	60,000.00	33,915.40	32.6%

TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF DECEMBER 31, 2012
 25% Elapsed
 General Fund
 Expenditures

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
001-515-310-000	Professional Services	6,757.50	25,061.36	-	40,000.00	14,938.64	62.7%
001-515-340-000	Other Services	2,315.00	2,315.00	-	76,200.00	73,885.00	3.0%
001-515-343-000	Planning & Zoning Contract	-	-	-	-	-	0.0%
001-515-347-000	Comprehensive Plan	-	-	-	5,000.00	5,000.00	0.0%
001-515-349-000	Cost Recovery Expenditure	5,550.40	11,576.65	-	25,000.00	13,423.35	46.3%
001-515-490-000	Legal Advertising - NEW	982.08	982.08	-	2,500.00	1,517.92	39.3%
	Comprehensive Planning & Zoning Total	15,604.98	39,935.09		148,700.00	108,764.91	26.9%
001-519-315-000	Special Magistrate	-	1,755.00	-	16,000.00	14,245.00	11.0%
001-519-354-000	Code Compliance	2,214.50	5,553.50	-	41,000.00	35,446.50	13.6%
001-519-410-000	Communications Services	453.37	921.03	-	5,100.00	4,178.97	18.1%
001-519-440-000	Rentals and Leases	1,713.73	4,091.13	-	16,305.00	12,213.87	25.1%
001-519-450-000	Insurance	-	12,316.00	-	16,500.00	4,184.00	74.6%
001-519-460-000	Repair & Maint - Building	200.00	600.00	-	2,126.00	1,526.00	28.2%
001-519-470-000	Printing and Binding	416.67	887.85	-	-	(887.85)	0.0%
001-519-480-000	Promotional Activities	-	-	-	-	-	0.0%
001-519-490-000	Computer Repair	370.75	876.55	-	4,500.00	3,623.45	19.5%
001-519-491-000	Computer Services	-	-	-	11,131.00	11,131.00	0.0%
001-519-494-000	Inspector General Office	-	-	-	5,280.00	5,280.00	0.0%
001-519-820-000	Loxahatchee Groves CERT	-	-	-	2,000.00	2,000.00	0.0%
001-519-900-000	Transfer toTransportation Fund	-	-	-	-	-	0.0%
001-519-910-000	Transfer to Sanitation Fund	-	-	-	126,000.00	126,000.00	0.0%
001-519-920-000	Transfer to Capital Projects	-	-	-	400,000.00	400,000.00	0.0%
001-519-990-000	Contingency	-	-	-	49,577.00	49,577.00	0.0%
	Other Governmental Services Total	5,369.02	27,001.06		695,519.00	668,517.94	3.9%
001-521-341-000	Professional Services-PBSO	22,898.75	68,696.25	-	274,785.00	206,088.75	25.0%
001-521-342-000	Contractual-ADDL PBSO	-	-	-	500.00	500.00	0.0%
	Law Enforcement Total	22,898.75	68,696.25		275,285.00	206,588.75	25.0%
001-539-310-000	Other Services	-	-	-	-	-	0.0%
001-539-340-000	Professional Services	171.96	357.46	-	9,000.00	8,642.54	4.0%
	Public Works Total	171.96	357.46		9,000.00	8,642.54	4.0%
	Grand Total Expenditure	76,102.25	236,239.22	-	1,526,748.00	1,290,508.78	15.5%
	Net Revenue	105,174.12	63,437.26		-		



Town of
LOXAHATCHEE GROVES

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

25% Elapsed
Transportation Fund
Revenues

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
101-312-410-000	1st Local Option Fuel Tax	20,023.87	39,653.64	-	249,245.00	(209,591.36)	15.9%
101-312-420-000	2nd Local Option Fuel Tax	9,489.98	18,612.73	-	117,326.00	(98,713.27)	15.9%
101-363-990-000	Contribution from General Fund	-	-	-	-	-	0.0%
101-399-000-000	Transfer from Fund Balance	-	-	-	-	-	0.0%
	Total Revenue	29,513.85	58,266.37		366,571.00		15.9%

Transportation Fund
Expenditures

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
101-541-467-000	Traffic Control Signs (6 ct) Maint.	-	-	-	9,245.00	9,245.00	0.0%
101-541-468-000	Non-District Roads (6 ct) Maint.	902.88	10,192.68	-	40,000.00	29,807.32	25.5%
101-541-469-000	District Roads (6 ct) Maint.	-	-	-	-	-	0.0%
101-541-631-000	Road and Streets (5 cent)	-	-	-	150,000.00	150,000.00	0.0%
101-541-632-000	Special Projects (6 cent)	-	-	-	50,000.00	50,000.00	0.0%
101-541-634-000	148th Terr Bridge (5)/Culvert	-	-	-	-	-	0.0%
101-541-636-000	Construct Town Rds & Sts	-	-	-	-	-	0.0%
101-541-990-000	Transfer to Fund Balance	-	-	-	117,326.00	117,326.00	0.0%
	Total Expenditure	902.88	10,192.68	-	366,571.00		2.8%
	Net Revenue	28,610.97	48,073.69		-	-	



Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF DECEMBER 31, 2012
 25% Elapsed
Capital Improvement Program
Revenues

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
305-363-990-000	Contributions from General Fund	-	-	-	400,000.00	(400,000.00)	0.0%
305-399-000-000	Transfer from Fund Balance	-	-	-	912,466.00	(912,466.00)	0.0%
	Total Revenue	-	-	-	1,312,466.00	(1,312,466.00)	0.0%

Capital Improvement Program
Expenditures

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
305-519-600-000	Develop Town Hall Alternatives	-	-	-	500,000.00	500,000.00	0.0%
305-541-341-000	Trails (changed from Linear Park/Grant Match)	-	-	-	200,000.00	200,000.00	0.0%
305-541-346-000	OGEM Paving/Cost Sharing	-	-	-	-	-	0.0%
305-541-434-000	Road & Drainage Improvement	-	-	-	362,466.00	362,466.00	0.0%
305-541-436-000	Traffic Light Okeechobee	-	-	-	250,000.00	250,000.00	0.0%
	Total Expenditure	-	-	-	1,312,466.00	1,312,466.00	0.0%
	Net Revenue	-	-	-	-	-	

TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF DECEMBER 31, 2012
 25% Elapsed
Solid Waste Fund
Revenues

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
405-323-125-000	Haulers Licensing Fee - MOVED TO GF	-	-	-	-	-	0.0%
405-325-205-000	Solid Waste Assessments	176,140.24	194,019.66	-	346,361.00	(152,341.34)	56.0%
405-325-206-000	Discount Fees	(7,051.63)	(7,870.49)	-	(10,392.00)	2,521.51	75.7%
405-343-120-000	SWA Recycling Income	-	3,652.09	-	8,000.00	(4,347.91)	45.7%
405-363-990-000	Contributions from General Fund	-	-	-	126,000.00	(126,000.00)	0.0%
	Total Revenue	169,088.61	189,801.26	-	469,969.00	(280,167.74)	40.4%

