



TOWN OF LOXAHATCHEE GROVES

SECOND AND FINAL PUBLIC HEARING 2013-1014 BUDGET

TOWN COUNCIL MEETING AGENDA

TUESDAY, SEPTEMBER 17, 2013

Mayor David Browning (Seat 4)

Vice Mayor Ron Jarriel (Seat 1)

Councilman Tom Goltzené (Seat 5)

Councilman Ryan Liang (Seat 3)

Councilman Jim Rockett (Seat 2)



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, September 17, 2013 at 7:00 p.m.

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

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

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

Tentative
Subject to Revision

PUBLIC NOTICE/AGENDA SECOND AND FINAL PUBLIC HEARING 2013-2014 BUDGET

PUBLIC NOTICE/AGENDA REGULAR TOWN COUNCIL MEETING

1. OPENING

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

**Town Council Agenda/Second Public Hearing 2013-14 Budget
09/17/2013**

2. CONSENT AGENDA

- a. Minutes for Approval: Minutes of August 6, 2013; Minutes of August 20, 2013; Minutes of September 3, 2013; Minutes of September 10, 2013 [*Minutes not included in the Agenda Packet will be provided via an Addendum*]
- b. Permission of the Town Council for Nicholas Christian -14642 North Road for Connection of New Potable Water Service with Palm Beach County
- c. Sixth Addendum to the Law Enforcement Service Agreement

3. PUBLIC COMMENT

4. PRESENTATIONS - None

5. COMMITTEE REPORTS -None

6. PUBLIC HEARINGS – Second and Final Public Hearing 2013-2014 Millage and Budget

a. Resolution No. 2013-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING AND ADOPTING THE FINAL MILLAGE FOR THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PURSUANT TO THE BUDGET SUMMARY FOR THE FISCAL YEAR 2013-2014, IN ACCORDANCE WITH CHAPTER 200, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

b. Resolution No. 2013-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A FINAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

7. PUBLIC HEARINGS (Ordinances 2nd Reading) – *None*

8. ORDINANCES (1st Reading)

a. Public Hearing:

Ordinance No. 2013-05

[Text Amendment re: Residential Enterprise. This matter is on The Planning & Zoning Board Agenda for 9-12-13 – will be included as an Addendum to this 9-17-13 Town Council Agenda]

9. ADMINISTRATIVE UPDATE – *Town Manager Kutney*

10. OLD BUSINESS

- a. Clarification of Valley Crest Development Matter (Cost Recovery Fee)
- b. Discussion of Okeechobee and “D” Road Traffic Light (*Councilman Rockett – back-up not provided*)
- c. Letter from Town Attorney Cirullo concerning Florida Department of Revenue revenue sharing (*Vice Mayor Jarriel*)
- d. Discussion Regarding Grading and Road Rock Letter to Proceed for 161st Terrace N (*Vice Mayor Jarriel – back-up not provided*)

11. NEW BUSINESS

- a. Mowing and Cleaning Out of Drainage Ditch on South Side of Okeechobee Blvd., from "A" Road to Folsom Road (*Vice Mayor Jarriel- back-up not provided*)

12. CLOSING COMMENTS

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

13. ADJOURNMENT

The next regular Town Council Meeting is scheduled for October 1, 2013

Comment 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.



CONSENT AGENDA

2. a. Minutes for Approval



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, August 6, 2013 at 7:00p.m.

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

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

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

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice Mayor Ronald D. Jarriel, and Councilmen Tom Goltzené, Ryan Liang, and Jim Rockett. Also present were Town Manager Mark Kutney, Town Clerk Susan Eichhorn, Town Attorney Michael D. Cirullo, Jr., and Town Planning Consultant Jim Fleischmann.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Vice Mayor Jarriel requested the deletion of Item 10.b. Old Business [Discussion Regarding Previous Road Rock Material Request for 161st Terrace N.]

Motion: Councilman Liang made a motion to approve the Agenda, as amended. The motion was seconded by Councilman Goltzené. The motion passed 5/0.

2. CONSENT AGENDA

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

b. Minutes for Approval: July 16, 2013

Mayor Browning noted that there was an additional invoice from Goren, Cherof, Doody & Ezrol, P.A. in the amount of \$750.00 that was not included in the back-up, and would be included in the Consent Agenda.

Councilman Rockett suggested that the minutes from the July 16, 2013 Town Council needed to be modified and that the minutes should be removed from the Consent Agenda.

Motion: Councilman Goltzene made a motion to approve the Consent Agenda, as modified, with the inclusion of the additional invoice in the amount of \$750.00 from Goren, Cherof, Doody & Ezrol, P.A. The motion was seconded by Vice Mayor Jarriel. The motion passed 5/0.

Discussion ensued related to the minutes of the July 16, 2013 Town Council meeting. Councilman Rockett referred to Item 3. Public Comment, and the statement made by Ms. Riccio in regard to Sirdar Trucking relative to the suggestion that they do mowing and hedging on a 45-day recurring basis, and also expressed concern regarding Item 11. New Business, a. Annual Management Team Evaluation relative to the discussion that had occurred, suggesting that the minutes were not complete in either regard.

It was the consensus of the Town Council that the minutes would be tabled and revised according to the recordings of the meeting.

3. PUBLIC COMMENT

Phyllis Maniglia, 359 West“D” Rd.: Commented regarding the drinking loitering and trash in the Loxahatchee Groves Plaza and in the A & G Market area. She noted that two Sundays ago she was in the area and there were two persons standing in front of the tackle store drinking and there were also used cases of beer all over the Plaza. She also said that the postal employees often have to clean up bodily fluids in the area. She suggested that the area should be cleaned up and said that she would be willing to volunteer her time to help in that regard.

Councilman Goltzené concurred with the observations that Ms. Maniglia made.

Mayor Browning requested that Town Manager Kutney address this situation and alert the Sheriff of the situation.

Keith Harris, 2580 “C” Rd.: Commented that at the April 2, 2013, meeting of Town Council he requested relief for commercial equine operations from the special exception use requirement of the Town’s ULDC, as it was in conflict with State Statutes. In June he forwarded a Palm Beach County attorney’s office email to the Town Manager, and the contents of that confirm that the State Statutes also made his commercial equine operation exempt from the Palm Beach County Commercial Stables Permit requirement and the \$400 permit fee is available for refund. His property is zoned agricultural residential and has been classified agricultural by the Palm Beach Property Appraiser. He said that he had filed a Notice of Intent to implement best management practices for Florida equine operations with the Florida Department of Agriculture. He stated that he is a bona fide farming operation. He stated that recently, the Town demonstrated that they could process a ULDC text amendment in two months’ time. It has been five months since he asked for help from his Town government.

Penny Riccio, 12795 71st Place N.: Speaking on behalf of her employer, Sirdar Trucking and Tractor Service. We were quite pleased to win the bid to do the mowing and vegetative removal and disposal. In clarification to the 45 days it was our expert opinion what should be, in order for you to maintain a schedule. Prior to the Council hiring us, it was an on demand situation when you did the mowing, the vegetative removal and the disposal. So when you hired us as experts to do that work, we worked very diligently, having detailed hand written records. We

started our job on July 5th. We can understand concerns from the Council as well as the Town Manager as well as the Town Public Works Coordinator. Our operations today as of August 7, at 5:00 p.m. this afternoon were suspended by your Town Manager, and I would ask that this item in full disclosure, in sunshine, in open government, be placed on the Agenda this evening, so we can have open discussion, as opposed to one on one discussion, because we were not given a reason for why the operation was shut down.

Mayor Browning replied that the Agenda had already been set for this evening, and the request would need to be put on the next meeting's Agenda,

Councilman Goltzene commented that he would object to putting it on the Agenda right now, or actually in the future. He stated that he thought that the Town Manager should deal with the issue, and he should recommend any Town Council action.

Town Manager Kutney clarified that we asked them to cease and desist until we have a meeting that we have called for next Wednesday, because we have some concerns regarding the billing they submitted to us yesterday. Staff needs the time to review it and sit down with them. He stated that he did not think it is appropriate to put the Council in the middle of this.

Virginia Standish,15410 North Rd.: Speaking as chairman of ULDC Review Committee to address the concerns of Mr. Harris and also commenting on what has been going on. She stated that she was stunned that a text amendment can be done for a pool so quickly, when equestrians of this community have for years been asking that equestrians be considered a permitted use. It seems to take eons to accomplish that, but the pool text amendment would probably happen very quickly for one property. The ULDC Review Committee did ask that equestrian commercial be considered a permitted use, and voted on that. She stated that she had asked at the last ULDC Review Committee when that was going to be presented to the P & Z Board. The reply had been that it had been postponed to be discussed in the agricultural section, so she is confused. She stated that she believed that the Committee specifically requested that equestrian commercial be a permitted use.

Town Manager Kutney responded that he did report on the activities of the ULDC Review Committee. He noted that commercial equine was discussed initially at the ULDC Review Committee meeting, however there was not a formal motion made. So, the subject was brought back at the next ULDC Review Committee meeting, where a formal motion was made to recommend that commercial equestrian be a permitted use. It was now being addressed as part of the amendment that Town Planning Consultant Fleischmann was working on now, according to the direction of the Town Council.

Councilman Goltzene commented that the way we addressed the pool issue was that it was made a zoning in progress, which he would be glad to have that be the situation for this issue, if it is in process anyway. He noted that Mr. Harris had previously indicated that there was a time frame, but that time frame had some time to go before he got into some problems.

Virginia Standish clarified that her point was that in general the entire community would like to see it done as soon as possible and that she would like to see this moved up to be done before the pool.

Town Planning Consultant Jim Fleischmann explained that the ULDC Review Committee did recommend that commercial equestrian operations be a permitted use and not require special exception. Staff was addressing that item at the same time as they were addressing the broader issue of special exceptions. Staff was in the process of writing up the amendments right now. The special exception amendments are essentially finished. Staff was hoping to take both of the amendment packages (the special exception and commercial equestrian) to next month's Planning & Zoning Board meeting.

Keith Harris further commented that it took me 3 months going through the ULDC for this issue, and that the July and August meetings of the Planning and Zoning Board had been cancelled.

4. PRESENTATIONS - *None*

5. COMMITTEE REPORTS - *None*

- a. Finance Advisory & Audit Committee (FAAC) Report and Approval of the June 2013 Financial Reports – *Committee Member Virginia Standish*

FAAC Committee Member Virginia Standish provided the FAAC report. She noted that Chair Chiu specifically asked that two things were brought forward to the Town Council: the suggestion for a business plan priority list – he suggested using other factors that would help you identify your priorities: cost of each item, time line of each item, whether it could be done in house or contracted when you are ranking your priorities. He was also very concerned about the property tax value, and related to property taxes, she noted that there were properties that were claiming agriculture exemptions that were actually industrial businesses.

Motion: Councilman Rockett made a motion to accept the report and approve the June 2013 Financial Reports. The motion was seconded by Councilman Liang. The motion passed 5/0.

6. PUBLIC HEARINGS (Ordinances 2nd Reading)–

a. Ordinance No.2013-04

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, UPDATING THE FIVE-YEAR SCHEDULE OF IMPROVEMENTS FOR THE CAPITAL IMPROVEMENTS ELEMENT OF THE TOWN OF LOXAHATCHEE GROVES COMPREHENSIVE PLAN PURSUANT TO STATE STATUTE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read Ordinance No. 2013-04 by title, on second reading, as printed above.

Mayor Browning opened the public hearing.

Councilman Rockett suggested that there be \$250,000 in 2014 for the traffic light and that would be all we have on that line. The amount for 2014 and 2015 would be eliminated. Town Manager Kutney explained the \$250,000 was a planning number, not a budget number.

It was the consensus of the Town Council that there would be \$250,000 in 2014 for the traffic light, with the amounts for 2014 and 2015 eliminated.

Mayor Browning requested any other public comments. There were none. The Public Hearing was closed

Motion: Councilman Rockett made a motion to adopt Ordinance No. 2013-04, with the changes made regarding the traffic light (\$250,000 in 2013 only). The motion was seconded by Councilman Liang. On roll call vote, the motion passed 5/0.

7. ORDINANCES (1st Reading) - None

8. RESOLUTIONS

a. Resolution No. 2013-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACCEPTING THE QUIT CLAIM DEED FROM THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT FOR PORTIONS OF NORTH “A” ROAD, SOUTH “C” ROAD, NORTH “C” ROAD, AND NORTH “D” ROAD AS LEGALLY DESCRIBED IN THE QUIT CLAIM DEED, ATTACHED HERETO AS EXHIBIT “1”; PROVIDING FOR THE RECORDING OF THE QUIT CLAIM DEED AND AUTHORIZATION TO TAKE STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR MATTERS RELATING TO THE ROADS; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo read Resolution No. 2013-09 by title, as printed above.

Town Attorney Cirullo clarified that this Quit Claim Deed would transfer the LGWCD interest in these particular roads. These were the roads that were the subject of the Special Act to the Town. It was on the LGWCD Agenda for next Monday. He pointed out, for the record, there was a typo in his memorandum in the second bullet point: it should say a quarter mile in each direction from “C” Road. He requested that the Town Council consider adoption of this Resolution. Upon execution by the LGWCD, the Quit Claim would be recorded in the public records.

Councilman Goltzene questioned the missing sections of North Road that are not included in the Special Act or in this.

Town Attorney Cirullo responded that was not one of the items that we had direction on, or even had asked for from the LGWCD. The Town Council could discuss whether it wanted to authorize him to work on that, and that same motion would be needed from the LGWCD on Monday night, so that we could get moving on that too.

Town Attorney Cirullo clarified that he would like to talk about North Road separately, because tonight we were dealing with just the Special Act Roads (the letter roads).

Motion: Councilman Rockett made a motion to adopt Resolution No. 2013-09. The motion was seconded by Councilman Goltzené.

Councilman Rockett commented that we could include the other pieces in the future; the other thing is Collecting Canal and when that is done, he would like the Town Council to consider the 600 feet or so of roadway that we did not pave. Those were pieces that the LGWCD could be asked to handle the same way and quit claim deed it to the Town.

John Ryan, 3508 A Rd: Commented that the way the LGWCD understood and was coordinating with the Town and the Town Attorney was that they were looking at two pieces to complete by September 30 – the first piece was what is before the Town Council tonight. The two oddball items that were also involving OGEM road segments were the fill ins on North Road and north “F” and south “F”. The way the LGWCD was proceeding with this was because of the history and involvement of the LGWCD in the various OGEM road segments that are being paved, including the fact that the LGWCD has escrowed funds for the portion of “F” road from Collecting Canal to Southern. We were timing the Quit Claim Deeds when we completed the OGEM work, so that we would not get further confused in terms of whether surveys were complete, whether maintenance maps were recorded, and whether funds needed to be transferred to complete the work. He stated that it was realized that there was a deadline of September 30, 2013, to complete the North Road and the “F” Road segments.

Phyllis Maniglia, 359 West “D” Rd.: Commented regarding opening the gates once access to those roads is obtained, in order to do some horse trails through there.

The Motion made by Councilman Rockett, seconded by Councilman Goltzené to adopt Resolution No. 2013-09, passed 5/0.

Motion: Councilman Rockett made a motion to authorize Town Attorney Cirullo and staff to take whatever steps are necessary to work with the LGWCD on the North Road and “F” Road segments. The motion was seconded by Councilman Liang. The motion passed 5/0.

