



TOWN OF LOXAHATCHEE GROVES  
TOWN COUNCIL MEETING AGENDA  
TUESDAY, July 1, 2014

*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 of Loxahatchee Groves

## Town Council Meeting

Tuesday, July 1, 2014 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 Janet K. Whipple  
Town Attorney Michael D. Cirullo, Jr.

Tentative  
Subject to Revision

### PUBLIC NOTICE/AGENDA

#### 1. OPENING

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

#### 2. CONSENT AGENDA

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Minutes for Approval:
  - **May 6, 2014, Special Town Council Meeting**
  - **May 20, 2014 Town Council Meeting**
  - **June 3, 2014 Town Council Meeting**
- c. Consideration of agreement with e-City Services LLC for media/video streaming.
- d. Website Memorandum (*Receive and File*)

- e. Confirmation of “Legal Non-conforming Lot of Record” status of a parcel of land located at 14535 Paradise Trail, Loxahatchee Groves, FL 33470 (Parcel Control Number 41-41-43-17-01-342-0100).

### **3. PUBLIC COMMENT**

### **4. PRESENTATIONS**

- a. Clement Clarke and Michael Sklar to provide a presentation on the Urban County Qualification Process for FY 2015-2017 between the Town of Loxahatchee Groves and Palm Beach County, enabling the Town to continue to access funds under the Community Development Block Grant program (CDBG).
- b. Sandra Semande, Volunteer Captain for the Palm Beach County Sheriff’s Office (PBSO) Loxahatchee Rovers, to make a presentation concerning Citizen Observer Patrol (COP) Program.

### **5. COMMITTEE REPORTS**

- a. Elise Ryan, Chair for the FAAC (Financial Advisory and Audit Committee), to provide Financial Report Ending May 2014.

### **6. RESOLUTIONS - NONE**

### **7. ORDINANCES**

- α. ORDINANCE NO. 2014-04 2<sup>nd</sup> / FINAL READING / PUBLIC HEARING (Livestock Waste – Property Owners).** (rev 05/15/2014) (*Deferred to a date certain from the June 3, 2014 Town Council Meeting requesting all five (5) Council Members to be present.*)

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE USE OF LIVESTOCK WASTE WITHIN THE TOWN; AMENDING THE TOWN’S UNIFIED LAND DEVELOPMENT CODE BY AMENDING PART III ENTITLED “SUPPLEMENTAL REGULATIONS,” ARTICLE 50 ENTITLED “PUBLIC NUISANCES” BY ADDING A NEW SECTION 50-035 TO BE ENTITLED “USE OF LIVESTOCK WASTE;” PROVIDING FOR DEFINITIONS; PROVIDING THAT THE USE OF LIVESTOCK WASTE IS A PUBLIC NUISANCE EXCEPT AS PROVIDED BY THIS SECTION; PROVIDING FOR REGISTRATION**

**AND PERMITS, REQUIREMENTS AND LIMITATIONS ON THE DELIVERY AND USE OF LIVESTOCK WASTE; PROVIDING FOR REPORTING AND NOTICE REQUIREMENTS; PROVIDING FOR REVOCATION OF PERMITS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**8. ADMINISTRATIVE UPDATE** – *Town Manager Kutney*

- a. Okeechobee Boulevard
- b. IGC Meeting

**9. OLD BUSINESS**

- a. Consideration for the FY 2015-2017 Agreement between the Town of Loxahatchee Groves and Palm Beach County for the Urban County Jurisdiction to enable residents continued access to funds under the Community Development Block Grant (CDBG).
- b. Discussion of Gas Tax Map with particular reference to 43<sup>rd</sup> Road North.
- c. Phyllis Maniglia to speak on Code Enforcement matters. (*Councilman Ron Jarriel*)

**10. NEW BUSINESS**

- a. Transmittal of Fiscal Year 2014/2015 Budget
- b. Imposition of Code Enforcement Administrative Cost (*Councilman Tom Goltzené*)
- c. Request for an Investigation of a Town Vendor

**11. CLOSING COMMENTS**

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

**12. ADJOURNMENT**

*The next regular Town Council Meeting is tentatively scheduled for July 18, 2014.*

**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.



**Item 2.a.**

**Consent Agenda**

**Attorney Invoice**

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

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06/25/2014

TOWN OF LOXAHATCHEE GROVES  
14579 Southern Boulevard  
Suite 2  
Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-0702400R  
STATEMENT NO: 94