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
405-534-345-000	Contractual - Waste Over	795.00	2,029.00	-	12,000.00	9,971.00	16.9%
405-534-346-000	PBC Administration Fee 1	1,690.88	1,861.49	-	3,463.00	1,601.51	53.8%
405-534-420-000	Postage & Freight	-	-	-	500.00	500.00	0.0%
405-534-434-000	Solid Waste Contractor	37,636.20	112,908.60	-	451,634.00	338,725.40	25.0%
405-534-436-000	Other Sanitation Service	-	-	-	1,500.00	1,500.00	0.0%
405-534-490-000	Legal Advertising	-	-	-	872.00	872.00	0.0%
405-534-595-000	TOLG Management Fee	-	-	-	-	-	0.0%
	Total Expenditure	40,122.08	116,799.09	-	469,969.00	353,169.91	24.9%
	Net Revenue	128,966.53	73,002.17		-		



5.a. Public Hearing – Ordinance No. 2012-12 – second reading

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 31, 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 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 strategy including the following elements: Limiting the operation to property residents; restricting the operation to resident owners rather than vesting with the land; requiring a business tax receipt; and other requirements consistent with the intent of the Unified Land Development Code.

II. GENERAL INFORMATION

A. APPLICANT: Town of Loxahatchee Groves.

B. PURPOSE: Incorporate revisions to the Unified Land Development Code (ULDC) allowing limited agricultural sales and services uses within the Town's Agricultural Residential (AR) zoning district. Specific objectives include the following:

1. Allow existing family-run businesses to remain indefinitely, provided a change in ownership does not occur.
2. Create "sunset" provision for businesses tied to maintenance of a homestead exemption and business tax receipt.
3. Allow new businesses to be created subject to conditions.
4. Straw, hay, flake shavings, pellet shavings, feed and grain sales businesses only.

III. REQUESTED ULDC AMENDMENTS

To implement the objectives of the ULDC revisions, the following amendments are proposed:

1. Revise ULDC Section 10-015 to include a definition of "Residential Agricultural Sales and Services"
2. Revise ULDC Section 20-015 to permit Residential Agricultural Sales and Services uses as an Accessory Use in the AR zoning district subject to Article 80 (Conditional Uses).
3. Add ULDC Section 80-60: Residential Agricultural Sales and Services (Conditional Use Criteria)

Proposed amendments are included as Attachment A to proposed Ordinance 2012-12

IV. STAFF ANALYSIS

The proposed text amendment is reviewed in accordance with the following criteria, as listed in Section 160-020 of the ULDC.

A. REASON AND/OR NEED FOR THE PROPOSED TEXT CHANGE:

The basic purpose of the proposed amendments is to implement Town Council

direction to allow limited agricultural sales and services businesses in the AR zoning district.

B. REASON THE PRESENT TEXT IS INVALID OR INAPPROPRIATE:

The current text of the ULDC is not necessarily invalid or inappropriate; however, current Code language does not permit limited agricultural sales and services businesses in the Agricultural Residential (AR) zoning district.

C. HOW DOES THE PROPOSED TEXT AMENDMENT FURTHER THE PURPOSES OF THE COMPREHENSIVE PLAN OR OTHER TOWN CODES, REGULATIONS OR PLANS DESIGNED TO IMPLEMENT THE COMPREHENSIVE PLAN:

The proposed ULDC revisions, which allow and regulate limited agricultural sales and services businesses in the AR zoning district, are consistent with the following general Future Land Use Element Comprehensive Plan directives:

1. Objective 1.1: The Town shall designate future land uses with appropriate uses, densities and intensities that will protect residential and agricultural land uses and encourage limited economic development.
2. Policy 1.1.4(h): Create codes allowing diverse low impact home-based businesses..
3. Policy 1.1.6: The Town shall encourage the use of innovative land development regulations that enhance the rural atmosphere, reduce energy usage, and reduce greenhouse gas emissions..
4. Policy 1.1.8.2: Provide for zoning districts, which appropriately accommodate residential and/or agricultural uses, which are consistent with the Rural Residential Future Land Use designation..
5. Policy 1.1.8.6: Allow home occupation uses that will not degrade the rural character of the area.
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 proposed Ordinance 2012-12.

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 included:

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.

The Town Council, at its meeting of January 15, 2013 voted, by a 3 – 2 margin to approve Ordinance 2012-12 on first reading subject to the following revisions:

1. Strike provisions regarding special exception approval for semi-trucks making deliveries.
2. Strike provisions limiting the number of employees to two.
3. Revise the hours of operation to read as follows: 8:00 a.m. to 8:00 p.m. five days per week, and on Saturday. Sunday hours 12:00 p.m. to 5:00 p.m.

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 4th DAY OF DECEMBER, 2012.

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

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

TOWN CLERK

Vice Mayor 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.



6.a. Public Hearing – Ordinance No. 2013-01 – first reading



TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT

Revised January 31, 2013

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). **At the January 15, 2013 Town Council Meeting, Councilman Jarriel made a motion to approve compensation of \$500.00 per month per council member, as recommended by the FAAC, with a re-evaluation taking place at the end of 12 months . The motion was seconded by Council Member Liang. The motion passed on a 3/2 vote with Mayor Browning and Vice Mayor Rockett opposed.**

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 (561-793-2418), at least 48 hours in advance to request such accommodation.