9. ADMINISTRATIVE UPDATE – *Town Manager Kutney*

- IGC Committee meeting on July 26th – discussed continuing issues which have been roadway discussions, drainage policies, and also discussed the FEMA maps.
- Regarding the FEMA maps: July 23rd meeting attended by himself and Town Engineers. Palm Beach County has been fighting for more time for FEMA to adjust the maps. FEMA has indicated that they will look at additional data. The public comment meetings are still scheduled to start September 9th. The concern is that the maps should not be put out until the data is complete and accurate. Our Town Engineers have drafted a letter giving a quick review.
- Notices to Proceed to LGWCD relative to road grading and road repair. Compton Road needed some road repair and it has been reported that it was patched and filled. The hedging, is supposed to start after one complete pass throughout the Town.
- Update on Bryan Road – needs some resurfacing. A Notice to Proceed to LGWCD will be issued, although technically the Town does not own Bryan Road yet. Mr. Kutney noted that would be the call of the Town Council -- whether you want the Town to expend funds to do improvements at this point or wait until we own the road.

Town Attorney Cirullo advised that the title work did reflect that there was an easement in the area where Bryan Rd is. A surveyor will just have to confirm that the road lies within that access easement, and once we confirm that the road is there, we need to get the similar work that was done for Compton and Marcella. The next step would be to get the surveyor to meet with us and go over the documents we have so that they can find the most cost effective way of confirming that the road is there; it will take some time to get it done. We have enough information to meet with the surveyor.

Vice Mayor Jarriel commented that we had a responsibility as a Town; we are getting gas tax money for that road, and we need to get it fixed, because those people need a safe road to ride on.

Motion: Vice Mayor Jarriel made a motion that the Town Council allow management to go ahead and do the same notice with the LGWCD as they did with Compton for repair work. The motion was seconded by Councilman Rockett.

Town Manager Kutney replied that he would issue a Notice to Proceed to the LGWCD. In the meantime, the Town Attorney and he would work on the second notice to proceed with the surveyor doing the appropriate survey work.

The motion passed 5/0.

Public Comment:

Ken Johnson, Collecting Canal Rd.: Comment regarding insurance rates for flood insurance being raised, and whether was any law in effect that would prevent insurance companies from raising their rates prior to the flood Insurance issues being resolved.

Town Manager Kutney responded that the State of Florida writes the most flood insurance policies throughout the nation. The Flood insurance program is not solvent. We have heard that you could be looking at a 25% increase for flood insurance rates, and we also hear that there will be another 25% insurance hike within the next four or five years.

10. OLD BUSINESS

a. Status of Residential Enterprise Ordinance (*Vice Mayor Jarriel*)

Town Attorney Cirullo advised that he had reviewed the Minutes of the April 2, 2013, Town Council meeting and the motion to approve the proposed Ordinance 2013-02 failed, and the process for that ordinance is now gone. We would need authorization from you so start a new process and whether you want to go through the process again with the stricken language or if you want to give us direction to go a different way to accomplish this.

Town Manager Kutney discussed the options available, noting that there were inherent issues and problems with residential enterprise and home office in the Town's ULDC.

Motion: Councilman Goltzené made a motion that the Town Council uses the stricken language that was contained in the original amended ordinance.

Discussion took place.

Town Planning Consultant Fleischmann explained that the historical legacy was a separate issue from the residential enterprise. The historical legacy deals in general terms with uses that exist in the Town but are not permitted by the Code and how we are going to make them even. He suggested that there was a fairly simple way of addressing that by going back to that existing section in the Code that provided a way of addressing those issues early on, except that the time frame in the Code has now expired.

Town Attorney Cirullo clarified that the provision that Mr. Fleischmann was talking about, which was existing uses were allowed, where legality could be confirmed. If the six month period was removed, so that people could still apply it at any time, then if Mr. Kline could demonstrate that his business was in existence, and that it had this characteristic, he would fall within that if he got a special exception. A special exception, right now, is very onerous, so if you were going to make that a more streamlined process, you would also provide a change to the special exception process for this type of relief, that would be administrative, to confirm basically the existence as of the date of incorporation.

Councilman Goltzené commented that he did not think historical legacy would solve this problem. Mr. Kline needs foot traffic, and that is what would solve his problem.

Town Manager Kutney explained that the only reason that Mr. Kline was made residential enterprise was because that was the only way we could sanction, but then the foot traffic was the issue. He stated that he did not want to jeopardize the entire residential enterprise for one person.

Councilman Goltzené withdrew the motion.

Town Manager Kutney explained that the other issue is that the ULDC Review Committee did not discuss the Kline issue from the focus that we are talking about tonight. There is the option to take this whole issue back to the ULDC Review Committee and talk to them about it and see what kind of recommendation they could bring back to you, if you are so inclined to do that.

It was the consensus of the Town Council to refer the issue back to the ULDC Review Committee for review and recommendation.

Public Comment:

John Ryan, 3508 A Road: Commented as a member of the ULDC Review Committee that he had an understanding that he thought was a way to go forward on this. A simple solution for immediate action would be to eliminate Item H of the residential enterprise section of the ULDC, regarding customer on the premises. The Planning and Zoning Board had raised serious concerns when we started talking about broader issues. They said that the changes over and above just eliminating Item H would have unintended consequences that would allow any residential property to effectively be commercial. That would just destroy the whole concept of Loxahatchee Groves. He suggested that for now the focus could be on taking out item H in the residential enterprise section and rely on the simplification of special exceptions to deal with any additional issues that come up. He stated that he thought Mr. Kline's problem was that selling guns was not exempted under Right to Farm.

Motion: Councilman Rockett made a motion to strike the ULDC language regarding foot traffic in the current residential enterprise ULDC section, and bring it back as the change that we want to pursue, with it going to the Planning and Zoning Board, and then back to the Town Council. The motion was seconded by Councilman Liang. The motion passed 5/0.

- b. Discussion Regarding Previous Road Rock Material Request for 161st Terrace N on 6/20/13 (*Vice Mayor Jarriel*)

Removed from Agenda

11. NEW BUSINESS- *None*

12. CLOSING COMMENTS

- a. Public

Frank Schiola, Marcella Blvd.: Commented that the Wellington Holiday Parade is December 8th and hopefully we can get the same team as we had last year. If the Town Council wants to do it

this year, Mr. Choquette will let us use his truck and trailer. Also commented regarding licensed drivers for golf carts, dune buggies, etc., and that people operating those types of vehicles on the road needed to use common sense.

b. Town Attorney

a. Report Regarding Research on Golf Carts, UTV's and Side-by-Sides

Town Attorney Cirullo provided a report on what type of vehicles were permitted on Town Roads, noting that golf carts and dune buggies would require direction and action by the Town Council.

Motion: Councilman Goltzene made a motion that the Golf Cart, UTVs and Side-by-Side issue is brought back as an agenda item at the next Town Council meeting. The motion was seconded by Councilman Liang. The motion passed 5/0.

Town Attorney Cirullo advised that there had been a request by a property owner that a road be abandoned that is on our public roads. It was 13th Place North. He stated that he would work to put together a process, but at the end of the day the Town Council would need to authorize vacating a road that had been designated as public.

c. Town Council Members

Councilman Goltzene: Thanks for coming.

Vice Mayor Jarriel: Asked for prayers for Supervisor Robert Snowball, who was ill; suggested that residents contact their insurance companies in August to see if they could get a better rate because there was now a better rating system for the western communities. He also mentioned the Petition for a red light at Southern and "D" Road was available for signing after the meeting.

Councilman Liang: Thanks for coming.

Councilman Rockett: Thanks everyone for coming. Asked the Town Council if we are looking for manager evaluation as called for in the contract, or does the Council not care to have that done this year. That would include an annual report.

Mayor Browning suggested having a form provided to each Town Council member in the future, that would list all required duties and 1-5 rating scale for each duty.

13. ADJOURNMENT

There being no further business, the Town Council meeting of August 6, 2013, was adjourned at 8:45 p.m.

Susan Eichhorn, Town Clerk

David Browning, Mayor

(SEAL)



Town of Loxahatchee Groves
Special Town Council Meeting
Tuesday, September 10, 2013 at 5:05 p.m.
Loxahatchee Groves Water Control District, 101 West "D" Road

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

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

MINUTES
PUBLIC HEARING
SOLID WASTE ASSESSMENT

Tentative
Subject to Revision

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 5:05 p.m. Present were Mayor David Browning, Vice Mayor Ronald D. Jarriel, and Councilmen Tom Goltzené, and Jim Rockett. Councilman Liang was not present. Also present were Town Manager Mark Kutney, Town Clerk Susan Eichhorn, and Town Attorney Michael D. Cirullo, Jr.

- b. Pledge of Allegiance & Invocation – Mayor Browning
- c. Approval of Agenda

Motion: Councilman Rockett made a motion to approve the Agenda. The motion was seconded by Vice Mayor Jarriel. The motion passed 4/0.

2. PUBLIC HEARING

a. Resolution No. 2013-12

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES IN THE TOWN OF LOXAHATCHEE GROVES, FLORIDA; APPROVING THE ASSESSMENT RATE FOR RESIDENTIAL SOLID WASTE COLLECTION SERVICES FOR FISCAL YEAR 2013-2014; IMPOSING A RESIDENTIAL SOLID WASTE COLLECTION ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF LOXAHATCHEE GROVES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2013; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Town Attorney Cirullo read Resolution No. 2013-12 by title, as printed above.

Town Manager Kutney reviewed the assessment figures.

Motion: Councilman Rockett made a motion to adopt Resolution No. 2013-12. The motion as seconded by Vice Mayor Jarriel.

Public Comment:

Linda Kern, 13576 Fox Trail: Commented regarding concerns of trash pick up when there are very large piles of trash that go over the square foot limit; also that some garbage is left behind on the property when trash is picked up.

Town Manager Kutney replied that a Town phone line has been established for complaints regarding trash pick-up, so that the Town directly receives complaints and can look into them. Also, the current Waste Pro contract has been tightened up in several ways that should enable Waste Pro to provide better service.

Upon roll call vote, the motion passed 4/0.

13. ADJOURNMENT

There being no further business, the Special Town Council Meeting/Public Hearing of Solid Waste Assessment was adjourned at 5:17 p.m.

Susan Eichhorn, Town Clerk

David Browning, Mayor

(SEAL)

These minutes were approved at the September 17, 2013 Town Council Meeting.



CONSENT AGENDA

- 2.b. Permission of the Town Council for Nicholas Christian -
14642 North Road for Connection of New Potable Water
Service with Palm Beach County

TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT

TO: Mayor and Town Council
FROM: Braeden Garrett, Town Planning Technician
THROUGH: Mark A. Kutney, Town Manager, AICP, ICMA-CM
DATE: September 10, 2013
SUBJECT: Nicolas Christian - 14642 North Road, Loxahatchee Groves, FL 33470,
Connection of New Potable Water Service with Palm Beach County

I. BACKGROUND/HISTORY

In accordance with the Town of Loxahatchee Groves' Comprehensive Plan, Infrastructure Element 3-3, and Chapters 166 and 180, Florida Statutes, the Town is authorized to provide utility service within the Town's municipality limits. In order to avoid the duplication of pipelines and other facilities, the Town has agreed to allow the County to provide potable water, wastewater, and reclaimed water services within the Town's municipal limits. Property owners along Southern Boulevard, Okeechobee Boulevard and 40th Street, who are adjacent to these water mains, may request connection with the permission of the Town Council.

II. DISCUSSION

Nicolas Christian is requesting approval for water connection service at 15664 North Road.

III. FISCAL IMPACT

- N/A

IV. ATTACHMENTS

- Application

V. RECOMMENDATION

Motion by Town Council to approve the application.

The LGWCD's canals are the primary source of fire protection for the Town. The canals typically experience a decrease in the water elevation during the dry season. When water levels are sufficiently low, the safety and prosperity of the Town can be jeopardized. Palm Beach County is beginning a process to investigate the creation of a stormwater reservoir in western Palm Beach County in a former rock mine. It is the County's intention to utilize the mine to store excess stormwater in wet season and release it in the dry season for aquifer recharge and to increase surface water levels.

Potable Water Analysis

A majority of the Town does not have potable water service available and operates on domestic self supply water wells. The water supply wells draw from the Surficial Aquifer. Along Southern Boulevard, Okeechobee Boulevard and 40th Street, water mains are operated by PBCWUD. Property owners adjacent to these mains may request connection with the permission of the Town Council (see Map 7.2). The Level of Service (LOS) PBCWUD provides is 126 GPD per capita. PBCWUD operates 5 Water Treatment Plants. The Town has not yet entered into a franchise agreement with a utility provider and the majority of the Town is expected to remain on private wells for the foreseeable future.

Sanitary Sewer Analysis

A majority of the Town does not have sanitary sewer service available and most operate on septic tanks. Along Southern Boulevard, Okeechobee Boulevard and 40th Street, force mains are operated by Palm Beach County Water Utilities (PBCWUD). Property owners adjacent to these mains may request connection with the permission of the Town Council (see Map 7.1). The Level of Service (LOS) PBCWUD provides is 100 GPD per capita. The Town has not yet entered into a franchise agreement with any utility provider and the majority of the Town is expected to remain on septic tanks. Septic Tanks are regulated by the Palm Beach County Public Health Unit in conformance with the Florida Department of Health and Chapter 64E-6 of the Florida Administrative Code (FAC).

Solid Waste Analysis

The Solid Waste Authority of Palm Beach County (SWA) is the entity in Palm Beach County responsible for the disposal of solid waste within the entire county. The SWA operates and maintains 14 transfer facilities, a Commercial Materials Recycling Facility, a Compost Facility, a Ferrous Processing Facility, a Residential Materials Recycling Facility, a Resource Recovery Facility (which generates electricity) and a Class 1 and Class 3 Landfill. Palm Beach County SWA indicated in February 2008 that there is sufficient landfill capacity for the five and ten year planning periods specified in FAC 9J-5.005(4). At the generation rates used in their studies, the current lifespan of the landfill is 2021. The Solid Waste LOS is 9.54 pounds per capita. At this time, SWA has begun the initial design and permitting efforts to develop a new landfill on a site in western Palm Beach County that will extend the life of the solid waste system to beyond the year 2065.

- 166.0446 Prohibition of fees for first responder services.
- 166.045 Proposed purchase of real property by municipality; confidentiality of records; procedure.
- 166.0451 Disposition of municipal property for affordable housing.
- 166.047 Telecommunications services.
- 166.048 Conservation of water; Florida-friendly landscaping.
- 166.0485 Establishment of neighborhood crime watch programs.
- 166.049 Municipal law enforcement agencies; communications and assistance.
- 166.0493 Powers, duties, and obligations of municipal law enforcement agencies.
- 166.0495 Interlocal agreements to provide law enforcement services.
- 166.0497 Alteration, amendment, or expansion of established downtown development district; procedures.

166.011 Short title.—This chapter shall be known and may be cited as the “Municipal Home Rule Powers Act.”
History.—s. 1, ch. 73-129.

166.021 Powers.—

(1) As provided in s. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law.

(2) “Municipal purpose” means any activity or power which may be exercised by the state or its political subdivisions.

(3) The Legislature recognizes that pursuant to the grant of power set forth in s. 2(b), Art. VIII of the State Constitution, the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the state Legislature may act, except:

- (a) The subjects of annexation, merger, and exercise of extraterritorial power, which require general or special law pursuant to s. 2(c), Art. VIII of the State Constitution;
- (b) Any subject expressly prohibited by the constitution;
- (c) Any subject expressly preempted to state or county government by the constitution or by general law; and
- (d) Any subject preempted to a county pursuant to a county charter adopted under the authority of ss. 1(g), 3, and 6(e), Art. VIII of the State Constitution.