Attn: Mark Kutney, Town Manager

General Matters

			HOURS	
05/29/2014	MDC	Review agenda materials for 6/3 meeting; meet with MK to discuss agenda items; assist JW in updating agenda materials.	1.50	
06/02/2014	MDC	Continue reviewing agenda materials for 6/3 meeting; review materials for Orange County case, FLWC regulations.	1.60	
06/03/2014	MDC	Continue reviewing materials for Council meeting; telephone call with DB; telephone call with MK; prepare for, attend Council meeting.	3.80	
06/06/2014	MDC	Phone conference with MK on scheduling issues; telephone conference with JW on resolutions, execution of ordinances; telephone conference with PU on contract, issues with NFE payment, website and procurement.	1.10	
06/09/2014	MDC	Review revised budget/assessment schedule, provide comments.	0.30	
06/12/2014	MDC	Phone conference with Bill Underwood, MK on budget schedulings; telephone conference with JR on budget schedule.	0.60	
06/16/2014	MDC	Review correspondence on code issues.	0.20	
06/18/2014	MDC	Review correspondence, phone calls with all Council members re: Schiola Management memo.	0.80	
	DJD	Review correspondence from Kutney, address issue of recommendation for Town attorney investigation.	0.40	
06/20/2014	MDC	Telephone call with RJ; review materials on Frank Schiola.	0.30	
	DJD	Review citizen complaint with MDC.	0.40	
06/23/2014	MDC	Telephone call with MK re: Frank Schiola, budget schedule, items for July 1, 2014 meeting.	0.50	
		FOR CURRENT SERVICES RENDERED	11.50	2,127.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D.J. DOODY	0.80	\$185.00	\$148.00
MICHAEL D. CIRULLO	10.70	185.00	1,979.50

*MDC*

General Matters

COPYING COST	<u>129.85</u>
TOTAL EXPENSES THRU 06/30/2014	129.85
TOTAL CURRENT WORK	2,257.35
BALANCE DUE	<u>\$2,257.35</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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

TOWN OF LOXAHATCHEE GROVES  
14579 Southern Boulevard  
Suite 2  
Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1004800R  
STATEMENT NO: 22

Attn: Mark Kutney, Town Manager

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

			HOURS	
05/29/2014	MDC	Review proposed conditions of approval; meet with SY, MV on B Road.	0.50	
06/02/2014	MDC	Review correspondence on B Road issues with Developer.	0.30	
06/10/2014	MDC	Review PUD conditions of approval, conference call with MK, JF; prepare statement of issues, forward to Marty Perry; Lox Groves Commons and PBSC.	0.90	
06/12/2014	MDC	Review correspondence on conditions of approval.	0.20	
06/13/2014	MDC	Review materials, attend meeting at PBSC with MK, JF and all parties involved in B Road improvements; review conditions of approval for PUD rezoning.	1.10	
		FOR CURRENT SERVICES RENDERED	<u>3.00</u>	<u>555.00</u>

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	3.00	\$185.00	\$555.00

TOTAL CURRENT WORK 555.00

BALANCE DUE \$555.00

*MDC*

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TOWN OF LOXAHATCHEE GROVES  
 14579 Southern Boulevard  
 Suite 2  
 Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-0706600R  
 STATEMENT NO: 29

Attn: Mark Kutney, Town Manager

Solid Waste Special Assessment

			HOURS	
06/03/2014	MDC	Review schedule for assessment; begin memo to Town on annual adoption process.	0.30	
06/04/2014	MDC	Telephone call with P. Underwood on status of assessment.	0.30	
06/05/2014	MDC	Prepare memo on assessment matter.	0.60	
		FOR CURRENT SERVICES RENDERED	1.20	<u>222.00</u>

RECAPITULATION

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

TOTAL CURRENT WORK 222.00

BALANCE DUE \$222.00

*MDC*

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 Suite 200  
 Fort Lauderdale, Florida 33308  
 Telephone (954) 771-4500

TOWN OF LOXAHATCHEE GROVES  
 14579 Southern Boulevard  
 Suite 2  
 Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1004840R  
 STATEMENT NO: 27