Page 68 of 102 Agenda Packet 2-5-2013



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

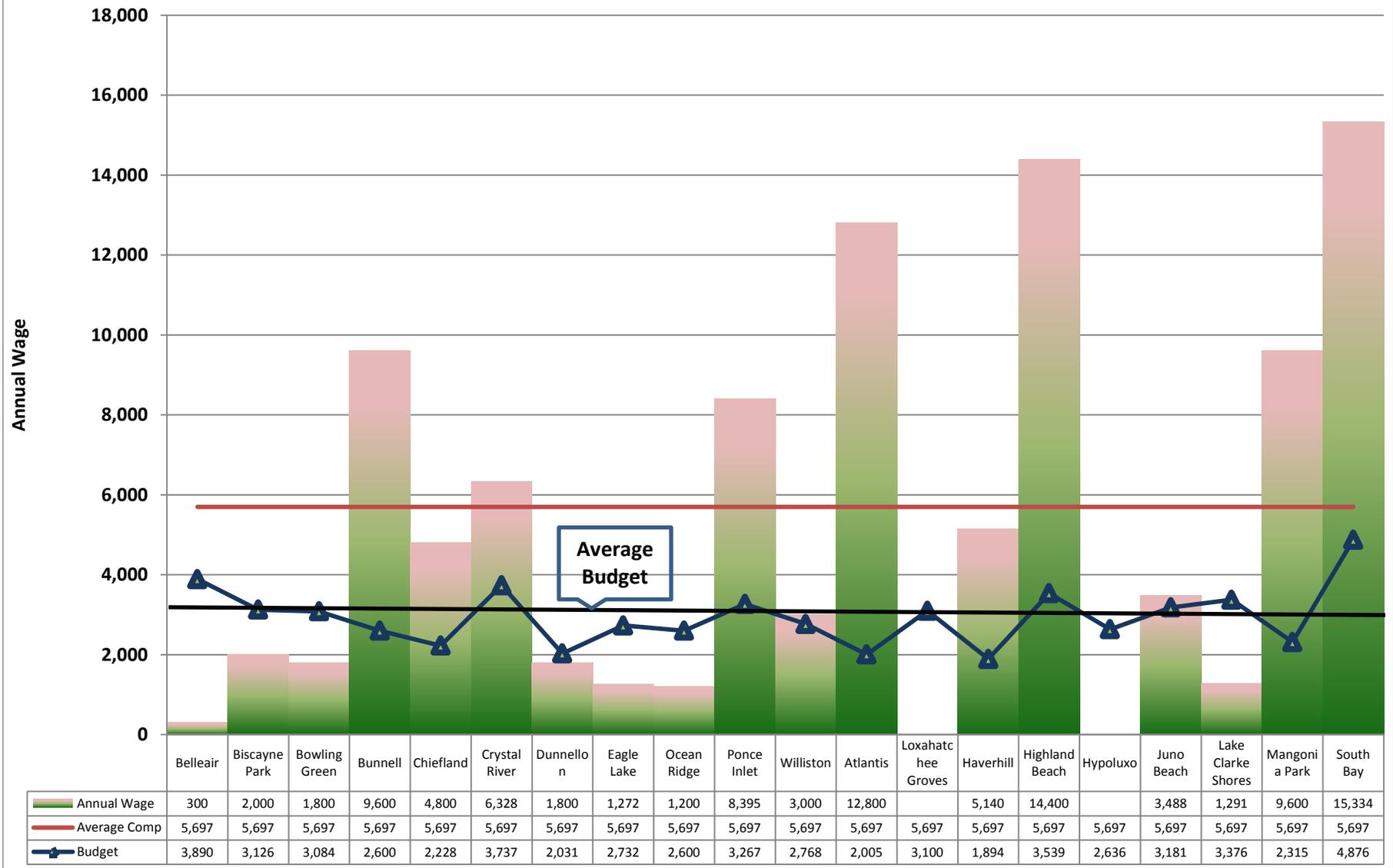
Average 2,949 \$3,691,534 \$5,697

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

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING COMPENSATION FOR COUNCILMEMBERS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Section 3(4)(e)2 of the Town Charter of the Town of Loxahatchee Groves authorizes the Town Council, by not fewer than four (4) votes, to adopt an ordinance to establish or increase compensation; and,

WHEREAS, the Town's Finance and audit Advisory Committee (FAAC) reviewed the matter at its January 9, 2013, meeting, and recommended a monthly stipend of \$500.00, equal to \$6,000.00 per year; and,

WHEREAS, at its January 15, 2013, meeting, the Town Council directed the Town Attorney to prepare an ordinance for consideration consistent with the recommendations of the FAAC; and,

WHEREAS, the Town Council of the Town of Loxahatchee Groves finds that it is in the best interest of the Town to establish compensation for the members of the Town Council, effective following the March, 2013, municipal election in the Town, pursuant to the Town Charter.

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. The Town Council hereby establishes compensation for the members of the

Town Council as follows:

\$500.00 per month, per Councilmember, beginning April 1, 2013.

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.

Section 6. This Ordinance shall become effective following the March 12, 2013 municipal election, as provided in the Town Charter.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ____ DAY OF _____, 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:

Councilmember David Browning

TOWN CLERK

Vice Mayor Jim Rockett

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Council Member

Council Member

Council Member

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10.b. Manure Ordinance

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-03

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

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

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

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

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

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

TOWN OF LOXAHATCHEE GROVES**ORDINANCE NO. 2012-03**

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

Section 3. It shall be prohibited for any person to deposit Manure and Horse Bedding on any property within the Town, regardless of the consent of the property owner, unless such person, and the property owner, has obtained a permit from the Town confirming that the Manure and Horse Bedding is to be used for bona fide agricultural purposes; and, in no case may the amount of Manure and Horse Bedding deposited exceed the amount set forth in the permit issued to the Property Owner by the Town. With the exception of a Town Manager-approved permit for residential property hereinafter provided, the property on which the Manure and Horse Bedding is to be deposited must be designated as agricultural by the Palm Beach County Tax collector for property tax purposes; provided that when a property owner applies for the first time for a permit, the property owner may obtain its initial permit notwithstanding not having the agricultural use tax designation when the property owner certifies to the Town Manager that the property owner is making a good faith effort to obtain the agricultural use tax designation. This exception shall not apply to subsequent years Property owners of property designated as residential by the Palm Beach County Tax Collector may obtain a permit from the Town Manager when the property owner of the residential property demonstrates to the Town Manager that the Manure and/or Horse Bedding is solely for private, personal use on-site. The Town Manager shall advise the Town Council of all permits approved for residential properties. The determination of the appropriate quantity of Manure and Horse Bedding for use for bona fide

TOWN OF LOXAHATCHEE GROVES**ORDINANCE NO. 2012-03**

~~agricultural purposes shall be based upon uses and custom associated with the specific agricultural use on the property, which may include recognized formulas of government agencies or published studies. A permit issued to a property owner pursuant this Ordinance is limited to one transporter, and a property owner may have only one permit at a time.~~

Section 4. Notwithstanding the issuance of a permit, the depositing of manure and horse bedding shall be prohibited between the hours of ~~sunset and sunrise~~ 7:00 p.m. and 7:00 a.m. on Mondays through Saturdays, and prohibited at all times on Sundays. A hauler shall not dump Manure and Horse Bedding within fifty (50) feet of the property line or within seventy five (75) feet of any well on the property. The limitations in this Section do not apply to the spreading or use of the manure and horse bedding.

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

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

Section 7. Upon the issuance of a violation notice under Section 403.413, Florida Statutes, or this ordinance, any permits issued by the Town shall be suspended and all Manure

TOWN OF LOXAHATCHEE GROVES**ORDINANCE NO. 2012-03**

and Horse Bedding deposit activity stopped until such time as a hearing is conducted or the fines paid. Should a person violate this ordinance on more than one (1) occasion during a calendar year, that person shall not be granted a permit from the Town for a period of one (1) calendar year from the date of the last violation.