(4) The provisions of this section shall be so construed as to secure for municipalities the broad exercise of home rule powers granted by the constitution. It is the further intent of the Legislature to extend to municipalities the exercise of powers for municipal governmental, corporate, or proprietary purposes not expressly prohibited by the constitution, general or special law, or county charter and to remove any limitations, judicially imposed or otherwise, on the exercise of home rule powers other than those so expressly prohibited. However, nothing in this act shall be construed to permit any changes in a special law or municipal charter which affect the exercise of extraterritorial powers or which affect an area which includes lands within and without a municipality or any changes in a special law or municipal charter which affect the creation or existence of a municipality, the terms of elected officers and the manner of their election except for the selection of election dates and qualifying periods for candidates and for changes in terms of office necessitated by such changes in election dates, the distribution of powers among elected officers, matters prescribed by the charter relating to appointive boards, any change in the form of government, or any rights of municipal employees, without approval by referendum of the electors as provided in s. 166.031. Any other limitation of power upon any municipality contained in any municipal charter enacted or adopted prior to July 1, 1973, is hereby nullified and repealed.

(5) All existing special acts pertaining exclusively to the power or jurisdiction of a particular municipality except as otherwise provided in subsection (4) shall become an ordinance of that municipality on the effective date of this act, subject to modification or repeal as other ordinances.

(6) The governing body of a municipality may require that any person within the municipality demonstrate the existence of some arrangement or contract by which such person will dispose of solid waste in a manner consistent with the ordinances of the county or municipality or state or federal law. For any person who will produce special wastes or

Select Year:

The 2012 Florida Statutes

[Title XII](#)

MUNICIPALITIES

[Chapter 180](#)

MUNICIPAL PUBLIC WORKS

[View Entire Chapter](#)**180.02 Powers of municipalities.—**

(1) For the accomplishment of the purposes of this chapter, any municipality may execute its corporate powers within its corporate limits.

(2) Any municipality may extend and execute all of its corporate powers applicable for the accomplishment of the purposes of this chapter outside of its corporate limits, as hereinafter provided and as may be desirable or necessary for the promotion of the public health, safety and welfare or for the accomplishment of the purposes of this chapter; provided, however, that said corporate powers shall not extend or apply within the corporate limits of another municipality.

(3) In the event any municipality desires to avail itself of the provisions or benefits of this chapter, it is lawful for such municipality to create a zone or area by ordinance and to prescribe reasonable regulations requiring all persons or corporations living or doing business within said area to connect, when available, with any sewerage system or alternative water supply system, including, but not limited to, reclaimed water, aquifer storage and recovery, and desalination systems, constructed, erected and operated under the provisions of this chapter; provided, however, in the creation of said zone the municipality shall not include any area within the limits of any other incorporated city or village, nor shall such area or zone extend for more than 5 miles from the corporate limits of said municipality.

History.—s. 1, ch. 17118, 1935; CGL 1936 Supp. 3100(6); s. 5, ch. 95-323.



PALM BEACH COUNTY WATER UTILITIES DEPARTMENT
 8100 Forest Hill Boulevard
 West Palm Beach, Florida 33413-3336
 (561) 493-6056 or (561) 493-6057

NAME: NICOLAS CHRISTIAN DATE: 09/10/2013
 SERVICE ADDRESS: 14642 NORTH ROAD LOXAHATCHEE 33470 PHONE: 954-881-2555
 CONTACT PERSON: SYLVAIN DUBOIS FAX: _____

TYPE OF SERVICE: (Check 1 in each box)

Residential	Non-Residential	Combined	Water Only	Wastewater Only
YES	<input type="checkbox"/>	<input type="checkbox"/>	YES	<input type="checkbox"/>

METER SIZES & RELATED INSTALLATION FEES:

QTY	METER SIZE	ERC VALUES		FEE
		Residential	Non-Residential	FULL SVC W/TAP
2	5/8"	1.00	1.50	CONTACT PBC WUD
	1"	2.90	5.80	
	1 1/2"	4.50	10.00	
	2"	9.50	16.25	
	3"	N/A	43.70	
	4"	N/A	66.80	
	Other	_____		

CONNECTION FEES:

Water
 Sewer
 Other

CONTACT THE PALM BEACH COUNTY WATER UTILITIES DEPARTMENT (PBCWUD) FOR METER-SPECIFIC FEES.
 (561) 493-6056 or (561) 493-6057

GUARANTEED REVENUE FEES:

	CONTACT PBCWUD
	TOTAL
	ERCs
Water	_____
Sewer	_____

MISCELLANEOUS FEES AND ADJUSTMENTS:

TOTAL FEES: 50.00

TO BE INSTALLED AT _____

TOWN OF LOXAHATCHEE GROVES COUNCIL APPROVED ON _____ DATE: _____

AUTHORIZED TOWN OF LOXAHATCHEE GROVES STAFF APPROVAL: _____ DATE: _____

SIGNATURE: _____ PRINTED NAME: _____

**** PLEASE NOTE THAT FROM THE DATE OF RECEIPT OF THIS APPLICATION BY THE TOWN OF LOXAHATCHEE GROVES UNTIL NOTIFICATION OF SOUGHT AFTER APPROVAL WILL BE BETWEEN 2 - 3 WEEKS. ****

Palm Beach County Water Utilities Department
Administration Building - Contract Management
8100 Forest Hill Blvd, West Palm Beach FL 33413-3336
(561) 493-6056, (561) 493-6057, & (561) 493-6058

Palm Beach County
Water Utilities

Name: DTS QUOTE

Quote #: 53374

Mailing Address:

Quote Date: 08/26/2013

Date Entered: 08/26/2013

Contact Person: DTS QUOTE

Phone #:

Subdivision: GI 11 BACKBONE/PHASE 3////

Agreement#/ServiceType/RateTable:

Lot/BI/Bldg/Bay	Description	Portable Water	Waste Water	Reclaimed Water	Total
	INSTALLATION FEE				
2/329//	FULL SERVICE W/TAP	\$2,200.00	\$0.00	\$0.00	\$2,200.00
	FRANCHISE FEE	\$440.00	\$0.00	\$0.00	\$440.00
2/329//	ROAD CROSSING	\$1,200.00	\$0.00	\$0.00	\$1,200.00
	FRANCHISE FEE	\$240.00	\$0.00	\$0.00	\$240.00
				Installation Fee Total:	\$3,400.00
				Franchise Fee:	\$680.00
	CONNECTION FEE				
2/329//	CONNECTION FEE	\$1,500.00	\$0.00	\$0.00	\$1,500.00
	FRANCHISE FEE	\$300.00	\$0.00	\$0.00	\$300.00
				Connection Fee Total:	\$1,500.00
				Franchise Fee:	\$300.00
	GUARANTEED REVENUE FEE				
2/329//	GUARANTEED REVENUE	\$996.60	\$0.00	\$0.00	\$996.60
	FRANCHISE FEE	\$199.32	\$0.00	\$0.00	\$199.32
				Guaranteed Revenue Fee Total:	\$996.60
				Franchise Fee:	\$199.32
				Invoice Total:	\$7,075.92

Lot/BI/Bldg/Bay	Lot Owner	Lot Address	Meter Size	Meter Type	# Units	Service Type
2/329//	DTS QUOTE	14642 NORTH RD	5/8 x 3/4	SINGLE FAMILY	1	Potable Wa

Payment of this invoice, and acceptance of the payment by the Department, does not constitute a guarantee of meter installation or utility service. Meters will not be released for installation until all of the Department's conditions of approval have been met. For questions regarding construction inspection approvals contact Jackie Michels @ (561) 493-6116. For questions regarding engineering approvals contact Duane Palumbo @ (561) 493-6087.

WCB8 LW 22



Prepared by:
Cynthia King
Universal Land Title, LLC
1926 10th Avenue North, Suite 204
Lake Worth, FL 33461.

CFN 20130338287
OR BK 26216 PG 0258
RECORDED 07/30/2013 11:07:20
Palm Beach County, Florida
AMT 172,000.00
Doc Stamp 1,204.00
Sharon R. Bock, CLERK & COMPTROLLER
Pg 0258; (1pg)

Return to: Will Call 68

Universal Land Title, LLC
Cynthia King
1926 10th Avenue North, Suite 204
Lake Worth, FL 33461.

File Number: 22-68351es
Consideration: \$172,000.00

(Space Above This Line For Recording Data)

Warranty Deed

This Warranty Deed made this 15th day of July, 2013, by Luis Colazantti and Anne Colazantti, husband and wife whose post office address is 14842 North Road, Loxahatchee, FL 33470 grantor, to Christian Nicolas, a single man whose post office address is 35 Rue De La Republique Thomery France 77810 grantees:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in the Palm Beach County, Florida, to-wit:

The East 1/2 of the East 1/2 of the West 1/2 of Lot 29, Block "C", Replat of Loxahatchee District Subdivision, Loxahatchee Groves, according to the Plat recorded in Plat Book 12, Page(s) 29, as recorded in the Public Records of Palm Beach County, Florida.

Parcel Identification Number: 41-41-43-17-01-329-0020

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes for the year of closing and subsequent years, restrictions, reservations, covenants and easements of record, if any.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

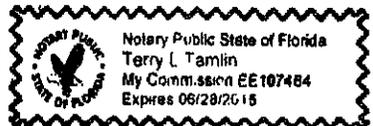
Terry L Tamlin [Signature]
Witness Name: Terry L Tamlin Luis Colazantti
Printed Name: Terry L Tamlin

Terry L Tamlin [Signature]
Witness Name: Anne Colazantti
Printed Name: Terry L Tamlin

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me this 15 day of July, 2013 by Luis Colazantti and Anne Colazantti, husband and wife, who are personally known to me or () have produced _____ as identification.

Terry L Tamlin
Notary Public
Printed Name: TERRY L TAMLIN
My Commission Expires: _____





Water Utilities Department
Contract Management

P. O. Box 16097

West Palm Beach, FL 33416-6097

(561) 493-6000

Fax: (561) 493-6074

www.pbcwater.com

Palm Beach County
Board of County
Commissioners

Steven L. Abrams, Mayor

Priscilla A. Taylor, Vice Mayor

Hal R. Valeche

Paulette Burdick

Shelley Vana

Mary Lou Berger

Jess R. Santamaria

County Administrator

Robert Weisman

METER RELEASE AUTHORIZATION

Christian NICOLAS (Property Owner) hereby
authorizes the Palm Beach County Water Utilities Department
to release the meter(s) indicated below to _____

_____ for use at the following address(es):

14642 North Road
Loxahatchee, FL 33470

Property Control Number _____

(attach sheet for multiple addresses & lots and blocks)

Biljana MLADENOVIC

Witness

[Signature]

Print Name

Christian NICOLAS

Property Owner

[Signature]

Signature

"An Equal Opportunity
Affirmative Action Employer"



Gary R. Nikolits, CFA
Property Appraiser
 Palm Beach County

Property Appraiser's Public Access **PAPA**



Location Address 14642 NORTH RD
 Municipality LOXAHATCHEE GROVES
 Parcel Control Number 41-41-43-17-01-329-0020
 Subdivision LOXAHATCHEE GROVES IN
 Official Records Book 26216 Page 258
 Sale Date JUL-2013
Legal Description LOXAHATCHEE GROVES E 1/4 OF W 1/2 OF TR 29 BLK C

Owners
 NICOLAS CHRISTIAN

Mailing address
 35 RUE DE LA REPUBLIQUE
 THOMERY 77810 FRANCE

Sales Date	Price	OR Book/Page	Sale Type	Owner
JUL-2013	\$172,000	26216 / 0258	WARRANTY DEED	NICOLAS CHRISTIAN
FEB-2000	\$150,000	11642 / 1259	WARRANTY DEED	COLAZANTTI LUIS &
DEC-1992	\$100	07549 / 1749	WARRANTY DEED	
DEC-1992	\$8,000	07545 / 1585	WARRANTY DEED	
MAY-1991	\$9,500	06847 / 1216	WARRANTY DEED	

1 2

Exemption Applicant/Owner	Year	Detail
COLAZANTTI LUIS &	2013	

Number of Units 1 *Total Square Feet 2176 Acres 2.50
 Use Code 0100 - SINGLE FAMILY Zoning AR - Agricultural Residential (41-LOXAHATCHEE GROVES)

Tax Year	2013 P	2012	2011
Improvement Value	\$75,640	\$80,456	\$72,163
Land Value	\$48,629	\$53,438	\$66,798
Total Market Value	\$124,269	\$133,894	\$138,961

P = Preliminary All values are as of January 1st each year

Tax Year	2013 P	2012	2011
Assessed Value	\$124,269	\$133,894	\$138,961
Exemption Amount	\$50,000	\$50,000	\$50,000
Taxable Value	\$74,269	\$83,894	\$88,961

Tax Year	2013 P	2012	2011
Ad Valorem	\$1,680	\$1,902	\$2,053
Non Ad Valorem	\$1,052	\$684	\$925
Total tax	\$2,732	\$2,586	\$2,978



CONSENT AGENDA

2.c. Sixth Addendum to the Law Enforcement Service Agreement



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: September 11, 2013

SUBJECT: Sixth Addendum to the Law Enforcement Agreement

I. BACKGROUND/HISTORY

Attached for Town Council approval is the Sixth Addendum to the Law Enforcement Agreement between Sheriff Ric L. Bradshaw and the Town of Loxahatchee Groves. This addendum is the sixth in a series after the original agreement that was executed and became effective on October 1, 2007.

II. DISCUSSION

The sixth addendum of the original agreement requires a two percent (2%) increase over last year's agreement for a total cost of \$280,281.00. This amount has been incorporated into the 2014 Budget that will be adopted by Town Council on September 17, 2013. For the past two (2) years, there was no increase in the agreement.

III. FISCAL IMPACT

The additional two percent (2%) increase has been factored into the FY 2014 Budget.

IV. ATTACHMENTS

Copy of the Sixth Addendum to the Law Enforcement Service Agreement

Copy of March 8, 2013 Letter from Major Dan Smith to the Town of Loxahatchee Groves

V. REQUIRED ACTION

Approval of the Sixth Addendum to the Law Enforcement Service Agreement and authorize the Mayor to execute the same.

PALM BEACH COUNTY
SHERIFF'S OFFICE

RIC L. BRADSHAW, SHERIFF



MAJOR DAN SMITH
COUNTYWIDE OPERATIONS
PHONE: (561) 681-4520

FAX: (561) 681-4525

E-MAIL: smithd@pbso.org

March 08, 2013

Town of Loxahatchee Groves
David Browning, Mayor
14579 Southern Boulevard Suite #2
Loxahatchee Groves, Florida 33470

Dear Mayor Browning:

The Palm Beach County Sheriff's Office adjustments for the Town of Loxahatchee Groves Law Enforcement Service Agreement renewal have been under careful consideration. For the past two (2) years, the Sheriff was able to afford no increase, however, this year there will be a 2% increase for 10/01/13 – 09/30/14. We will be contacting you to schedule a meeting to further discuss the particulars of the contract.

A sixth addendum will be submitted with the renewal dates and the adjusted rate for signature prior to expiration of the fifth addendum.

Sincerely,

Major Dan Smith
Countywide Operations

SIXTH ADDENDUM TO THE LAW ENFORCEMENT SERVICE AGREEMENT
SHERIFF RIC L. BRADSHAW AND TOWN OF LOXAHATCHEE GROVES

This Sixth Addendum to the Law Enforcement Service Agreement is made by and between Town of Loxahatchee Groves (hereinafter referred to as "Loxahatchee Groves") located in Palm Beach County, and Ric L. Bradshaw, Sheriff of Palm Beach County, Florida (hereinafter referred to as "Sheriff"). Loxahatchee Groves and the Sheriff shall hereinafter be referred to as the "Parties."