Attn: Mark Kutney, Town Manager

Loxahatchee Groves Commons

			HOURS	
05/29/2014	MDC	Review proposed conditions of approval; meet with SY, MV on B Road.	0.50	
06/10/2014	MDC	Review PUD conditions of approval, conference call with MK, JF; prepare statement of issues, forward to Marty Perry, Lox Groves Commons and PBSC.	0.90	
06/12/2014	MDC	Review correspondence on conditions of approval.	0.20	
06/13/2014	MDC	Review materials, attend meeting at PBSC with MK, JF and all parties involved in B Road improvements; review conditions of approval for PUD rezoning.	1.10	
		FOR CURRENT SERVICES RENDERED	2.70	499.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	2.70	\$185.00	\$499.50

TOTAL CURRENT WORK 499.50

BALANCE DUE \$499.50

*MDC*

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

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06/25/2014

TOWN OF LOXAHATCHEE GROVES  
 14579 Southern Boulevard  
 Suite 2  
 Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1104890R  
 STATEMENT NO: 12

Attn: Mark Kutney, Town Manager

Palm Beach State College

		HOURS	
06/13/2014	MDC Review materials, attend meeting at PBSC with MK, JF and all parties re:: B Road; meet with PBSC, MK and JF on PBSC master plan, review of same by Town Council.	2.00	
	FOR CURRENT SERVICES RENDERED	2.00	370.00
RECAPITULATION			
<u>TIMEKEEPER</u>		<u>HOURS</u>	<u>HOURLY RATE</u>
MICHAEL D. CIRULLO		2.00	\$185.00
			<u>TOTAL</u>
			\$370.00
	TOTAL CURRENT WORK		370.00
	BALANCE DUE		<u>\$370.00</u>

MDC

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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

TOWN OF LOXAHATCHEE GROVES  
 14579 Southern Boulevard  
 Suite 2  
 Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1107120R  
 STATEMENT NO: 4

Attn: Mark Kutney, Town Manager

7th Day Adventist Church Application

		HOURS	
06/06/2014	MDC Phone conference with MK, BG, review code on status of site plan modification.	0.30	
	FOR CURRENT SERVICES RENDERED	0.30	55.50
RECAPITULATION			
	<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>
	MICHAEL D. CIRULLO	0.30	\$185.00
			<u>TOTAL</u>
			\$55.50
	TOTAL CURRENT WORK		55.50
	BALANCE DUE		<u>\$55.50</u>

*MDC*

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

TOWN OF LOXAHATCHEE GROVES  
14579 Southern Boulevard  
Suite 2  
Loxahatchee Groves FL 33470

Attn: Mark Kutney, Town Manager

adv. Day, Willie and Frankie

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06/25/2014  
ACCOUNT NO: 1574-1107562R  
STATEMENT NO: 24

Prestige Reporting Service - Invoice 14-34006	408.10
TOTAL ADVANCES THRU 06/30/2014	408.10
TOTAL CURRENT WORK	408.10
BALANCE DUE	<u>\$408.10</u>

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# Prestige Reporting Service, Inc.

1574.  
1107562

June 19, 2014

Michael D. Cirullo, Jr  
Goren, Cherof, Doody & Ezrol, P.A.  
3099 East Commercial Blvd.  
Suite 200  
Ft. Lauderdale, FL 33308  
(954) 771-4500

**Invoice Number**  
**14- 34006**

**Re:** 502012CA014543XXXXMB  
Willie H. Day and Frankie J. Day v. The Town of Loxahatchee et al  
Donna Meyers, Reporter

Description of Services		Pgs/Qty	Rate	Extension
Taken On	5/6/2014	1.00	0.00	
Attendance of Reporter	6:00-6:40	1.00	150.00	150.00
O&1 Meeting	Meeting	34.00	7.15	243.10
Shipping & Handling	dm	1.00	15.00	15.00
<b>Invoice total:</b>				<b>\$408.10</b>

Thank you for using Prestige Reporting Service, Inc.  
We greatly appreciate your business!