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

a. Property Owners shall obtain a permit from the Town for each use of manure or horse bedding, regardless of the number of loads, during which time the Property Owner shall advise in writing: (1) whether the real property on which the manure and/or horse bedding is to be dumped is designated agriculture or residential on the tax roll for property tax purposes; (2) the volume being used under the permit; (3) and the transporter for the material; (4), and will certify that the manure or horse bedding is being used for bona fide agricultural purposes, and for residential properties include sufficient information to enable the Town Manager to determine whether the use is for private, personal use on site; (5) confirming through a property site drawing or layout that the manure and horse bedding will not be dumped within fifty (50) feet of the property line or within seventy five (75) feet of any well on the property; and (6) that the property owner has verified that the transporter for the materials has a permit from the Town. One of the conditions on the issuance of a permit to a property owner is that it shall provide consent for a Town representative to inspect the property solely for purposes of ensuring compliance with the terms of the permit. There shall be no charge for a Property Owner Permit. The Property Owner shall spread the manure and horse bedding within seventy-two (72) hours of receipt of the materials.

TOWN OF LOXAHATCHEE GROVES**ORDINANCE NO. 2012-03**

b. Transporters shall obtain an annual permit from the Town for the deposit of up to twenty (20) loads of Manure and Horse Bedding within the Town. For purposes of this ordinance, a “load” shall be approximately twenty (20) to twenty-five (25) cubic yards. In obtaining the permit, the transporter will acknowledge that it is aware of the Town’s regulations relating to the deposit of manure and horse bedding, and that it will confirm upon receipt of a request for materials from a property owner within the Town that the purpose for such manure and horse bedding is for bona fide agricultural purposes, and that the property owner has obtained the necessary permit from the Town. All permits for transporters shall expire each September 30 regardless of the date of issuance. Transporters are responsible for the timely renewal of its annual permit. The annual permit fee shall be Five Hundred Dollars (\$500.00). A hauler may exceed twenty (20) loads permitted that it pays, in advance, an additional fee of forty dollars (\$40.00) per load. A transporter who applies for an application subsequent to transporting manure into the Town shall be charged a fee of Two Thousand Dollars (\$2,000.00), and for permitted haulers that exceed the permitted number of loads and do not pay in advance for additional loads, the cost per additional load shall be one hundred dollars (\$100.00); The application fees set forth herein ~~which~~ may be adjusted by the Town Council by resolution. No permit shall be issued to a transporter who has not remedied previous violations of this Ordinance.

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

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-03

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

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

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

Section 13. **Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 6th DAY OF March, 2012.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 3rd DAY OF April, 2012.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-03

ATTEST:

Janice M. Moore
Janice M. Moore, Town Clerk

David Browning
Mayor David Browning

James Rockett
Vice Mayor Jim Rockett

APPROVED AS TO LEGAL FORM:

Michael D. Cirullo, Jr.
Michael D. Cirullo, Jr., Town Attorney

not present
Councilman Goltzené

Ronald D. Jarriel
Councilman Ron Jarriel

Ryan Liang
Councilman Ryan Liang

MDC:aw

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10.c. Town Council Interest in Purchasing Property



**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 31, 2013
SUBJECT: Lee Wright Property – 727 E Road

I. BACKGROUND/HISTORY

At the Town Council Meeting of January 15, 2013, The Town Manager advised Town Council of an offer by Mr. Lee Wright to sell the Town (if the Town is interested) his property at 727 E Road (copy of Mr. Wright’s letter attached). During the discussion, the Town Manager advised that he was informing the Town Council of the offer and would be scheduling the matter for a future agenda to determine if Town Council had any interest in pursuing the due diligence of a possible purchase.

II. DISCUSSION

Town Management Staff performed some limited analysis of property in the Town by reviewing Palm Beach County Property Appraiser market value and the most recent sales price. Nine properties in addition to the property in question were queried (please see the attached chart along with the property maps of each parcel). The average market value of the other nine (9) properties is \$236,082 and the average sale price available for six (6) of the properties that were sold during the time frame of 1986 thru 2012 is \$455,500.

III. FISCAL IMPACT

To be determined dependent upon Town Council interest and particulars of any sales agreement and it’s structure.

IV. ATTACHMENTS

December 21, 2012 Letter from Lee Wright

Chart of real property market value and property aerial maps

V. RECOMMENDATION

The Town Manager recommends that the Town Council can consider two options. Option One (1) is direct Staff to move forward with continued due diligence regarding a possible purchase or Option (2) do nothing at this time.

LEE WRIGHT
P.O. Box 369
Loxahatchee, FL 33470
561-793-5635

December 21, 2012

Town of Loxahatchee
Attn: Mark Kutney
14579 Southern Boulevard, Ste 2
Loxahatchee, FL 33470

Re: 727 E Road

Dear Mr. Kutney,

It has come to my attention that the Town of Loxahatchee has shown some interest in buying my 15.3 acres located at 727 E Road for a future park and possible Town complex.

I currently have the property listed for sale but would prefer selling it to the Town so that all the beautiful trees and natural landscape are preserved.

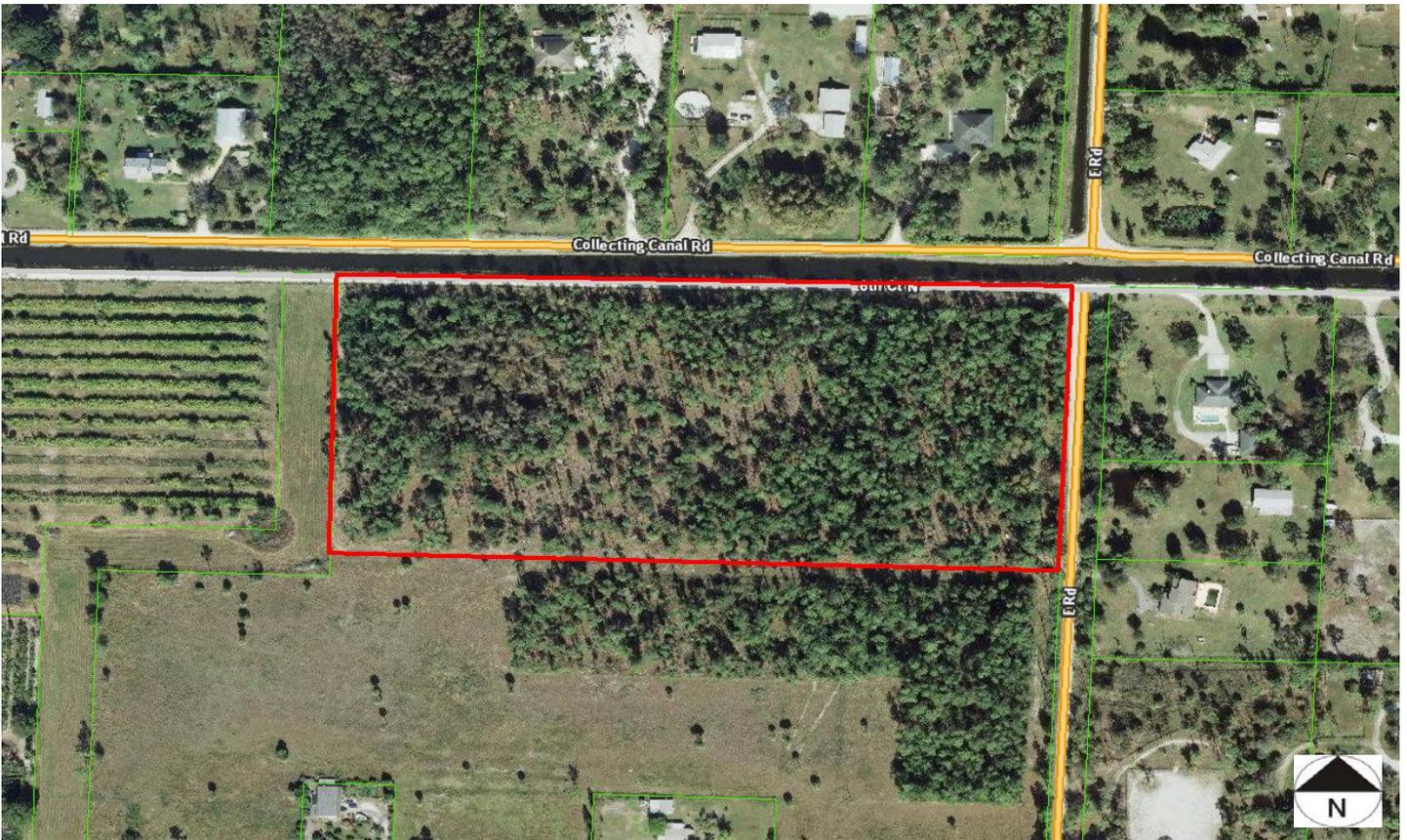
To make it easier for the Town, I would be more than happy to hold the mortgage with no money down. If there is true interest in this property, please contact me at your earliest convenience.