WHEREAS, the Parties executed a Law Enforcement Service Agreement effective October 01, 2007, a First Addendum effective October 01, 2008, a Second Addendum effective October 01, 2009, a Third Addendum effective October 01, 2010, a Fourth Addendum effective October 01, 2011, and a Fifth Addendum effective October 01, 2012, (the "Agreement"), by which the Sheriff agreed to perform law enforcement services; and

WHEREAS, the Parties wish to renew said Agreement for an additional twelve (12) months, effective October 01, 2013.

NOW, THEREFORE, in consideration of the mutual covenants herein contained the receipt and sufficiency of which are hereby acknowledged, it is agreed upon as follows:

1. In accordance with Article 7, Section A. of the Law Enforcement Service Agreement, the Parties have agreed to renew the Agreement for an additional twelve (12) month term. The term of this renewal is October 01, 2013 through September 30, 2014.
2. Article 6, Section A. of the Law Enforcement Service Agreement is amended as to the total amount due for law enforcement services as follows: The total cost of personnel and equipment shall be \$280,281.00. Monthly payments shall be \$23,356.75.
3. Article 3, Section A. of the Law Enforcement Service Agreement was amended by the Fifth Addendum and shall continue to read as follows:
 - A. The SHERIFF shall provide to the TOWN, for the term hereinafter set forth, and as the same may be extended in accordance with the provisions hereof, law enforcement services within and throughout the corporate limits of the TOWN. Specifically, there shall be guaranteed zone coverage 24 hours per day/ 7 days per week; however, this does not guarantee a deputy assigned exclusively within the town boundaries at all times.
4. In all other respects and unless otherwise stated, the terms and conditions of the Agreement shall continue unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed the Addendum to the Agreement as of the last date all signatures below are affixed.

PALM BEACH COUNTY SHERIFF'S OFFICE

TOWN OF LOXAHATCHEE GROVES

BY: _____
Ric L. Bradshaw

BY: _____

Title: Sheriff

Print Name: _____

Title: _____

Witness: _____
Daniel R. Smith, Major

Witness: _____

DATE: _____

DATE: _____



6. PUBLIC HEARINGS – Second and Final Public Hearing

2013-2014 MILLAGE

a. Resolution No. 2013-13

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2013-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ESTABLISHING AND ADOPTING THE FINAL MILLAGE FOR THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PURSUANT TO THE BUDGET SUMMARY FOR THE FISCAL YEAR 2013-2014, IN ACCORDANCE WITH CHAPTER 200, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 3, 2013, the Town Council conducted a public hearing and adopted a tentative budget, which included the estimated expenses and revenues for the Town of Loxahatchee Groves, Florida (the "Town"), for the ensuing year, with detailed information, including revenues to be derived from sources other than ad valorem levy, and also containing certain recommendations as to the amounts necessary to be appropriate for funding the activities of the Town for the ensuing year; and

WHEREAS, pursuant to Chapter 200, Florida Statutes, as amended (the "Statute") a method is prescribed for fixing the millage for the purpose of establishing the basis for the collection of said funds; and

WHEREAS, the Town, pursuant to Florida law, conducted a public hearing on September 3, 2013, and adopted Resolution 2013-10, which established the Town's tentative millage rate for the Fiscal Year 2013-2014 at 1.200 mills, a decrease of 6.58% from the 2012-2013 rolled-back millage rate of 1.2845 mills, and set the second public hearing for adoption of the Town's millage rate for the Fiscal Year 2013-2014 for September 17, 2013.

WHEREAS, on September 17, 2013, the Town Council conducted its duly noticed public hearing, notice of which was published on September 14, 2013, to adopt its Final Millage Rate for the Fiscal Year 2013-2014;

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

Section 1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

Section 2. The requisite advertisements, public hearings, and resolutions necessary to establish the Town millage rate have been conducted and prepared as required by Florida law.

Section 3. Pursuant to the Statute, the first public hearing was held on September 3, 2013, at 7:00 p.m., at the Loxahatchee Groves Water Control District Headquarters, in the Town of Loxahatchee Groves, Florida; and, a second and final public hearing was held on September 17, 2013, at 7:00 p.m., at the Loxahatchee Groves Water Control District Headquarters, in the Town of Loxahatchee Groves, Florida.

Section 4. After the conduct of said hearings, and compliance with all of the requirements of the Statute referred to herein, the Town Council hereby establishes and adopts the millage rate for the Fiscal Year 2013-2014 of _____ mills, a decrease of _____ from the 2012-2013 rolled-back millage rate of 1.2845 mills.

Section 5. A certified copy of this Resolution shall be furnished to the Palm Beach County Property Appraiser, the Palm Beach County Tax Collector, and to the State of Florida Department of Revenue so that appropriate and lawfully available revenues may be collected and furnished to the Town as provided by General Law.

Section 6. If any clause, section, or other part of this Resolution shall be held by any

court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and shall in no way affect the validity of the remaining portions of this Resolution.

Section 7. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 17th DAY OF SEPTEMBER, 2013.

ATTEST:
GROVES,

TOWN CLERK

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

TOWN OF LOXAHATCHEE
FLORIDA

Mayor David Browning

Vice Mayor Ron Jarrell

Council Member Tom Goltzené

Council Member Ryan Liang

Council Member Jim Rockett



6. PUBLIC HEARINGS – Second and Final Public Hearing

2013-2014 BUDGET

b. Resolution No. 2013-14

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2013-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A FINAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, on September 3, 2013, the Town Council conducted a public hearing and adopted a tentative budget, which included the estimated expenditures and revenues of the Town for the ensuing year, with detailed information, including revenues to be derived from sources other than ad valorem levy, and recommendations have been made as to the amount necessary to be appropriated for the ensuing year; and

WHEREAS, the Town, pursuant to Florida law, conducted a public hearing on September 3, 2013, and adopted Resolution 2013-11, which approved a tentative budget for the Fiscal Year beginning October 1, 2013, and set September 17, 2013, for the second public hearing for adoption of the Town's final budget for the Fiscal Year beginning October 1, 2013; and,

WHEREAS, on September 17, 2013, the Town conducted its second duly noticed public hearing, notice of which was published on September 14, 2013, to adopt its final budget for the Fiscal Year beginning on October 1, 2013.

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

Section 1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

Section 2. The requisite advertisements, public hearings, and resolutions necessary to establish the Town millage rate have been conducted and prepared as required by Florida law.

Section 3. The budget estimates, a copy of which are attached hereto and expressly made a part hereof as **Exhibit "A,"** are hereby adopted as the 2013-2014 Fiscal Year Budget and shall be in full force and effect for the fiscal year of the Town commencing on October 1, 2013, and terminating on September 30, 2014.

Section 4. The provisions of this Resolution shall not be deemed to be a limitation of the power granted to the Town by the Town Charter and which relate to the fiscal management of the Town's funds.

Section 5. From time-to-time, the Town may transfer from one fund, account, or department to another as the necessity for the same may occur without being required to amend the terms and provisions of this Resolution.

Section 6. The Town has adopted its Fiscal Year 2013-2014 millage rate of _____ mills.

Section 7. If any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and shall in no way affect the validity of the remaining portions of this Resolution.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. This Resolution shall become effective immediately upon its passage and adoption.

(THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)

**PASSED AND ADOPTED BY THE TOWN OF LOXAHATCHEE GROVES,
FLORIDA, THIS 17th DAY OF SEPTEMBER, 2013.**

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor David Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Ron Jarrell

Office of the Town Attorney

Council Member Tom Goltzené

Council Member Ryan Liang

Council Member Jim Rockett

EXHIBIT "A"
(BUDGET ESTIMATE)



Recommended Revenue Estimates and Appropriations for Fiscal Year 2013-14

General Fund								
Estimated Revenues								
	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted
001-311-100-000	Ad Valorem Taxes	265,670	214,645	206,025	191,834	246,621	246,621	197,297
	Taxes - Ad Valorem Taxes Subtotal	265,670	214,645	206,025	191,834	246,621	246,621	197,297
001-314-100-000	Electric Utility Tax	223,319	203,118	202,000	121,574	203,000	203,000	203,000
001-315-100-000	Communications Services	153,947	138,478	136,726	71,503	125,446	125,446	125,446
001-316-200-000	County Occupational License	9,596	10,419	5,000	3,875	5,000	5,000	5,000
	Taxes Subtotal	386,862	352,015	343,726	196,952.00	333,446	333,446	333,446
001-323-100-000	FPL Franchise Fee	219,169	188,222	206,000	82,317	200,000	200,000	200,000
001-323-125-000	Haulers Licensing Fee			2,000	2,000	2,000	2,000	2,000
001-323-300-000	PBC Water Utility Franchise	10,727	5,048	10,500	3,417	5,050	5,050	5,050
001-329-100-000	Planning & Zoning Permit	-	99	30,000	76	100	100	100
	Permits, Franchise Fees & Special Subtotal	229,896	193,369	248,500	87,810.00	207,150	207,150	207,150
001-335-120-000	State Revenue Sharing	75,405	77,999	77,873	51,071	85,446	85,446	85,446
001-335-180-000	Half Cent Sales Tax	221,950	207,901	212,024	130,659	224,014	224,014	224,014
	Intergovernmental Revenue Subtotal	297,355	285,900	289,897	181,730	309,460	309,460	309,460
001-341-000-000	General Government Charges	2,352	7,702	5,000	7,701	7,000	7,000	7,000
001-343-349-000	Cost Recovery Fees	-	53,948	20,000	23,005	25,000	25,000	25,000
	Charges for Services Subtotal	2,352	61,650	25,000	30,706.00	32,000	32,000	32,000
001-351-100-000	Court Fines	-	-	-	1,390	2,500	2,500	2,500
001-354-100-000	Code Enforcement Fines	-	35,727	5,000	300	5,000	5,000	5,000
	Judgments, Fines & Forfeits Subtotal	-	35,727	5,000	1,690	7,500	7,500	7,500
001-361-100-000	Interest	3,345	355	3,600	158	5,000	5,000	5,000
001-369-000-000	Other Misc. Income	5,069	50,649	5,000	2,204	5,000	5,000	5,000
	Other Misc. Revenue Subtotal	8,414	51,004	8,600	2,362.00	10,000	10,000	10,000
001-385-100-000	Transfer from Solid Waste Fund	11,649	-			-	-	-
001-399-000-000	Transfer from Fund Balance	-	-	400,000	-	-	-	-
	Other Non-operating Sources Total	11,649	-	400,000	-	-	-	-
Grand Total Revenue		1,202,198	1,194,310	1,526,748	693,084	1,146,177	1,146,177	1,096,853



Recommended Revenue Estimates and Appropriations for Fiscal Year 2013-14

General Fund								
Appropriations								
	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted
Legislative								
001-511-310-000	Professional Services	-		20,000	-	60,000	60,000	60,000
001-511-400-000	Travel	211	863	3,000	92	3,000	3,000	3,000
001-511-420-000	Postage & Freight - (was legal Advertising)	-	-			-	-	-
001-511-492-000	Other Operating Expenses	595	2,644	1,500	1,084	1,500	1,500	1,500
001-511-499-000	Other Current Charges - Council Reimbursement		-	-	7,500	30,000	30,000	30,000
001-511-500-000	Education & Training	(125)	300	1,000	-	1,000	1,000	1,000
001-511-510-000	Office Supplies	-	158	300	38	300	300	300
001-511-520-000	Operating Supplies	55	-	300		300	300	300
001-511-540-000	Books, Publications & Subscriptions	5,034	1,296	7,785	3,714	2,435	2,435	2,435
001-511-820-000	Special Events/Contributions	1,513	4,662	5,350	3,027	5,350	5,350	5,350
	Legislative Total	7,283	9,923	39,235	15,455	103,885	103,885	103,885
Executive								
001-512-340-000	Other Services	200,000	256,843	254,635	183,731	264,106	264,106	264,106
001-512-400-000	Travel	460	812	1,000	997	1,000	1,000	1,000
001-512-410-000	Communication Services - Moved to Gen Govt.	5,620	3,102	-	130	-	-	-
001-512-420-000	Postage & Freight	1,043	689	1,000	1,202	1,000	1,000	1,000
001-512-490-000	Legal Advertising - (NEW)		7,282	500	817	1,000	1,000	1,000
001-512-492-000	Other Operating Expenses	4,932	862	944	167	944	944	944
001-512-493-000	Election Expense	5,546		8,010	6,841	8,010	8,010	8,010
001-512-510-000	Office Supplies	1,972	6,861	8,600	5,931	8,600	8,600	8,600
001-512-521-000	Loxahatchee Groves CERT - Moved to Gen Govt	2,950	665	-	151	-	-	-
001-512-540-000	Books, Publications & Subscriptions	883	427	570	-	570	570	570
	Executive Total	223,406	277,543	275,259	199,967	285,230	285,230	285,230
Financial and Administrative								
001-513-320-000	Accounting and Auditing	15,000	19,750	18,000	16,100	18,000	18,000	18,000
001-513-470-000	Printing and Binding	3,591	4,055	4,750	1,881	4,750	4,750	4,750
001-513-490-000	Legal Advertising	7,972	2,285	1,000	910	1,500	1,500	1,500
001-513-493-000	Election Expense - moved to Executive		-			-	-	-
	Financial & Administrative Total	26,563	26,090	23,750	18,891	24,250	24,250	24,250
Legal								
001-514-310-000	Professional Services	73,472	67,402	60,000	56,795	120,000	120,000	90,000
001-514-312-000	Legal Comprehensive Plan	42,627	-	-	-	-	-	-
	Legal Total	116,099	67,402	60,000	56,795	120,000	120,000	90,000

**Recommended Revenue Estimates and Appropriations
for Fiscal Year 2013-14**



**General Fund
Appropriations**

	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted
Planning and Zoning								
001-515-310-000	Professional Services	-	25,000	40,000	30,499	40,000	40,000	40,000
001-515-340-000	Other Services	2,962	-	76,200	38,367	79,042	79,042	79,042
001-515-343-000	Planning & Zoning Contract	7,894	5,825	-	-	20,000	20,000	20,000
001-515-347-000	Comprehensive Plan	10,558	-	5,000	-	-	-	-
001-515-349-000	Cost Recovery Expenditure	-	53,948	25,000	27,054	25,000	25,000	25,000
001-515-490-000	Legal Advertising - (NEW)	-	-	2,500	3,934	6,000	6,000	6,000
	Comprehensive Planning & Zoning Total	21,414	84,773	148,700	95,920	170,042	170,042	170,042
Other General Government								
001-519-315-000	Special Magistrate	-	19,299	16,000	13,434	16,000	16,000	16,000
001-519-354-000	Code Compliance	56,573	25,612	41,000	17,577	41,000	41,000	41,000
001-519-410-000	Communications Services	-	2,278	5,100	3,613	5,700	5,700	5,700
001-519-440-000	Rentals and Leases	12,998	17,241	16,305	13,375	20,000	20,000	20,000
001-519-450-000	Insurance	5,538	16,372	16,500	17,485	18,000	18,000	18,000
001-519-460-000	Repair & Maint - Building	154	6,225	2,126	1,600	2,450	2,450	2,450
001-519-470-000	Printing and Binding	6,917	705	-	-	-	-	-
001-519-480-000	Promotional Activities	354	-	-	-	-	-	-
001-519-490-000	Computer Equip Software & Hardware Repair	-	25,056	4,500	1,071	2,500	2,500	2,500
001-519-491-000	Computer Services	-	-	11,131	1,230	3,631	3,631	3,631
001-519-494-000	Inspector General Office	-	468	5,280	-	5,280	5,280	5,280
001-519-820-000	Loxahatchee Groves CERT	-	-	2,000	1,245	2,000	2,000	2,000
001-519-900-000	Transfer to Transportation Fund	-	48,913	-	-	-	-	-
001-519-910-000	Transfer to Sanitation Fund	-	-	126,000	126,000	-	-	-
001-519-920-000	Transfer to Capital Projects	-	1,000,000	400,000	400,000	-	-	-
001-519-990-000	Contingency	-	-	49,577	-	31,428	31,428	12,104
	Other Governmental Services Total	82,534	1,162,169	695,519	596,630	147,989	147,989	128,665
Law Enforcement								
001-521-341-000	Professional Services-PBSO	274,785	274,785	274,785	183,190	280,281	280,281	280,281
001-521-342-000	Contractual-ADDL PBSO	-	126	500	-	500	500	500
	Law Enforcement Total	274,785	274,911	275,285	183,190	280,781	280,781	280,781
Public Works								
001-539-340-000	Other Services	407	1,847	9,000	1,970	14,000	14,000	14,000
001-541-310-000	Professional Services	-	-	-	-	-	-	-
	Public Works Total	407	1,847	9,000	1,970	14,000	14,000	14,000
Grand Total Expenditure		752,491	1,904,658	1,526,748	1,172,752	1,146,177	1,146,177	1,096,853