Tax ID: 65-0025557

**PAYMENT DUE UPON RECEIPT**

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

TOWN OF LOXAHATCHEE GROVES  
14579 Southern Boulevard  
Suite 2  
Loxahatchee Groves FL 33470

Attn: Mark Kutney, Town Manager

adv. McLendon, Todd (USDC Case)

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06/25/2014  
ACCOUNT NO: 1574-1107579R  
STATEMENT NO: 7

06/02/2014	MDC Telephone call with M. Burke on depositions. FOR CURRENT SERVICES RENDERED			HOURS 0.30 <u>0.30</u>	<u>55.50</u>
		RECAPITULATION			
	<u>TIMEKEEPER</u> MICHAEL D. CIRULLO	<u>HOURS</u> 0.30	<u>HOURLY RATE</u> \$185.00	<u>TOTAL</u> \$55.50	
	TOTAL CURRENT WORK				55.50
	BALANCE DUE				<u>\$55.50</u>

*MDC*

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE



**Item 2.b.**

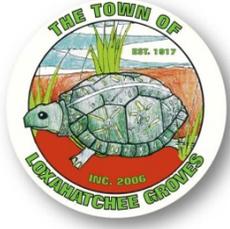
**Consent Agenda**

**Minutes**

**May 6, 2014 Special Meeting**

**May 20, 2014 Regular Town Council Meeting**

**June 3, 2014 Regular Town Council Meeting**



**Town of Loxahatchee Groves**  
**Special Town Council Meeting**  
**Tuesday, May 6, 2014, 6:00 p.m.**

Town of Loxahatchee Groves Town Offices, 14579 Southern Blvd., Suite 2,  
Loxahatchee Groves, Florida 33470

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 Janet K. Whipple  
Town Attorney Michael D. Cirullo, Jr.

**MINUTES**

**1. OPENING OF PUBLIC MEETING – Town of Loxahatchee Groves Office**

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 6:03 p.m. Present were Mayor David Browning, Vice-Mayor Ronald D. Jarriel, Councilmen Ryan Liang, and Jim Rockett. Councilman Goltzene was not present. Also present was Janet K. Whipple, Town Clerk who opened and closed the meeting.

Town Attorney Mike Cirullo opened the proceedings at 6:05 p.m. for the Attorney Client, read the instructions for the Special Town council Meeting, and called roll for the remainder of the attendees: Also present were Michael D. Cirullo, Town Attorney; Michael T. Burke, Attorney for the Town of Loxahatchee Groves; Town Manager Mark Kutney; and Donna Meyers, Court Reporter.

b. Approval of Agenda

**Motion: Councilman Liang made a motion to approve the Agenda. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.**

**2. DAY V. TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY CIRCUIT COURT CASE NO. 50 2012CA 014543XXXXMB**

F. S. 286.011(8) Allows the Mayor, Town Council, and the Town Manager to Meet in a Closed-Door Attorney/Client Session for the Purpose of Discussing Strategy Related to Litigation.

**The Town Council Mayor Shall Announce:**

a.) The Attorney/Client Closed-Door Session

- b.) The estimated time is thirty minutes
- c.) The names of the persons attending:

David Browning, Mayor  
Ron Jarriel, Vice Mayor  
Tom Goltzené, Council Member  
Jim Rockett, Council Member  
Ryan Liang, Council Member  
Michael D. Cirullo, Jr., Town Attorney  
Michael T. Burke, Attorney for Town of Loxahatchee Groves  
Mark Kutney, Town Manager  
Court Reporter

- d.) The Special Town Council Meeting will adjourn and the persons listed above will enter into the Closed-Door Attorney/Client Session.

### **3. CONVENE ATTORNEY-CLIENT SESSION**

### **4. RE-OPENING OF PUBLIC MEETING AND ANNOUNCEMENT OF TERMINATION OF ATTORNEY-CLIENT SESSION**

- a.) Call to Order
- b.) Town Council Mayor to Announce the Termination of the Attorney/Client Session
- c.) Possible Direction from Town Council

The above announcements were made. Town Attorney Mike Cirullo closed the Attorney Client Session.

**Motion: Councilman Liang made a motion to close the Special Meeting. Councilman Rockett seconded the motion. Upon vote the motion passed 4/0.**

### **5. ADJOURNMENT**

There being no further business, the Special Town Council Meeting was adjourned at 6:41 p.m.

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Janet K. Whipple, Town Clerk

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David Browning, Mayor



# Town of Loxahatchee Groves

## Town Council Meeting

Tuesday, May 20, 2014 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 Janet K. Whipple  
Town Attorney Michael D. Cirullo, Jr.