Sincerely,

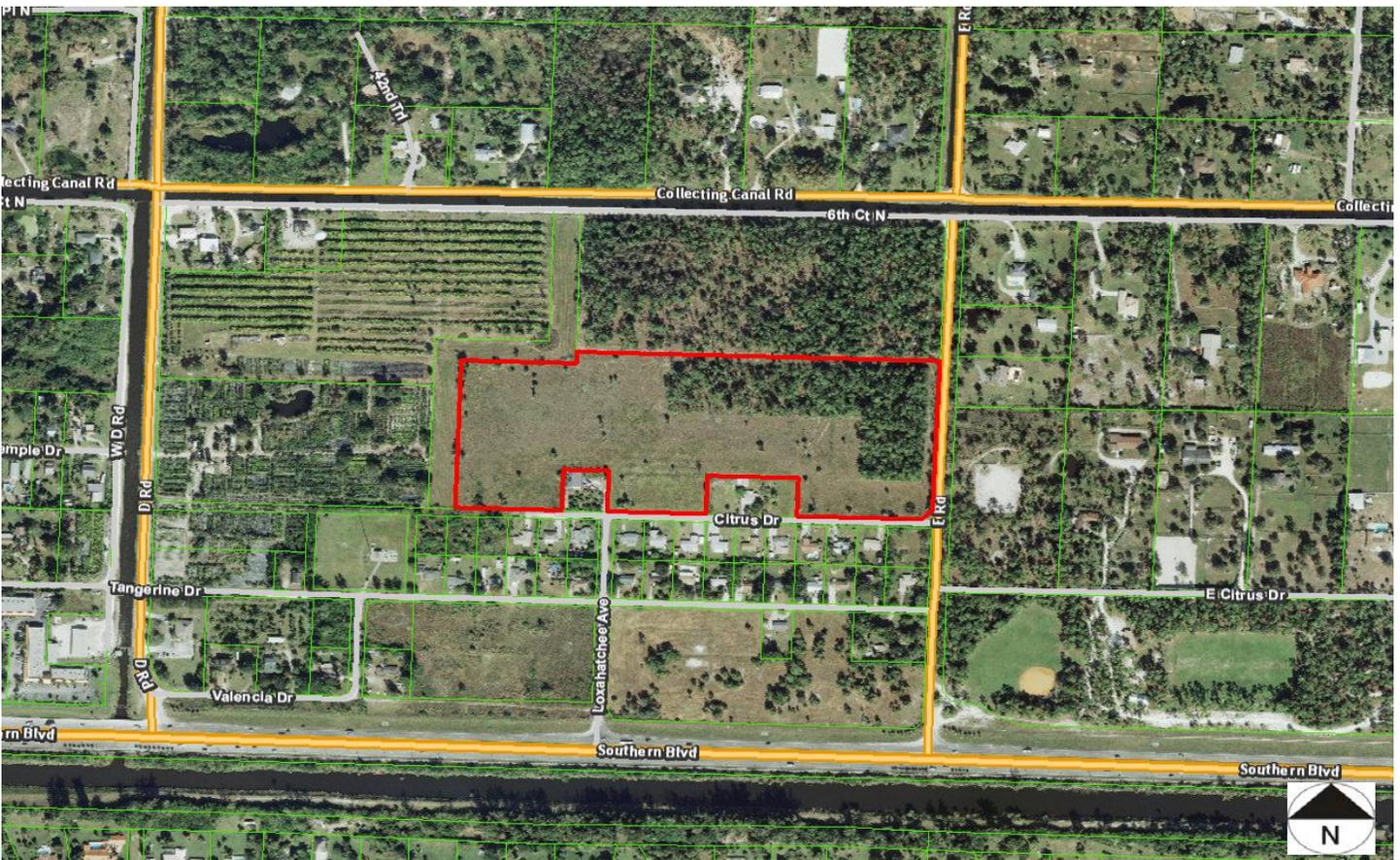

Lee Wright



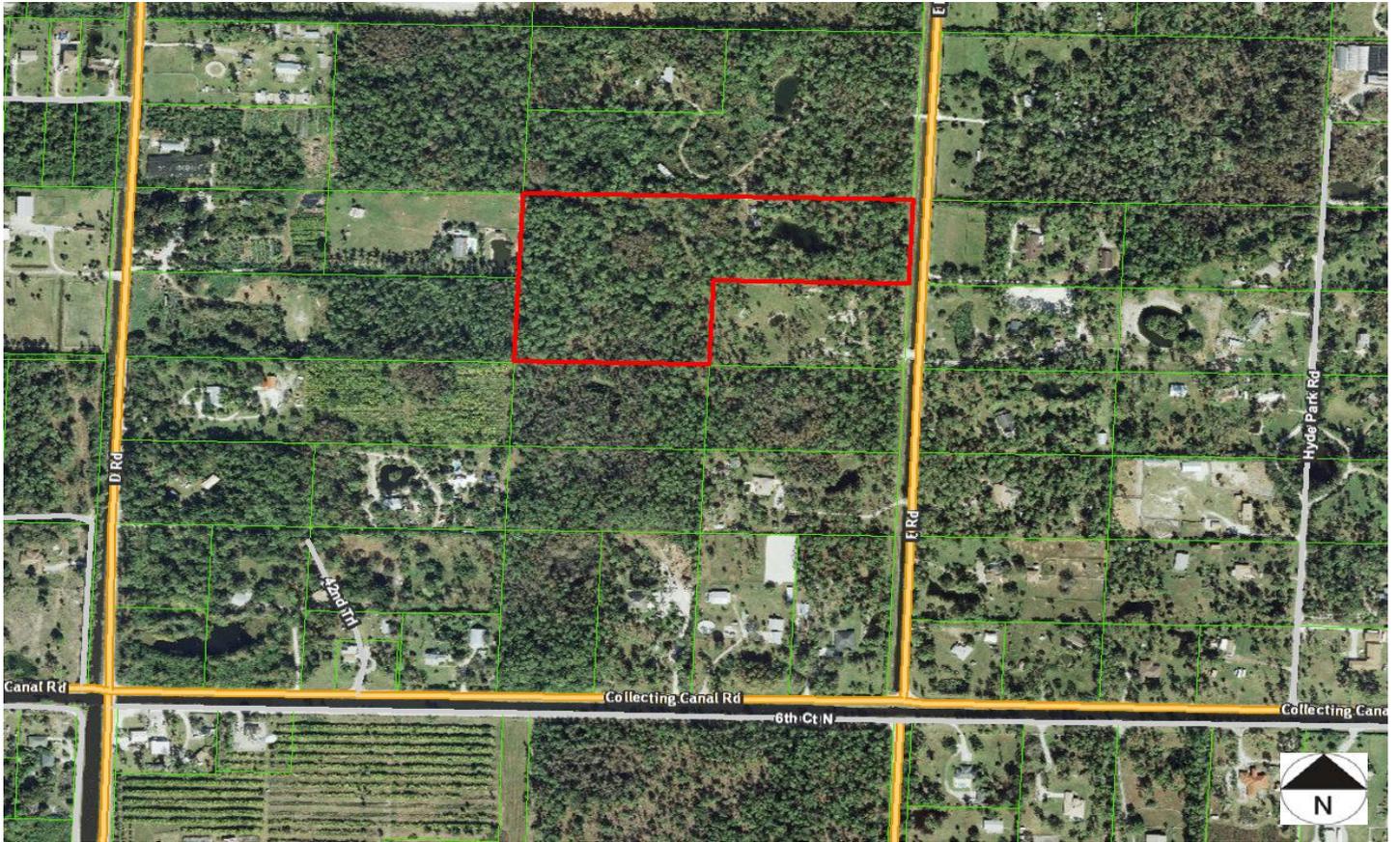
Study Site



235 "E" Road – Contiguous Property



1125 "E" Road



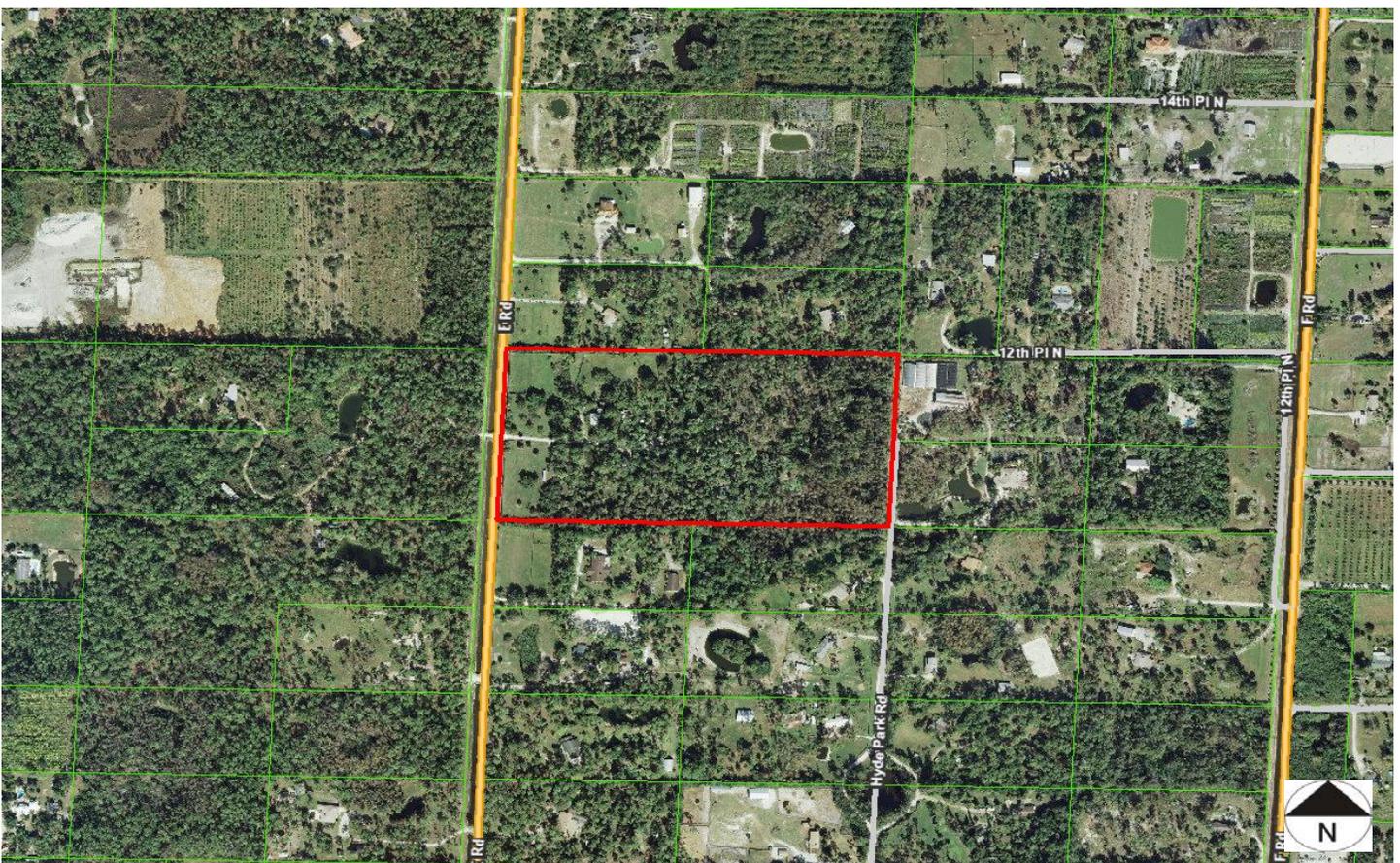
"C" Road



2761 "E" Road



1222 "E" Road



530 "C" Road



14217 Collecting Canal Road



570 "C" Road



550 "C" Road



FAX COVER SHEET

OFFICE OF THE ATTORNEY GENERAL OPINIONS DIVISION

THE CAPITOL, PL-01
TALLAHASSEE, FL 32399-1050
(850) 245-0158
FAX: (850) 922-3969

Date: January 29, 2013
To: Michael Cirullo
Fax: 954-771-4923
From: Shelia R. Hall
Pages: 7, not including this cover sheet
Subject: Formal Opinion – regulation of nonresidential farm building by municipalities