Recommended Revenue Estimates and Appropriations for Fiscal Year 2013-14

Transportation Fund									
Estimate Revenues									
	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted	
	101-312-410-000	1st Local Option Fuel Tax (6c)	260,800	246,902	249,245	142,540	247,059	249,245	249,245
	101-312-420-000	2nd Local Option Fuel Tax (5c)	122,025	116,036	117,326	66,080	115,873	117,326	117,326
	101-363-990-000	Contribution from General Fund	-	48,913	-	-	-	-	-
	101-399-000-000	Transfer from Fund Balance				600,000	856,191	856,191	
	Total Revenue		382,825	411,851	366,571	208,620	962,932	1,222,762	1,222,762

Transportation Fund									
Appropriations									
	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted	
	101-541-467-000	Traffic Control Signs-6c	3,709		9,245	16,627	6,000	6,000	6,000
	101-541-468-000	Town Roads Maint.-6c	19,765	49,975	40,000	5,368	91,059	93,245	93,245
	101-541-469-000	Road Maintenance District-6c	130,629	150,305	-	-	150,000	150,000	150,000
	101-541-631-000	Road and Streets -new construction-5c	6,460		150,000	-	-	-	-
	101-541-632-000	Special Projects	650		50,000	901	-	-	-
	101-541-633-000	22nd Road Ditch	20,770		-	-	-	-	-
	101-541-634-000	Town 148th Terr Bridge (5)/Culvert -5c	606	50,663	-	-	-	-	-
	101-541-636-000	Road and Streets -new construction-6c		138,844	-	-	-	-	-
	101-541-920-000	Transfer to Capital Projects				600,000	973,517	973,517	
	101-541-990-000	Transfer to Fund Balance 5ct.			117,326	-	115,873	-	-
	Total Expenditure		182,589	389,787	366,571	22,896	962,932	1,222,762	1,222,762

**Recommended Revenue Estimates and Appropriations
for Fiscal Year 2013-14**



Capital Improvement Program

Estimated Revenues

	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted
305-363-990-000	Contributions from General Fund	-	1,000,000	400,000	-	-	-	-
305-363-991-000	Contributions from Transportation Fund					600,000	973,517	973,517
305-399-000-000	Transfer from Fund Balance			912,466	400,000	813,630	829,047	829,047
	Total Revenue	-		1,312,466	400,000	1,413,630	1,802,564	1,802,564

Capital Improvement Program

Appropriations

	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted
305-519-600-000	Develop Town Hall Alternatives		-	500,000	-	50,000	-	-
305-541-610-000	Surveying Town Roads	-	-	-	-	100,000	100,000	100,000
305-541-620-000	OGEM Collecting Canal Road	-	-	-	-	943,630	943,630	943,630
305-541-630-000	Okeechobee and D Road Traffic Light	-	-	-	-	220,000	250,000	250,000
305-541-640-000	Town Roads OGEM Projects					100,000	100,000	100,000
305-541-650-000	Trails					-	80,000	80,000
305-541-652-000	"D" Road to Southern Blvd					-	300,000	300,000
305-541-654-000	Purchase roads from LGWCD	-	-	-	-	-	28,934	28,934
	Total Expenditure	-	-	500,000	-	1,413,630	1,802,564	1,802,564



Recommended Revenue Estimates and Appropriations for Fiscal Year 2013-14

Solid Waste Fund								
Estimated Revenues								
	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted
	405-323-125-000	Haulers Licensing Fee - MOVED to GF	3,500	1,000	-	-	-	-
	405-325-205-000	Solid Waste Assessments	468,322	471,397	346,361.00	319,363	432,495	432,873
	405-325-206-000	Discount Fees	(13,679)	(14,981)	(10,392)	(10,214)	(11,725)	(12,103)
	405-343-120-000	SWA Recycling Income	8,324	7,571	8,000.00	5,573	8,000	8,000
	405-363-990-000	Contributions from General Fund	-	-	126,000.00	126,000	-	-
	Total Revenue		466,467	464,987	469,969	440,722	428,770	428,770

Solid Waste Fund								
Appropriations								
	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted
	405-534-345-000	Contractual - Waste Over	9,200	9,500	12,000.00	4,202	7,010	7,010
	405-534-346-000	PBC Administration Fee - 1%	5,312	4,052	3,463.00	3,189	4,460	4,460
	405-534-420-000	Postage & Freight	-	34	500.00	28	500	500
	405-534-434-000	Solid Waste Contractor	439,024	413,998	451,634.00	301,090	415,800	415,800
	405-534-436-000	Other Sanitation Service	2,400	1,333	1,500.00	250	-	-
	405-534-490-000	Legal Advertising	700	-	872.00	-	1,000	1,000
	405-534-595-000	TOLG Management Fee	12,000	279	-	-	-	-
	Total Expenditure		468,636	429,196	469,969	308,759	428,770	428,770



BUDGET DETAIL SHEETS FOR REFERENCE



Recommended Revenue Estimates and Appropriations for Fiscal Year 2013-14

General Fund								
Estimated Revenues								
	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted
001-311-100-000	Ad Valorem Taxes	265,670	214,645	206,025	191,834	246,621	246,621	197,297
	Taxes - Ad Valorem Taxes Subtotal	265,670	214,645	206,025	191,834	246,621	246,621	197,297
001-314-100-000	Electric Utility Tax	223,319	203,118	202,000	121,574	203,000	203,000	203,000
001-315-100-000	Communications Services	153,947	138,478	136,726	71,503	125,446	125,446	125,446
001-316-200-000	County Occupational License	9,596	10,419	5,000	3,875	5,000	5,000	5,000
	Taxes Subtotal	386,862	352,015	343,726	196,952.00	333,446	333,446	333,446
001-323-100-000	FPL Franchise Fee	219,169	188,222	206,000	82,317	200,000	200,000	200,000
001-323-125-000	Haulers Licensing Fee			2,000	2,000	2,000	2,000	2,000
001-323-300-000	PBC Water Utility Franchise	10,727	5,048	10,500	3,417	5,050	5,050	5,050
001-329-100-000	Planning & Zoning Permit	-	99	30,000	76	100	100	100
	Permits, Franchise Fees & Special Subtotal	229,896	193,369	248,500	87,810.00	207,150	207,150	207,150
001-335-120-000	State Revenue Sharing	75,405	77,999	77,873	51,071	85,446	85,446	85,446
001-335-180-000	Half Cent Sales Tax	221,950	207,901	212,024	130,659	224,014	224,014	224,014
	Intergovernmental Revenue Subtotal	297,355	285,900	289,897	181,730	309,460	309,460	309,460
001-341-000-000	General Government Charges	2,352	7,702	5,000	7,701	7,000	7,000	7,000
001-343-349-000	Cost Recovery Fees	-	53,948	20,000	23,005	25,000	25,000	25,000
	Charges for Services Subtotal	2,352	61,650	25,000	30,706.00	32,000	32,000	32,000
001-351-100-000	Court Fines	-	-	-	1,390	2,500	2,500	2,500
001-354-100-000	Code Enforcement Fines	-	35,727	5,000	300	5,000	5,000	5,000
	Judgments, Fines & Forfeits Subtotal	-	35,727	5,000	1,690	7,500	7,500	7,500
001-361-100-000	Interest	3,345	355	3,600	158	5,000	5,000	5,000
001-369-000-000	Other Misc. Income	5,069	50,649	5,000	2,204	5,000	5,000	5,000
	Other Misc. Revenue Subtotal	8,414	51,004	8,600	2,362.00	10,000	10,000	10,000
001-385-100-000	Transfer from Solid Waste Fund	11,649	-			-	-	-
001-399-000-000	Transfer from Fund Balance	-	-	400,000	-	-	-	-
	Other Non-operating Sources Total	11,649	-	400,000	-	-	-	-
Grand Total Revenue		1,202,198	1,194,310	1,526,748	693,084	1,146,177	1,146,177	1,096,853



Recommended Revenue Estimates and Appropriations for Fiscal Year 2013-14

General Fund								
Appropriations								
	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted
Legislative								
001-511-310-000	Professional Services	-		20,000	-	60,000	60,000	60,000
001-511-400-000	Travel	211	863	3,000	92	3,000	3,000	3,000
001-511-420-000	Postage & Freight - (was legal Advertising)	-	-			-	-	-
001-511-492-000	Other Operating Expenses	595	2,644	1,500	1,084	1,500	1,500	1,500
001-511-499-000	Other Current Charges - Council Reimbursement		-	-	7,500	30,000	30,000	30,000
001-511-500-000	Education & Training	(125)	300	1,000	-	1,000	1,000	1,000
001-511-510-000	Office Supplies	-	158	300	38	300	300	300
001-511-520-000	Operating Supplies	55	-	300		300	300	300
001-511-540-000	Books, Publications & Subscriptions	5,034	1,296	7,785	3,714	2,435	2,435	2,435
001-511-820-000	Special Events/Contributions	1,513	4,662	5,350	3,027	5,350	5,350	5,350
	Legislative Total	7,283	9,923	39,235	15,455	103,885	103,885	103,885
Executive								
001-512-340-000	Other Services	200,000	256,843	254,635	183,731	264,106	264,106	264,106
001-512-400-000	Travel	460	812	1,000	997	1,000	1,000	1,000
001-512-410-000	Communication Services - Moved to Gen Govt.	5,620	3,102	-	130	-	-	-
001-512-420-000	Postage & Freight	1,043	689	1,000	1,202	1,000	1,000	1,000
001-512-490-000	Legal Advertising - (NEW)		7,282	500	817	1,000	1,000	1,000
001-512-492-000	Other Operating Expenses	4,932	862	944	167	944	944	944
001-512-493-000	Election Expense	5,546		8,010	6,841	8,010	8,010	8,010
001-512-510-000	Office Supplies	1,972	6,861	8,600	5,931	8,600	8,600	8,600
001-512-521-000	Loxahatchee Groves CERT - Moved to Gen Govt	2,950	665	-	151	-	-	-
001-512-540-000	Books, Publications & Subscriptions	883	427	570	-	570	570	570
	Executive Total	223,406	277,543	275,259	199,967	285,230	285,230	285,230
Financial and Administrative								
001-513-320-000	Accounting and Auditing	15,000	19,750	18,000	16,100	18,000	18,000	18,000
001-513-470-000	Printing and Binding	3,591	4,055	4,750	1,881	4,750	4,750	4,750
001-513-490-000	Legal Advertising	7,972	2,285	1,000	910	1,500	1,500	1,500
001-513-493-000	Election Expense - moved to Executive		-			-	-	-
	Financial & Administrative Total	26,563	26,090	23,750	18,891	24,250	24,250	24,250
Legal								
001-514-310-000	Professional Services	73,472	67,402	60,000	56,795	120,000	120,000	90,000
001-514-312-000	Legal Comprehensive Plan	42,627	-	-	-	-	-	-
	Legal Total	116,099	67,402	60,000	56,795	120,000	120,000	90,000

Legislative

Account Number	Account Title	Detail Description	Amount	Council Amount	Council Adopted
001-511-310-000	Professional Services		\$60,000	\$60,000	\$60,000
	Lobbyist services for both sides \$30,000 each		\$60,000	\$60,000	\$60,000
001-511-400-000	Travel		\$3,000	\$3,000	\$3,000
		Transportation Reimbursement as necessary	\$1,000	\$1,000	\$1,000
		Misc Expenses	\$2,000	\$2,000	\$2,000
001-511-420-000	Postage & Freight - (was legal Advertising)		\$0	\$0	\$0
001-511-492-000	Other Operating Expenses		\$1,500	\$1,500	\$1,500
		Meeting expenses	\$500	\$500	\$500
		Town brand marketing	\$1,000	\$1,000	\$1,000
001-511-499-000	Other Current Charges - Council Reimbursement		\$30,000	\$30,000	\$30,000
		Town Council Reimbursement @ \$500 per month per Council	\$30,000	\$30,000	\$30,000
001-511-500-000	Education & Training		\$1,000	\$1,000	\$1,000
		Misc Seminars	\$1,000	\$1,000	\$1,000
001-511-510-000	Office Supplies		\$300	\$300	\$300
		Misc office supplies	\$300	\$300	\$300

Legislative

Account Number	Account Title	Detail Description	Amount	Council Amount	Council Adopted
001-511-520-000	Operating Supplies		\$300	\$300	\$300
		Misc supplies	\$300	\$300	\$300
001-511-540-000	Books, Publications & Subscriptions		\$2,435	\$2,435	\$2,435
		Florida League of Cities - annual membership	\$500	\$500	\$500
		Government Finance Officers Association Annual Membership	\$160	\$160	\$160
		Palm Beach County League of Cities	\$550	\$550	\$550
		Palm West Chamber of Commerce - annual membership	\$225	\$225	\$225
		Palm Beach County League of Cities - small cities hosting	\$500	\$500	\$500
		Miscellaneous subscriptions	\$500	\$500	\$500
001-511-820-000	Special Events/Contributions		\$5,350	\$5,350	\$5,350
		Holiday Parade supplies	\$350	\$350	\$350
		Holiday Parade Float	\$1,000	\$1,000	\$1,000
		Volunteer Committee Member Appreciation	\$2,000	\$2,000	\$2,000
		Other unscheduled events	\$2,000	\$2,000	\$2,000

Executive

Account Number	Account Title	Detail Description	Amount	Council Amount	Council Adopted
001-512-340-000	Other Services		\$264,106	\$264,106	\$264,106
		UMSG - Contract Management Services up CPI @ 3.0%	\$264,106	\$264,106	\$264,106
001-512-400-000	Travel		\$1,000	\$1,000	\$1,000
		Town Manager Mileage & Misc. reimbursement	\$1,500	\$1,500	\$1,500
001-512-410-000	Communication Services - Moved to Gen Govt.		\$0	\$0	\$0
		Account moved to General Government			
001-512-420-000	Postage & Freight		\$1,000	\$1,000	\$1,000
		General, Code Enforcement, and Special Magistrate notificati	\$1,000	\$1,000	\$1,000
001-512-490-000	Legal Advertising - (NEW)		\$1,000	\$1,000	\$1,000
		General notices, procurement, and ordinance advertising	\$1,000	\$1,000	\$1,000
001-512-492-000	Other Operating Expenses		\$944	\$944	\$944
		Recording Fees	\$500	\$500	\$500
		Credit Card Machine and fees	\$444	\$444	\$444

Executive

Account Number	Account Title	Detail Description	Amount	Council Amount	Council Adopted
001-512-493-000	Election Expense		\$8,010	\$8,010	\$8,010
		Advertising	\$1,300	\$1,300	\$1,300
		Election Inspectors compensation	\$800	\$800	\$800
		Law Enforcement escort service	\$160	\$160	\$160
		Training and expenses	\$2,250	\$2,250	\$2,250
		Palm Beach County Supervisor of Election charges	\$3,500	\$3,500	\$3,500
001-512-510-000	Office Supplies		\$8,600	\$8,600	\$8,600
		TCI Automation - Per page printing charges - 2 copiers	\$3,600	\$3,600	\$3,600
		Misc office supplies for Town Hall	\$5,000	\$5,000	\$5,000
001-512-521-000	Loxahatchee Groves CERT - Moved to Gen Govt				
		Account moved to General Government	\$0	\$0	\$0
001-512-540-000	Books, Publications & Subscriptions		\$570	\$570	\$570
		GFOA for CAFR submission	\$320	\$320	\$320
		Misc publication	\$250	\$250	\$250

Financial and Administrative

Account Number	Account Title	Detail Description	Amount	Council Amount	Council Adopted
001-513-320-000	Accounting and Auditing		\$18,000	\$18,000	\$18,000
		Nowlen Holt & Miner - auditing services	\$18,000	\$18,000	\$18,000
001-513-470-000	Printing and Binding		\$4,750	\$4,750	\$4,750
		Business cards	\$1,000	\$1,000	\$1,000
		Newsletter printing	\$3,000	\$3,000	\$3,000
		Misc reports and submission	\$750	\$750	\$750
001-513-490-000	Legal Advertising		\$1,500	\$1,500	\$1,500
		TRIM notices	\$1,500	\$1,500	\$1,500
001-513-493-000	Election Expense - moved to Executive		\$0	\$0	\$0

Legal

Account Number	Account Title	Detail Description	Amount	Council Amount	Council Adopted
001-514-310-000	Professional Services		\$120,000	\$120,000	\$90,000
		Goren,Cherof, Doody & Ezrol, PA - Legal Counsel	\$60,000	\$60,000	\$60,000
		Additional land use matters	\$60,000	\$60,000	\$30,000
001-514-312-000	Legal Comprehensive Plan		\$0	\$0	\$0

**Recommended Revenue Estimates and Appropriations
for Fiscal Year 2013-14**



**General Fund
Appropriations**

	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted
Planning and Zoning								
001-515-310-000	Professional Services	-	25,000	40,000	30,499	40,000	40,000	40,000
001-515-340-000	Other Services	2,962	-	76,200	38,367	79,042	79,042	79,042
001-515-343-000	Planning & Zoning Contract	7,894	5,825	-	-	20,000	20,000	20,000
001-515-347-000	Comprehensive Plan	10,558	-	5,000	-	-	-	-
001-515-349-000	Cost Recovery Expenditure	-	53,948	25,000	27,054	25,000	25,000	25,000
001-515-490-000	Legal Advertising - (NEW)	-	-	2,500	3,934	6,000	6,000	6,000
	Comprehensive Planning & Zoning Total	21,414	84,773	148,700	95,920	170,042	170,042	170,042
Other General Government								
001-519-315-000	Special Magistrate	-	19,299	16,000	13,434	16,000	16,000	16,000
001-519-354-000	Code Compliance	56,573	25,612	41,000	17,577	41,000	41,000	41,000
001-519-410-000	Communications Services	-	2,278	5,100	3,613	5,700	5,700	5,700
001-519-440-000	Rentals and Leases	12,998	17,241	16,305	13,375	20,000	20,000	20,000
001-519-450-000	Insurance	5,538	16,372	16,500	17,485	18,000	18,000	18,000
001-519-460-000	Repair & Maint - Building	154	6,225	2,126	1,600	2,450	2,450	2,450
001-519-470-000	Printing and Binding	6,917	705	-	-	-	-	-
001-519-480-000	Promotional Activities	354	-	-	-	-	-	-
001-519-490-000	Computer Equip Software & Hardware Repair	-	25,056	4,500	1,071	2,500	2,500	2,500
001-519-491-000	Computer Services	-	-	11,131	1,230	3,631	3,631	3,631
001-519-494-000	Inspector General Office	-	468	5,280	-	5,280	5,280	5,280
001-519-820-000	Loxahatchee Groves CERT	-	-	2,000	1,245	2,000	2,000	2,000
001-519-900-000	Transfer to Transportation Fund	-	48,913	-	-	-	-	-
001-519-910-000	Transfer to Sanitation Fund	-	-	126,000	126,000	-	-	-
001-519-920-000	Transfer to Capital Projects	-	1,000,000	400,000	400,000	-	-	-
001-519-990-000	Contingency	-	-	49,577	-	31,428	31,428	12,104
	Other Governmental Services Total	82,534	1,162,169	695,519	596,630	147,989	147,989	128,665
Law Enforcement								
001-521-341-000	Professional Services-PBSO	274,785	274,785	274,785	183,190	280,281	280,281	280,281
001-521-342-000	Contractual-ADDL PBSO	-	126	500	-	500	500	500
	Law Enforcement Total	274,785	274,911	275,285	183,190	280,781	280,781	280,781
Public Works								
001-539-340-000	Other Services	407	1,847	9,000	1,970	14,000	14,000	14,000
001-541-310-000	Professional Services	-	-	-	-	-	-	-
	Public Works Total	407	1,847	9,000	1,970	14,000	14,000	14,000
Grand Total Expenditure		752,491	1,904,658	1,526,748	1,172,752	1,146,177	1,146,177	1,096,853

Planning and Zoning

Account Number	Account Title	Detail Description	Amount	Council Amount	Council Adopted
001-515-310-000	Professional Services		\$40,000	\$40,000	\$40,000
		Town initiated engineering services	\$40,000	\$40,000	\$40,000
001-515-340-000	Other Services		\$79,042	\$79,042	\$79,042
		UMSG - planning & zoning services CPI @ 3.0%	\$79,042	\$79,042	\$79,042
001-515-343-000	Planning & Zoning Contract		\$20,000	\$20,000	\$20,000
		Land Research Management - Town initiated planning services	\$20,000	\$20,000	\$20,000
001-515-347-000	Comprehensive Plan		\$0	\$0	\$0
		Modifications - Capital Improvement Element	\$0	\$0	\$0
001-515-349-000	Cost Recovery Expenditure		\$25,000	\$25,000	\$25,000
		Various projects (TBD)	\$25,000	\$25,000	\$25,000
001-515-490-000	Legal Advertising - (NEW)		\$6,000	\$6,000	\$6,000
		Planning & Zoning Avertising non-cost recovery matters	\$6,000	\$6,000	\$6,000

Other General Government

Account Number	Account Title	Detail Description	Amount	Amount	Council Adopted
001-519-315-000	Special Magistrate		\$16,000	\$16,000	\$16,000
		Caldwell & Pacetti - Special Magistrate	\$16,000	\$16,000	\$16,000
001-519-354-000	Code Compliance		\$41,000	\$41,000	\$41,000
		Tew & Taylor - code enforcement case presentment	\$35,000	\$35,000	\$35,000
		Miscellaneous services and support	\$6,000	\$6,000	\$6,000
001-519-410-000	Communications Services		\$5,700	\$5,700	\$5,700
		ATT - Telephone and Long Distance Services	\$3,600	\$3,600	\$3,600
		ATT - U-verse - Internet Services	\$2,100	\$2,100	\$2,100
001-519-440-000	Rentals and Leases		\$20,000	\$20,000	\$20,000
		TCI automation - Toshiba copier rental	\$2,017	\$2,017	\$2,017
		Easy Self-Storage - unit	\$1,788	\$1,788	\$1,788
		Meeting Room rentals - 3 meeting monthly	\$900	\$900	\$900
		Yee's Corporation - Office suites	\$10,800	\$10,800	\$10,800
		Drinking water service	\$300	\$300	\$300
		Miscellaneous rental or leases	\$4,195	\$4,195	\$4,195
001-519-450-000	Insurance		\$18,000	\$18,000	\$18,000
		Florida League of Cities - General Liability	\$18,000	\$18,000	\$18,000
001-519-460-000	Repair & Maint - Building		\$2,450	\$2,450	\$2,450
		Cleaning services	\$2,450	\$2,450	\$2,450
001-519-470-000	Printing and Binding		\$0	\$0	\$0
		Not needed for FY14	\$0	\$0	\$0
001-519-480-000	Promotional Activities		\$0	\$0	\$0
		Not needed for FY14	\$0	\$0	\$0
001-519-490-000	Computer Equip Software & Hardware Repair		\$2,500	\$2,500	\$2,500
		Misc. software upgrade	\$1,500	\$1,500	\$1,500
		Replacement of Town Council hardware and software	\$1,000	\$1,000	\$1,000
001-519-491-000	Computer Services		\$3,631	\$3,631	\$3,631
		Hosting - e-City Services	\$1,500	\$1,500	\$1,500
		Microsoft Exchange 13 - email	\$1,698	\$1,698	\$1,698
		Microsoft Sharepoint 6 user	\$384	\$384	\$384
		Streaming video from eCity Services	\$0	\$0	\$0
		Citizen response system - Egov; WebQA	\$0	\$0	\$0
		Carbonite	\$49	\$49	\$49
001-519-494-000	Inspector General Office		\$5,280	\$5,280	\$5,280
		Various contract requirements	\$5,280	\$5,280	\$5,280

Other General Government

Account Number	Account Title	Detail Description	Amount	Amount	Council Adopted
001-519-820-000	Loxahatchee Groves CERT		\$2,000	\$2,000	\$2,000
		Annual contribution to private organizataions	\$2,000	\$2,000	\$2,000
001-519-900-000	Transfer to Transportation Fund		\$0	\$0	\$0
001-519-910-000	Transfer to Sanitation Fund		\$0	\$0	\$0
			\$0	\$0	\$0
001-519-920-000	Transfer to Capital Projects		\$0	\$0	\$0
			\$0	\$0	\$0
001-519-990-000	Contingency		\$31,428	\$31,428	\$12,104
			\$31,428	\$31,428	\$12,104

Law Enforcement

Account Number	Account Title	Detail Description	Amount	Council Amount	Council Adopted
001-521-341-000	Professional Services-PBSO		\$280,281	\$280,281	\$280,281
		2% increase for FY2014	\$280,281	\$280,281	\$280,281
001-521-342-000	Contractual-ADDL PBSO		\$500	\$500	\$500
		Misc. detail shifts for BSO	\$500	\$500	\$500

Public Works

Account Number	Account Title	Detail Description	Amount	Council Amount	Council Adopted
001-539-340-000	Other Services		\$14,000	\$14,000	\$14,000
		Miscellaneous physical environment services	\$14,000	\$14,000	\$14,000
001-541-310-000	Professional Services		\$0	\$0	\$0
		Not needed for FY13	\$0	\$0	\$0



Recommended Revenue Estimates and Appropriations for Fiscal Year 2013-14

Transportation Fund									
Estimate Revenues									
	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted	
	101-312-410-000	1st Local Option Fuel Tax (6c)	260,800	246,902	249,245	142,540	247,059	249,245	249,245
	101-312-420-000	2nd Local Option Fuel Tax (5c)	122,025	116,036	117,326	66,080	115,873	117,326	117,326
	101-363-990-000	Contribution from General Fund	-	48,913	-	-	-	-	-
	101-399-000-000	Transfer from Fund Balance				600,000	856,191	856,191	
	Total Revenue		382,825	411,851	366,571	208,620	962,932	1,222,762	1,222,762

Transportation Fund									
Appropriations									
	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted	
	101-541-467-000	Traffic Control Signs-6c	3,709		9,245	16,627	6,000	6,000	6,000
	101-541-468-000	Town Roads Maint.-6c	19,765	49,975	40,000	5,368	91,059	93,245	93,245
	101-541-469-000	Road Maintenance District-6c	130,629	150,305	-	-	150,000	150,000	150,000
	101-541-631-000	Road and Streets -new construction-5c	6,460		150,000	-	-	-	-
	101-541-632-000	Special Projects	650		50,000	901	-	-	-
	101-541-633-000	22nd Road Ditch	20,770		-	-	-	-	-
	101-541-634-000	Town 148th Terr Bridge (5)/Culvert -5c	606	50,663	-	-	-	-	-
	101-541-636-000	Road and Streets -new construction-6c		138,844	-	-	-	-	-
	101-541-920-000	Transfer to Capital Projects				600,000	973,517	973,517	
	101-541-990-000	Transfer to Fund Balance 5ct.			117,326	-	115,873	-	-
	Total Expenditure		182,589	389,787	366,571	22,896	962,932	1,222,762	1,222,762

Transportation Fund

Account Number	Account Title	Detail Description	Amount	Council Amount	Council Adopted
Revenues					
101-312-410-000	1st Local Option Fuel Tax (6c)		\$249,245	\$249,245	\$249,245
		State Dept Fin Svc Estimate O&M	\$249,245	\$249,245	\$249,245
101-312-420-000	2nd Local Option Fuel Tax (5c)		\$117,326	\$117,326	\$117,326
		State Dept Fin Svc Estimate Capital	\$117,326	\$117,326	\$117,326
101-363-990-000	Contribution from General Fund		\$0	\$0	\$0
		Not needed for FY14	\$0	\$0	\$0
101-399-000-000	Transfer from Fund Balance		\$600,000	\$856,191	\$856,191
		5 cent gas tax fund balance reserve		\$437,000	\$437,000
		6 cent gas tax fund balance reserve		\$419,191	\$419,191
			\$600,000		
Appropriations					
101-541-467-000	Traffic Control Signs-6c		\$6,000	\$6,000	\$6,000
		Various traffic control signs	\$6,000	\$6,000	\$6,000
			\$0	\$0	\$0
101-541-468-000	Town Roads Maint.-6c		\$91,059	\$93,245	\$93,245
		Town road maintenance of 26 miles @ \$110/mile for 12 grades	\$34,320	\$35,320	\$35,320
		1,717 tons Base rock for Town roads @ \$12/ton	\$19,419	\$20,605	\$20,605
		Mowing Town roads for 24 hours @ \$45 @ 4 times per y	\$4,320	\$4,320	\$4,320
		Vegetative Hedging and disposal @ \$34/cu yd	\$33,000	\$33,000	\$33,000
101-541-469-000	Road Maintenance Dictrict-6c		\$150,000	\$150,000	\$150,000
		Actual cost reimbursements up to	\$150,000	\$150,000	\$150,000
101-541-631-000	Road and Streets -new construction-5c		\$0	\$0	\$0
101-541-632-000	Special Projects		\$0	\$0	\$0

Transportation Fund

Account Number	Account Title	Detail Description	Amount	Council Amount	Council Adopted
101-541-633-000	22nd Road Ditch		\$0	\$0	\$0
			\$0	\$0	\$0
101-541-634-000	Town 148th Terr Bridge (5)/Culvert -5c		\$0	\$0	\$0
			\$0	\$0	\$0
101-541-920-000	Transfer to Capital Projects		\$600,000	\$973,517	\$973,517
			\$600,000	\$973,517	\$973,517
101-541-990-000	Transfer to Fund Balance 5ct.		\$115,873	\$0	\$0
			\$115,873	\$0	\$0

**Recommended Revenue Estimates and Appropriations
for Fiscal Year 2013-14**



Capital Improvement Program

Estimated Revenues

	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted
305-363-990-000	Contributions from General Fund	-	1,000,000	400,000	-	-	-	-
305-363-991-000	Contributions from Transportation Fund					600,000	973,517	973,517
305-399-000-000	Transfer from Fund Balance			912,466	400,000	813,630	829,047	829,047
	Total Revenue	-		1,312,466	400,000	1,413,630	1,802,564	1,802,564