COMMENTS:

Attached is a copy of AGO 2013-01. If this office can be of further assistance, please do not hesitate to contact us. Thank you

This office now provides access to formal Attorney General Opinions dating back to 1974 through a searchable database on the Attorney General's Internet home page at:

<http://myfloridalegal.com>



STATE OF FLORIDA

**PAM BONDI
ATTORNEY GENERAL**

January 29, 2013

13-01

Mr. Michael D. Cirullo, Jr.
Goren, Cherof, Doody & Ezrol, P.A.
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308

Dear Mr. Cirullo:

As Town Attorney for the Town of Loxahatchee Groves, you have requested my opinion on substantially the following question:

Does section 604.50, Florida Statutes, exempt nonresidential farm buildings, farm fences, and farm signs from land development regulations adopted pursuant to Chapter 163, Florida Statutes?

In sum:

Section 604.50, Florida Statutes, exempts nonresidential farm buildings, farm fences, and farm signs from land development regulations adopted by the Town of Loxahatchee Groves pursuant to Chapter 163, Florida Statutes.

Section 604.50, Florida Statutes, makes provision for nonresidential farm buildings, farm fences, and farm signs:

(1) Notwithstanding any provision of law to the contrary, any nonresidential farm building, farm fence, or farm sign is exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal floodplain management regulations. A farm sign located on a public road may not be

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erected, used, operated, or maintained in a manner that violates any of the standards provided in s. 479.11(4), (5)(a), and (6)-(8).

The statute defines the terms used in the section for purposes of statutory construction.¹

Prior to the adoption of Chapter 2011-7, Laws of Florida, this statute provided that "[n]otwithstanding any other law to the contrary, any nonresidential farm building is exempt from the Florida Building Code and any county or municipal *building code*."² (e.s.) The Legislature's removal of the term "building" from the language of the statute relating to county or municipal codes has resulted in your request for an opinion from this office.

The Town of Loxahatchee Groves has adopted land development regulations pursuant to Chapter 163, Florida Statutes, entitled the "Unified Land Development Code." The town's land development regulations contain typical setback requirements for properties in the town. Subject to consistency with the Right to Farm Act, the town has sought to enforce setback requirements upon nonresidential farm buildings, such as shade houses, corrals, and barns.³ However, the change to section 604.50(1), Florida Statutes, which exempts nonresidential farm buildings, farm fences, and farm signs from "any county or municipal code" would prevent the town from enforcing its zoning regulations, such as setbacks for nonresidential farm buildings, farm fences, and

¹ Section 604.50(2), Fla. Stat., defines these terms as follows:

(a) "Farm" has the same meaning as provided in s. 823.14.

(b) "Farm sign" means a sign erected, used, or maintained on a farm by the owner or lessee of the farm which relates solely to farm produce, merchandise, or services sold, produced, manufactured, or furnished on the farm.

(c) "Nonresidential farm building" means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. 553.73(10)(c) or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

² See s. 604.50, Fla. Stat. (2002).

³ See Ops. Att'y Gen. Fla. 09-26 (2009) and 01-71 (2001) in which this office concluded that a county could enforce land development regulations pursuant to s. 823.14, Fla. Stat., Florida's Right to Farm Act, so long as those regulations did not limit the operational activities of a bona fide farm operation inconsistent with the Right to Farm Act. Both of these opinions addressed s. 823.14, Fla. Stat., and were issued prior to the amendment to s. 604.50, Fla. Stat., in 2011 by CS/HB 7103.

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farm signs if it is determined that section 604.50, Florida Statutes, provides an exemption for nonresidential farm buildings and farm fences and signs from the town's land development regulations.

It is a general rule of statutory construction, frequently expressed by Florida courts that:

When a statute is clear, courts will not look behind the statute's plain language for legislative intent or resort to rules of statutory construction to ascertain intent. Instead, the statute's plain and ordinary meaning must control, unless this leads to an unreasonable result or a result clearly contrary to legislative intent.⁴

Section 604.50(1), Florida Statutes, clearly states that "[n]otwithstanding any provision of law to the contrary, any nonresidential farm building, farm fence, or farm sign is exempt from . . . any county or municipal code or fee[.]" The Legislature has maintained an exception for code provisions implementing local, state, or federal floodplain management regulations. Applying the rule of construction set forth above compels the conclusion that the Town of Loxahatchee Groves has no authority to enforce "any county or municipal code or fee" provision on any nonresidential farm building, farm fence, or farm sign.

Further, a review of the legislative history surrounding the enactment of CS/HB 7103 during the 2010 and 2011 legislative sessions, suggests that this was the legislative intent. Staff analysis of the bill by both the House and the Senate states that the amendment to section 604.50, Florida Statutes, will

exempt farm fences from the Florida Building Code and farm fences and nonresidential farm buildings and fences from county or municipal codes and fees, except floodplain management regulations. It provides that a

⁴ See e.g., *State v. Burris*, 875 So. 2d 408 (Fla. 2004); *State v. Egan*, 287 So. 2d 1 (Fla. 1973); *Van Pelt v. Hilliard*, 78 So. 693 (Fla. 1918); *Legal Environmental Assistance Foundation, Inc. v. Board of County Commissioners of Brevard County*, 642 So. 2d 1081 (Fla. 1994); *Goddard v. State*, 438 So. 2d 110 (Fla. 1st DCA 1983); *Ops. Att'y Gen. Fla.* 93-47 (1993) (in construing statute which is clear and unambiguous, the plain meaning of statute must first be considered); 93-2 (1993) (since it is presumed that the Legislature knows the meaning of the words it uses and to convey its intent by the use of specific terms, courts must apply the plain meaning of those words if they are unambiguous); and 92-93 (1992).

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nonresidential farm building may include, but not be limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.⁵

The intent of the Legislature is the primary guide in statutory interpretation.⁶ Where the language used by the Legislature makes clear its intent, that intent must be given effect.⁷ Thus, absent a violation of a constitutional right, a specific, clear and precise statement of legislative intent will control in the interpretation of a statute.⁸

Your memorandum of law suggests that the word "code" as used in section 604.50(1), Florida Statutes, may not include the Town of Loxahatchee Groves' "Unified Land Development Code." While the Florida Statutes contain a number of definitions for the word "code,"⁹ the fact that the Legislature provided no definition for purposes of section 604.50(1), or chapter 604, Florida Statutes, requires that the word be understood in its common and ordinary sense.¹⁰ "Code" is generally defined as:

3. any set of standards set forth and enforced by a local government agency for the protection of public safety, health, etc., as in the structural safety of buildings (building code), health requirements for plumbing, ventilation, etc. (sanitary or health code), and the specifications for fire escapes or exits (fire code). 4. a systematically arranged collection or compendium of laws, rules, or regulations.¹¹

Black's Law Dictionary defines "code" as "[a] complete system of positive law, carefully arranged and officially promulgated; a systematic collection or revision of laws, rules, or regulations[.]"¹²

⁵ See The Florida Senate Veto Message Bill Analysis for CS/HB 7103, dated July 12, 2010, and House of Representatives Staff Analysis, CS/HB 7103, dated April 14, 2010, and stating that section 6 of the bill "exempts farm fences from the Florida Building Code, and exempts farm fences and nonresidential farm buildings from county or municipal codes and fees, except for code provisions implementing local, state, or federal floodplain management regulations."

⁶ See, e.g., *State v. J.M.*, 824 So. 2d 105, 109 (Fla. 2002); *St. Petersburg Bank & Trust Co. v. Hamm*, 414 So. 2d 1071 (Fla. 1982); *Barruzza v. Suddath Van Lines, Inc.*, 474 So. 2d 861 (Fla. 1st DCA 1985); *Phillip Crosby Associates, Inc. v. State Board of Independent Colleges*, 506 So. 2d 490 (Fla. 5th DCA 1987).

⁷ *Barruzza and Phillip Crosby Associates, Inc., supra*.

⁸ *Carawan v. State*, 515 So. 2d 161 (Fla. 1987).

⁹ See s. 320.822, Fla. Stat. (uniform standard code for recreational vehicles and park trailers), and s. 553.955, Fla. Stat. (providing that the word "code" is defined for purposes of those statutes as the Florida Energy Efficiency Code for Building Construction).

¹⁰ See *Southeast Fisheries Association, Inc. v. Department of Natural Resources*, 453 So. 2d 1351 (Fla. 1984); *Millazzo v. State*, 377 So. 2d 1161 (Fla. 1979) (when a statute does not specifically define words of common usage, such words are construed in their plain and ordinary sense).

¹¹ Webster's New Universal Unabridged Dictionary (2003), p. 397.

¹² Black's Law Dictionary (8th ed. 2004), p. 273.

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The term "land development regulations" is defined in section 163.3164, Florida Statutes, as:

"Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213.¹³

You have advised that the Town of Loxahatchee Groves developed its land development code pursuant to Chapter 163, Florida Statutes. You state that while a collection of land development regulations would appear to fall within the general definition of "code," section 604.50, Florida Statutes, applies solely to "nonresidential farm buildings" and "farm fences." You contrast this with land development regulations which apply to "the development of land," but which include, as set forth in the definition above, such matters as zoning, building construction, and sign regulations.

I cannot draw such a distinction. The Town of Loxahatchee Groves "Unified Land Development Code" appears to be a "code" within the scope of that term as used in section 604.50(1), Florida Statutes. The Legislature clearly intended to exempt nonresidential farm buildings, farm fences, and farm signs from "any county or municipal code." Thus, recognizing the Legislature's intent, it is my opinion that nonresidential farm buildings, farm fences, and farm signs are exempted from regulation under the land development regulations of the town.¹⁴

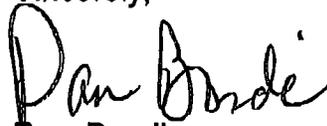
¹³ Section 163.3164(26), Fla. Stat.

¹⁴ Your letter states that "if Section 604.50 is intended to expand the exemption for nonresidential farm buildings, fences and signs to all municipal regulations, then Section 823.14, Florida Statutes, would be superfluous as to nonresidential farm buildings, fences and signs, since an exemption from a code means there cannot be duplication of codes." However, s. 604.50 and s. 823.14, Fla. Stat., the Florida Right to Farm Act, can be read in such a manner as to give effect to both. See *Ideal Farms Drainage District et al. v. Certain Lands*, 19 So. 2d 234 (Fla. 1944); *Mann v. Goodyear Tire and Rubber Company*, 300 So. 2d 666 (Fla. 1974), for the proposition that when two statutes relate to common things or have a common or related purpose, they are said to be *pari materia*, and where possible, that construction should be adopted which harmonizes and reconciles the statutory provisions so as to preserve the force and effect of each. Section 604.50, Fla. Stat., is the more specific statute and completely exempts nonresidential farm buildings, farm fences, and farm signs from regulation under the town's codes. Section 823.14, Fla. Stat., is intended by the Legislature to "protect reasonable agricultural activities conducted on farm land from nuisance suits." The Right to Farm Act would accommodate other types of land development regulation undertaken in compliance with the terms of the act, but the more specific subjects of s. 604.50, Fla. Stat., would be excluded from the terms of the act. Thus, these two statutes, both related to farming, can be read to give a scope of operation to each.

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In sum, it is my opinion that section 604.50, Florida Statutes, exempts nonresidential farm buildings, farm fences, and farm signs from land development regulations adopted by the Town of Loxahatchee Groves pursuant to Chapter 163, Florida Statutes.¹⁵

Sincerely,



Pam Bondi
Attorney General

PB/tgh

¹⁵ I would note that the Office of General Counsel, Florida Department of Agriculture and Consumer Services, has submitted a letter on this issue concluding that "it is the opinion of the Department of Agriculture and Consumer Services that this legislation applies to *all* local codes including land development regulations." (emphasis in original) See letter from Carol A. Forthman, Office of the General Counsel, Florida Department of Agriculture and Consumer Services, to Mr. Michael D. Cirullo, Jr., dated November 20, 2012.

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**RE: MUNICIPALITIES – FARM BUILDINGS – SIGNS – FENCES –
LAND DEVELOPMENT REGULATIONS – regulation of nonresidential
farm building by municipalities. s. 604.50, Fla. Stat.**

Property Address	Acres	PAPA Market Value	Price/Acre	Most Recent Sale Price	Price/Acre at Time of Sale	Visual
727 "E" Road	15.3	\$236,288	\$15,447	\$300,00 in 4/2002	\$19,607	Map
235 "E" Road	20	\$216,450	\$10,822	\$550,000 in 2/2012	\$27,500	Map
1125 "E" Road	15	\$247,298	\$16,486	N/A		Map
"C" Road	20	\$308,874	\$15,443	N/A		Map
2761 "E" Road	20	\$314,055	\$15,702	\$150,000 in 12/1986	\$7,500	Map
1222 "E" Road	20	\$313,844	\$15,692	\$350,000 in 3/1996	\$17,500	Map
530 "C" Road	17.58	\$271,500	\$15,444	\$200,000 in 12/2009	\$11,376	Map
14217 Collecting Canal Road	5	\$90,845	\$18,169	N/A		Map
570 "C" Road	11.95	\$195,408	\$16,352	\$455,500	\$38,117	Map
550 "C" Road	10.18	\$166,465	\$16,352	\$690,000 in 5/2007	\$67,780	Map
	Averages:	\$236,082	\$15,607	\$455,500	\$28,296	
		Study site				
		Contiguous property to south				