Capital Improvement Program

Appropriations

	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted
305-519-600-000	Develop Town Hall Alternatives		-	500,000	-	50,000	-	-
305-541-610-000	Surveying Town Roads	-	-	-	-	100,000	100,000	100,000
305-541-620-000	OGEM Collecting Canal Road	-	-	-	-	943,630	943,630	943,630
305-541-630-000	Okeechobee and D Road Traffic Light	-	-	-	-	220,000	250,000	250,000
305-541-640-000	Town Roads OGEM Projects					100,000	100,000	100,000
305-541-650-000	Trails					-	80,000	80,000
305-541-652-000	"D" Road to Southern Blvd					-	300,000	300,000
305-541-654-000	Purchase roads from LGWCD	-	-	-	-	-	28,934	28,934
	Total Expenditure	-	-	500,000	-	1,413,630	1,802,564	1,802,564

Capital Improvement Fund
Estimate Revenues & Appropriations

Account Number	Account Title	Detail Description	Amount	Council Amount	Council Adopted
Estimated Revenues					
305-363-991-000	Contributions from Transportation Fund		\$600,000	\$973,517	\$973,517
		5 cent gas tax fund balance reserve		\$554,326	\$554,326
		6 cent gas tax fund balance reserve		\$419,191	\$419,191
		Transfer in from 1st and 2nd cent gas optional gas tax reserve	\$600,000		
305-399-000-000	Transfer from Fund Balance		\$813,630	\$829,047	\$829,047
		Transfer fund in from remaining unassigned fund balance	\$813,630	\$829,047	\$829,047
Appropriations					
305-519-600-000	Develop Town Hall Alternatives		\$50,000	\$0	\$0
		Engage needed professionals to identify, alternatives for Town Hall	\$50,000	\$0	\$0
305-541-610-000	Surveying Town Roads		\$100,000	\$100,000	\$100,000
		TBD	\$100,000	\$100,000	\$100,000
305-541-620-000	OGEM Collecting Canal Road		\$943,630	\$943,630	\$943,630
		Road and drainage improvements	\$943,630	\$943,630	\$943,630
305-541-630-000	Okeechobee and D Road Traffic Light		\$220,000	\$250,000	\$250,000
		Tentative costs to implement traffic control device	\$220,000		
				\$250,000	\$250,000
305-541-640-000	Town Roads OGEM Projects		\$100,000	\$100,000	\$100,000
		Tentative costs to implement traffic control device	\$100,000	\$100,000	\$100,000
305-541-654-000	Trails		\$0	\$80,000	\$80,000
		Equestrian trails	\$0		
		Equestrian trails from "A" road to Folsom		\$80,000	\$80,000
305-541-652-000	"D" Road to Southern Blvd		\$0	\$300,000	\$300,000
		Typical paving from bridge to Southern Blvd; OGEM to Collecting Canal		\$300,000	\$300,000
305-541-654-000	Purchase roads from LGWCD		\$0	\$28,934	\$28,934
		Amortized cost for road acquisition from LGWCD for 5 fiscal years		\$28,934	\$28,934

**Recommended Revenue Estimates and Appropriations
for Fiscal Year 2013-14**



Solid Waste Fund								
Estimated Revenues								
	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted
405-323-125-000	Haulers Licensing Fee - MOVED to GF	3,500	1,000	-	-	-	-	-
405-325-205-000	Solid Waste Assessments	468,322	471,397	346,361.00	319,363	432,495	432,873	432,873
405-325-206-000	Discount Fees	(13,679)	(14,981)	(10,392)	(10,214)	(11,725)	(12,103)	(12,103)
405-343-120-000	SWA Recycling Income	8,324	7,571	8,000.00	5,573	8,000	8,000	8,000
405-363-990-000	Contributions from General Fund	-	-	126,000.00	126,000	-	-	-
Total Revenue		466,467	464,987	469,969	440,722	428,770	428,770	428,770

Solid Waste Fund								
Appropriations								
	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 2012-2013 Annual Budget	Year to Date MAY 31, 2013	FY 2013-14 Proposed Budget	Council Recommend	Council Adopted
405-534-345-000	Contractual - Waste Over	9,200	9,500	12,000.00	4,202	7,010	7,010	7,010
405-534-346-000	PBC Administration Fee - 1%	5,312	4,052	3,463.00	3,189	4,460	4,460	4,460
405-534-420-000	Postage & Freight	-	34	500.00	28	500	500	500
405-534-434-000	Solid Waste Contractor	439,024	413,998	451,634.00	301,090	415,800	415,800	415,800
405-534-436-000	Other Sanitation Service	2,400	1,333	1,500.00	250	-	-	-
405-534-490-000	Legal Advertising	700	-	872.00	-	1,000	1,000	1,000
405-534-595-000	TOLG Management Fee	12,000	279	-	-	-	-	-
Total Expenditure		468,636	429,196	469,969	308,759	428,770	428,770	428,770

Solid Waste Fund

Account Number	Account Title	Detail Description	Amount	Council Amount	Council Adopted
405-325-205-000	Solid Waste Assessments		\$432,495	\$432,873	\$432,873
		1,260 ERU @ \$343.25	\$432,495	\$0	\$0
		1,257 ERU @ \$344.37		\$432,873	\$432,873
405-325-206-000	Discount Fees		(\$11,725)	(\$12,103)	(\$12,103)
		Early payment of tax bills @ 3.0% average discount	(\$11,725)	(\$12,103)	(\$12,103)
405-343-120-000	SWA Recycling Income		\$8,000	\$8,000	\$8,000
		Recycle income sharing PBC SWA	\$8,000	\$8,000	\$8,000
405-363-990-000	Contributions from General Fund		\$0	\$0	\$0
			\$0	\$0	\$0
TOTAL REVENUE			\$428,770	\$ 428,770	\$428,770

Appropriations

405-534-345-000	Contractual - Waste Over		\$7,010	\$7,010	\$7,010
		Frank Schiola	\$7,010	\$7,010	\$7,010
405-534-346-000	PBC Administration Fee - 1%		\$4,460	\$4,460	\$4,460
		1% for administration by PBC	\$4,460	\$4,460	\$4,460
405-534-420-000	Postage & Freight		\$500	\$500	\$500
		Miscellaneous mailings	\$500	\$500	\$500
405-534-434-000	Solid Waste Contractor		\$415,800	\$415,800	\$415,800
		Cost estimated using existing contract price of \$27.50/unit/month	\$415,800	\$415,800	\$415,800
405-534-436-000	Other Sanitation Service		\$0	\$0	\$0
			\$0	\$0	\$0
405-534-490-000	Legal Advertising		\$1,000	\$1,000	\$1,000
		Miscellaneous advertising	\$1,000	\$1,000	\$1,000
		Reduced due to Assessment approval			
405-534-595-000	TOLG Management Fee		\$0	\$0	\$0
		No TOLG fee needed	\$0	\$0	\$0



10.a. Clarification of Valley Crest Development Matter

(Cost Recovery Fee)



TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT

Revised September 11, 2013

TO: Mayor and Town Council
FROM: Mark A. Kutney, Town Manager, AICP, ICMA-CM
DATE: August 14, 2013
SUBJECT: Valley Crest Request to waive Cost Recovery Expenses

I. BACKGROUND/HISTORY

On March 5, 2013 the Town Council approved a site plan for Valley Crest (Resolution 2013-02). This action was necessitated due to code enforcement issues relative to the operation of a landscaped maintenance business by Valley Crest. Resolution 2013-02 included several conditions of approval including General Condition 5 which required the applicant to file (within 6 months) a site plan amendment application requesting that the Wholesale Nursery Principal Use and the Landscape Nursery Accessory Use be deleted and replaced by a Landscape Service Principal Use. The requirement per General Condition 5 was accomplished by the approval of a Site Plan Amendment (Resolution 2013-05) on July 2, 2013. Valley Crest has paid a total of \$16,000.00 in cost recovery fees to address this matter. At the time that Town Council applied General Condition 5, Valley Crest's cost recovery account was still in the black and Town Management took the position that since General Condition 5 required Valley Crest to incur more costs as a result of Town Council direction, Valley Crest would not be required to pay any further cost recovery fees. **At the August 20, 2013 Town Council Meeting, Town Council elected to continue the matter to a later date after the Town Manager and Town Attorney had a chance to further review the specific particulars of the matter. Please see the memorandum from the Town Attorney that is attached and part of this agenda item. Also attached is a September 10, 2013 letter from Attorney David Coviello on behalf of Valley Crest that seeks to provide rationale for not paying any additional costs that were related to the site plan amendment.**

II. DISCUSSION

The additional costs to process the site plan amendment have resulted in Valley Crest being in arrears within their cost recovery account by \$4,944.09 after all final invoices and costs were

assessed. At the July 22, 2013 Finance Advisory & Audit Committee Meeting (FAAC), the Balance Sheet as of June 30, 2013 reflected that Valley Crest was in arrears by \$1,942.38 (obviously all costs were not yet posted at that time) and the Committee felt that Valley Crest should pay these costs despite the fact that Town Council had directed the additional site plan amendment filing. Since the FAAC did not agree with the Town Management Staff position, the matter is being brought to Town Council for their deposition of the matter. Additionally, Attorney David Coviello on behalf of Valley Crest has provided a letter requesting a waiver of the additional cost and provides justification and rationale for the request(please note his letter states the costs were approximately \$3,000.00 which was the end of July and still did not represent all invoices and costs being tallied). **As indicated, since the August 20, 2013 Town Council meeting, the Town Attorney and Town Manager have both examined the minutes and audio/video recordings of the proceedings. Attorney Coviello requested approval of the site plan that evening subject to the modification on the size of the waste pile and with the condition that Valley Crest modify the application to remove the nursery component. Upon that request, Council Member Liang modified the motion to approve Resolution No. 2013-02 with the condition that the applicant return with a site plan amendment within six months to eliminate the nursery component and the approval also included the modification of the waste pile to be 100 x 100 x 10. The seconder of the motion (Rockett) agreed with the modifications and the motion passed 5/0. Since Attorney Coviello requested the condition (which required the site plan amendment) the interpretation by the Management Company that Valley Crest was required to incur more costs due to Council direction is not accurate. Therefore it is the Management Company's amended position the Valley Crest should pay the additional costs associated with the processing of the site plan amendment.**

III. FISCAL IMPACT

Waiver of the cost recovery arrearages would translate into the Town covering the \$4,944.09 in order to bring the account into balance.

IV. ATTACHMENTS

August 2, 2013 letter from David Coviello to the Mayor and Town Council

September 10, 2013 letter from David Coviello to the Mayor and Town Council

V. REQUESTED ACTION

~~Motion by Town Council to approve the waiver of the arrearages associated with Valley Crest Cost Recovery Account.~~ Town Management recommends that Town Council require Valley Crest to pay the arrearages of \$4,944.09 associated with the Site Plan Amendment.



DAVID J. COVIELLO
PARTNER
(305) 415-9437 Direct Telephone
(305) 415-9837 Direct Facsimile

E-MAIL ADDRESS:
dcoviello@shutts.com

September 10, 2013

VIA E-MAIL

The Honorable Mayor and Councilmen
Town of Loxahatchee Groves
c/o Mr. Mark Kutney, Town Manager
14579 Southern Boulevard, Suite 2
Loxahatchee Groves, Florida 33470

Re: 13710 Okeechobee Boulevard (the "Property") – Valley Crest

Honorable Mayor and Councilmen:

This firm represents the owner of the Property, Magic Properties V, LLC (the "Owner"). As you know, the Owner was recently granted an amendment to its site plan approval in order to operate its landscape service business on the Property. The purpose of this letter is to address the costs incurred by the Town in connection with that amendment, which are passed on to the applicant. According to the Town Manager, these costs total approximately \$3,000.00. Incidentally, the Owner has paid more than \$15,000.00 in costs to the Town relative to the original site plan approval. For the foregoing reasons, we respectfully request that the Town waive the costs associated with the amendment only.

On January 9, 2012, the Owner submitted an application for site plan approval in order to comply with a violation issued by the Town under the Palm Beach County zoning regulations (the "Code") concerning the operation of its landscape service business. Specifically, the violation stated that a landscape service business was only permitted in this zoned area in conjunction with a retail or wholesale nursery. See attached **Exhibit "A."** As a result, the Owner proceeded to work with the Town to incorporate a nursery component on the Property through the site plan review process. Due in part to the Town working to establish its site plan review process, which was in its infancy, the review process took more than one (1) year to complete at a substantial cost to the Owner.

MIADOCs 7940701 1

1500 Miami Center • 201 South Biscayne Boulevard, Miami, Florida 33131 • ph 305.358.6300 • fx 305.381.9982 • www.shutts.com

The Honorable Mayor and Councilmen
Town of Loxahatchee Groves
September 10, 2013
Page 2

The site plan, with the nursery component, was ultimately approved by the Town Council on March 5, 2013. At the March 5, 2013 meeting, however, the Town Council required that the Owner submit an application to amend the site plan to remove the nursery component within six (6) months from approval. It was clear that, notwithstanding the basis of the violation, the Code allowed a stand-alone landscape service business. See attached **Exhibit "B."** The nursery component was not a requirement. The Owner complied with the Town Council's directive and the amended site plan was approved on July 2, 2013.

We feel it is inappropriate for the Town to assess the costs associated with the amendment to the site plan. If the violation was properly issued, the Owner would not have incurred the significant expense of a year long process seeking to add a nursery component. The Owner could have simply proceeded with a site plan for its current business, which would have taken less time and substantially less money. Because of this error, the Owner had to return with an amendment to remove the nursery component. The additional costs incurred by the Town to review that amendment should not be borne by the Owner.

Thank you for your consideration.

Sincerely,

SHUTTS & BOWEN LLP



David J. Coviello

Attachments

cc: Susan Eichhorn, Town Clerk

EXHIBIT “A”



NOTICE OF VIOLATION

**Town of Loxahatchee Groves
14579 Southern Boulevard
Loxahatchee Grove, FL 33470**

CE NO. 08-067

Date 08-07-08
Owner Name Magic Properties V LLC
Address 24151 Ventura Blv. Calabasas CA. 91302 1449
PCN 41414317015100030
Site Address 13710 Okeechobee BLV Loxahatchee Groves Florida
Legal Description Loxahatchee Groves W 487.68 FT OF TR 10 BLK E

The Undersigned certified that he/she has just and reasonable grounds to believe, and does believe that the following offenses were committed:

Ordinance/Regulation Loxahatchee Groves ULDC Article 4 Chapter A Section 3 A Table 4.A.3A-1, Chapter B Section 1A.77
Description Landscape Service permitted in this zoned area only in conjunction with a retail or wholesale nursery
Days to Comply 15 DAYS

If the referenced violations are corrected in the number of days noted above, from the date of issuance of this notice, you must contact the Code Enforcement Officer at (954)540-6605. If the referenced violations are NOT corrected within the above period, you will receive a notice to appear in front of the Special Magistrate. The Special Magistrate may impose a fine that may not exceed \$250 per day at that time as per State Statute 162.09. The Town may also take any action it deems necessary to achieve compliance. All costs of these Code Enforcement actions would be borne by the property owner. A lien may be recorded against the property if it were necessary for the Town to do so.

You have the right to appeal this action pursuant to Section 14-65 of the Town's Code of Ordinances.

If you have any question regarding this matter, please contact me at (954)540-6605 or at ctullos@calvin-giordano.com.
Thank you,

Cary Tullos
Code Enforcement Officer
Town of Loxahatchee Groves

EXHIBIT “B”

- 1) **Hobby Breeder**
A person who breeds and/or raises, on his/her property, purebred dogs or cats capable of registration with the national or international dog or cat registry and does not engage in the sale to the public, during a consecutive 12 month period, of more than two litters or 20 dogs or cats, whichever is greater. The hobby breeder is further defined by the PBCAD pursuant to Ord. 89-2, as amended.
- 2) **Outdoor Runs**
Safety fences not to exceed six feet in height shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of four feet at installation, shall be provided around the outdoor run. Outdoor runs or non-enclosed structures used by a hobby breeders shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district.
- 3) **Private Kennel**
Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line.

75. Kiosk

A freestanding outdoor unmanned structure which offers products for sale.

- a. **Uses**
Shall be limited to the sale of general retail and convenience items only.
- b. **Setbacks**
Shall comply with the requirements of the district in which it is located.
- c. **Architecture Compatibility**
Shall be architecturally compatible with the principle structure or the closest structure within the development.
- d. **Parking**
Shall not occupy required parking spaces.
- e. **Landscaping and Buffering**
Shall be landscaped consistent with the provisions of Article 7, LANDSCAPING, including foundation planting, terminal islands, interior landscaping, irrigation, and curbing.
- f. **Maximum Number of Freestanding Structures**
 - 1) **Standard Districts**
One kiosk per project.
 - 2) **Planned Development Districts**
Two kiosks per project.
- g. **Size**
A maximum of 100 square feet per kiosk.

76. Laboratory, Research

An establishment engaged in industrial, scientific or medical research, testing, and analysis, including support services and structures. Typical uses include natural science/manufacturing research facilities and product testing/quality control facilities.

- a. **Research Lab**
A research laboratory shall only be allowed as a requested use in a MUPD with EDC or MLU land use.
 - 1) **Exception**
A research laboratory shall be allowed as a requested use in a MUPD with IND land use.
- b. **Outdoor Activities**
Outdoor manufacturing, processing or testing shall be limited to industrial districts only.
- c. **Accessory Use**
A research laboratory shall be permitted as an accessory use to a college or university.

77. Landscape Service

An establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation.

- a. **AR District**
A landscape service as a principal use shall be located on a collector or arterial street. The minimum lot size shall be three acres.
- b. **AGR District**
Shall be permitted only in conjunction with a retail or wholesale nursery.

- c. **Landscape Buffer**
An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, may be waived if the use is adjacent to farm worker quarters or mobile home accessory to a bona fide agriculture use.
 - d. **Storage**
Outdoor storage of debris shall be prohibited.
 - e. **Accessory Use**
May be allowed as an accessory use to a retail or wholesale nursery on a minimum of three acres.
- 78. Laundry Service**
An establishment that provides washing, drying, dry-cleaning, or ironing machines for hire to be used by customers on the premises, or that is engaged in providing laundry and dry cleaning services with customer drop-off and pick-up.
- a. **CN District**
Shall not exceed 3,000 square feet of GFA.
 - b. **CC District and Commercial Pod of a PUD**
Shall not exceed 5,000 square feet of GFA.
 - c. **TMD District**
A laundry service shall not exceed 3,000 square feet of a GFA.
 - d. **Approval**
A laundry service over 15,000 square feet shall require approval of a Class A conditional use or requested use, whichever is applicable.
- 79. Lounge, Cocktail**
A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, nightclubs, and similar uses other than restaurants or alcohol sales for off-premises consumption. A cocktail lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law.
- a. **Separation**
A cocktail lounge shall not be located within 250 feet of a residential district and shall be separated a minimum of 750 feet from another cocktail lounge. The Zoning Director may ask for a signed/sealed survey certifying that another lounge does not exist within 750 feet off the subject lounge, a residential district is more than 250 feet from the subject lounge, or the subject lounge is more than 500 feet from a school as required by the State of Florida.
 - b. **CN District**
Shall not exceed 1,500 square feet of GFA.
 - c. **CHO District**
Shall be contained in an office, hotel or motel structure and shall be limited to a total floor area that does not exceed ten percent of the GFA of the entire structure, unless approved as a requested or Class A conditional use.
 - d. **CG District and PDDs**
Shall meet the separation criteria above, unless approved as a requested or Class A conditional use.
 - e. **Outdoor Areas**
Outdoor seating and open lounge areas shall be setback a minimum of 100 feet from adjacent residential districts or uses.
- 80. Machine or Welding Shop**
A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.
- 81. Manufacturing and Processing**
An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding heavy industrial processing. Typical uses include factories, large-scale production, wholesale distribution, publishing and food processing.
- a. **Manufacturing**
Manufacturing and processing shall only be allowed as a requested use in a MUPD with EDC or MLU land use.

TOWN OF LOXAHATCHEE GROVES

INTER-OFFICE CORRESPONDENCE

MEMORANDUM NO. 2013-26

TO: Mayor David Browning
Members of the Town Council

CC: Mark Kutney, Town Manager
Susan Eichhorn, Town Clerk

FROM: Michael D. Cirullo, Jr., Office of the Town Attorney *MDC*

DATE: August 27, 2013

RE: Valley Crest Request for Cost Recovery Waiver

On August 2, 2013, counsel for Valley Crest, David Coviello, delivered correspondence requesting the Town waive the balance due for Cost Recovery relating to its Site Plan Amendment, which was approved by the Town Council on July 2, 2013. The request was placed on the agenda for the August 20, 2013, Town Council meeting, at which time Mr. Coviello made the request to the Town Council. The item was deferred to enable the Town Attorney and Town Management to review the matter.

After reviewing the Code Enforcement materials, minutes of the March 5, 2013, Town Council meeting, and listening to the portions of the March 5, 2013 meeting relating to the Site Plan Application, I offer the following facts for consideration by the Town Council in reviewing Valley Crest's request for a waiver of cost recovery.

- May 1, 2008: Valley Crest was given a Notice of Violation for a violation of Article 4, Chapter A, Section 3A, Table 4.A.3A-1, Chapter B Section 1A.77. This table addresses landscaping use in both the AR and AGR zoning districts of the County. The description of the violation was "Landscape Service permitted in this zoned area only in conjunction with a retail or wholesale nursery."

NOTE: According to County ULDC, Table 4.a.3.a-1 – Use Matrix, a Landscape Service is permitted in the AR zoning district "only if approved by the Board of County Commissioners (BCC).

- September 10, 2008, the Town's Code Enforcement Special Magistrate entered her order finding Valley Crest in violation, and ordering Valley Crest to "come into compliance with the Sections of the ULDC, as charged in the Notice of Violation in this case."

Neither the Town, nor Valley Crest appealed the Order.

- October 15, 2008: Palm Beach County delivered a “Zoning Confirmation Response Form” to Valley Crest, which stated, in pertinent part:

[A] Wholesale Nursery in the AR District in Rural Service Area is permitted on ten acres or less, subject to Concurrency approval. According to the ULDC, 4.B.1.A77(e), a Landscape Service may be allowed as an accessory use to a retail or wholesale nursery on a minimum of three acres.

- November 16, 2010: Town adopts its own ULDC, which prohibits landscaping businesses.
- March 5, 2013: Town Council considers the Site Plan Application, which had a proposed primary use of a Wholesale Nursery, and ancillary use as a Landscaping Service. The minutes and audio of the meeting reveal the following:
 - Counsel for Valley Crest, David Coviello, indicated that a nursery was not needed for landscaping service in County AR Zoning district, but Valley Crest incorporated the nursery to be close to the Town’s ULDC, and “soften” its use as to the Town’s regulations.
 - Several Councilmembers expressed concern about the nursery component given that the reality of the use of the property is that it is a Landscaping Service.
 - At one point during the discussion, Mr. Coviello defended the incorporation of a nursery, indicating that although Valley Crest would have preferred a standalone Landscaping Service, installation was a large part of Valley Crest’s business and it was working in “good faith” with the Town to bring its use closer to the Town’s ULDC.
 - During discussion of the potential agricultural property tax exemption for the nursery component of the property, the Town Attorney requested that the County Use Table be reviewed. The Town Attorney requested a brief recess to review the County Code as to Landscaping Service in the AR District.
 - After the recess, the Town Attorney confirmed that a Landscaping Service could be a primary use in the County AR zoning district if it was located on a collector street and was on 3+ acres. The property satisfied both of these conditions.
 - Mr. Coviello requested the Town Council to approve the Site Plan as presented that evening, then place a condition that Valley Crest amend the site plan to remove the nursery component.

- The Town Council approved the Site Plan with several conditions, including that Valley Crest return within six (6) months to remove the nursery component.
- On July 2, 2013, the Town Council approved the Site Plan Amendment removing the nursery component.

In summary, it appears that while the description of the violation in the Notice of Violation was incorrect, the violation for having the use is valid since under the County AR zoning district, County Commission approval was required for a Landscape Service Use. Further, in response to a specific request by Harold Worthington, the County Zoning Department advised Valley Crest in 2008 that the Landscaping Use in the AR District is allowed as an “accessory use to a retail or wholesale nursery.” Based upon the request, and the County’s response, Valley Crest processed a Site Plan Application to incorporate the nursery component consistent with the County Zoning Letter. As Mr. Coviello observed, the parties proceeded in “good faith” and the nursery component was important to bring the property more in line with the Town’s own ULDC. It was only during the March 5, 2013, Town Council meeting where it became apparent that the Town Council would have approved a standalone Landscaping Service so long as consistency with the County’s ULDC could be confirmed since that was the applicable ULDC in this unique matter.

After Mr. Coviello advised the Town Council that Valley Crest would prefer a standalone Landscape Service use, he requested the Town Council to approve the Site Plan as presented that night and place a condition on the approval that Valley Crest remove the nursery component from the Site Plan. Accordingly, the Town Council acted as requested by Mr. Coviello and approved the Site Plan as presented, and placed a condition that the nursery component be removed within six (6) months. That condition was satisfied on July 2, 2013, when the Town Council approved the Amended Site Plan.

If you have any questions or need any additional information, please do not hesitate to contact me.

MDC

H:_GOV CLIENTS\LOX 1574_070240 GM\MEMOS 2013\2013-26 (Valley Crest).doc



10.b. Discussion of Okeechobee and "D" Road Traffic Light

(Councilman Rockett – back-up not provided)



10.c. Letter from Town Attorney Cirullo concerning Florida
Department of Revenue Regarding Revenue Sharing

(Vice Mayor Jarriel)

TOWN OF LOXAHATCHEE GROVES

INTER-OFFICE CORRESPONDENCE

MEMORANDUM NO. 2013-25

TO: Mayor David Browning
Members of the Town Council

CC: Mark Kutney, Town Manager
Susan Eichhorn, Town Clerk

FROM: Michael D. Cirullo, Jr., Office of the Town Attorney *MDC*

DATE: August 27, 2013

RE: Chapter 2006-328, Laws of Florida (Special Act), Revenue Sharing Calculation

At its July 2, 2013, Budget Workshop, the Town Council discussed the calculation of revenue sharing under State Law, given the requirements of §218.23, Florida Statutes, relating to eligibility to participate in revenue sharing with the State of Florida. Specifically whether the Town could continue to use the revenue sources listed in Section 10(9) of the Town's Special Act for purposes of qualifying for revenue sharing, or whether the Town is restricted to the revenue sources listed in §218.23(1)(c), Florida Statutes.

Counsel for the Florida Department of Revenue (FDOR) advised the Town Attorney and Town Manager on August 22, 2013, that the Town *may continue to use the revenues listed in the Special Act* for purposes of qualifying for state revenue sharing.

Analysis

Section 10(9) of the Special Act reads as follows:

(9) STATE SHARED REVENUES. – The Town of Loxahatchee Groves shall be entitled to participate in all shared revenue programs of the state available to municipalities effective April 1, 2007. The provisions of section 218.23(1), Florida Statutes, shall be waived for the purpose of eligibility to receive revenue sharing funds from the date of incorporation through the state fiscal year 2009-2010. Initial population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the bureau be unable to provide an appropriate population estimate, the Palm Beach County Planning Division estimate should be utilized. For the purposes of qualifying for revenue sharing, the following revenue sources shall be considered: municipal service taxing units, fire municipal service taxing units, water control district revenues, occupational

license taxes, ad valorem taxes, public utility service taxes, communications services tax, and franchise fees.

Notably, the sentence stating that the requirements of §218.23(1), Florida Statutes, are waived provides for that to expire after the 2009-2010 Fiscal Year. At the same time, the provision listing the revenues the Town may use for purposes of qualifying for revenue sharing does not contain any time limitation. Given the importance of the issue to the Town, I recommended consulting with the FDOR to confirm its understanding of the Special Act as to revenue sharing.

At the July 2, 2013, Workshop, members of the Town Council indicated that they wanted to the Town Attorney's Office to discuss the matter with counsel for the FDOR. Because of my vacation schedule, this was not accomplished prior to the adoption of the preliminary millage on July 16, 2013.

On July 22, 2013, this office contacted Pamela Slater, Esquire, in the FDOR General Counsel's Office. The matter was briefly explained to her and she was directed to the Town's Special Act for her to review.

On July 29, 2013, Town Manager Mark Kutney and I conducted a conference call with Ms. Slater. We explained my interpretation that the Town could continue to rely on the items listed in the Town's Special Act for the purposes of qualifying for revenue sharing. Ms. Slater indicated that she understood the issue and would review the matter within the FDOR.

On August 22, 2013, Town Manager Mark Kutney and I conducted another conference call with Ms. Slater. Ms. Slater advised us that she had reviewed the matter with the FDOR's General Tax Administration Division (GTA), which administers the State's revenue sharing program. There was another recently incorporated municipality, Grant-Valkaria in Brevard County, that had the same language as in the Town's Special Act relating to compliance with §218.23, Florida Statutes. The FDOR, and in particular the GTA, has interpreted Grant-Valkaria's Special Act to permit that municipality to continue to use the list of revenues in its Special Act for purposes of revenue sharing. Ms. Slater advised that the FDOR will interpret and apply the Town's Special Act in the same way. This means that, for purposes of qualifying for revenue sharing, the Town may use the revenue sources listed in the Special Act, and is not limited to those set listed in §218.23(1)(c), Florida Statutes.

Note that the FDOR does not issue formal opinions, like the Attorney General. However, Ms. Slater indicated that the persons that would be reviewing the Town's revenue sharing analysis, the GTA, were involved in the FDOR review and were very familiar with the issue given that they were already addressing it with Grant-Valkaria. As a result, there should be no issues with FDOR.

Conclusion

Pursuant to the Town's Special Act, the Town may use the following revenues for purposes of qualifying for revenue sharing:

- Municipal service taxing units;
- Fire municipal service taxing units;
- Water Control District Revenues;
- Occupational license taxes;
- Ad valorem taxes;
- Public utility service taxes;
- Communications Services Taxes; and,
- Franchise fees

It is recommended that when the Town forwards its information to the FDOR for a revenue sharing analysis, the correspondence reference that the matter has been reviewed and confirmed by FDOR counsel, and that the Town of Loxahatchee Groves Special Act be applied by FDOR just as the Special Act for Grant-Valkaria has been as it relates to using revenue sources for the purpose of qualifying for revenue sharing.

If you have any questions or need any additional information, please do not hesitate to contact me.

MDC

H:_GOV CLIENTS\LOX 1574_070240 GM\MEMOS 2013\2013-25 (Revenue Sharing).doc



10.d. Discussion Regarding Grading and Road Rock Letter to Proceed
for 161st Terrace N

(Vice Mayor Jarriel – back-up not provided)



11.a. Mowing and Cleaning Out of Drainage Ditch on South Side of
Okeechobee Blvd., from "A" Road to Folsom Road

(Vice Mayor Jarriel – back-up not provided)