### MINUTES

#### 1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:02 p.m. Present were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen Tom Goltzené, Ryan Liang, and Jim Rockett. Also present were Town Manager Mark Kutney, Town Attorney Mike Cirullo, Town Planning Technician Braeden Garrett, Town Planning Consultant Jim Fleischmann, and Town Clerk Janet K. Whipple.

b. Pledge of Allegiance & Invocation – Mayor Browning

c. Approval of Agenda

Town Manager Kutney requested a Change Order from North Florida Emulsions be added to the agenda.

**Motion: Councilman Liang made a motion to approve the agenda, as amended. Councilman Goltzené seconded the motion. Upon vote, the motion passed 5/0.**

## 2. CONSENT AGENDA

- a. Authorization for execution by Mayor Browning of renewal lease agreement between the Town of Loxahatchee Groves and the Yee Corporation, for Town Hall Offices Suite No's 1, 2, 4, 5, 6, and 7.

Town Manager Kutney explained that in the renewal lease agreement with Yee Corporation the Town has added Suites No's. (One) (1) and Seven (7) to the office space, and that there is an exit clause which will provide flexibility (120 day notice). The rent will change from \$1,000 to \$1,425 per month.

**Motion: Councilman Rockett made a motion to approve the renewal lease agreement and authorize the Mayor to sign. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.**

## 3. PUBLIC COMMENT

Jeff Miller, 691 Hyde Park Road, spoke concerning paving Collecting Canal Road. He has lived off that road for ten (10) years. The road is shell rock and limestone base and the dust is bad, and so is the speeding. Crews that maintain the road are doing such a great job that it allows the traffic to go fast. Forty (40) miles per hour traffic is very dusty, thirty (30) miles per hour traffic is not bad. Mr. Miller questioned whether there are plans to pave the Collecting Canal Road.

Robert Austin, 13845 Collecting Canal Road, has lived in town for eighteen (18) years. Dust on Collecting Canal Road is very bad; he had heard that paving had been taken off the agenda, and was wondering what happened.

Keith Harris, 2580 C Road, referenced a resident who had spoken during a previous Town Council Meeting, on alternatives to OGEM road resurfacing. Mr. Harris had done a brief research on five (5) different alternatives, and suggested to Council that this might be something to look into.

Phyllis Maniglia, spoke on Code Enforcement, and her concern with the complaint against her. She hopes this can be resolved and brought back to Council at the next meeting. Ms. Maniglia handed out a booklet to Council for their review, concerning her situation.

Marge Herzog, 966 A Road, mentioned the Town Council meeting was not posted in the newspaper.

Frank Schiola, 13434 Marcella Boulevard, expressed appreciation to Mayor Browning, his wife Sharon, Councilman Rockett, and John Ryan for their help with the event at the Loxahatchee Groves Elementary School. He also commented on the Code Enforcement process.

## 4. PRESENTATIONS - *None*

5. **COMMITTEE REPORTS** – *None*

6. **RESOLUTIONS** - *None*

7. **ORDINANCES**

**ORDINANCE NO.2014-05 / 1<sup>ST</sup> READING/PUBLIC NOTICE:** (Guns, Firearms, Gun Ranges) AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE TO ELIMINATE REGULATIONS RELATING TO GUNS, FIREARMS AND GUN RANGES TO ADDRESS STATE PREEMPTIONS OF THE REGULATION OF THESE SUBJECTS; PROVIDING FOR INTENT OF THE TOWN TO COMPLY WITH THE STATE'S PREEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of Ordinance No. 2014-05.

Jim Fleischmann, Town Planning Consultant, provided background, and went through the changes and comments made by the Planning and Zoning Board; stating basically all references to gun and gun ranges will be removed from the Town Code.

Town Attorney Cirullo handed out Ordinance No. 2014-05 with highlighted changes, to Council.

**Motion: Councilman Goltzené made a motion to accept the recommendations. Vice-Mayor Jarriel seconded the motion, for discussion.**

Council discussed the changes within the ordinance, and requested that the wordage, referencing State guidelines, be such as to not have to change sections in the Town's local ordinance each time the State makes changes. Parking requirements were addressed. The Town will defer to Florida State Statutes when in doubt.

**Upon roll call vote, the motion passed 5/0.**

8. **ADMINISTRATIVE UPDATE** – *Town Manager Kutney*

Town Manager Kutney noted two items that he will be discussed during the June Town Council meetings. One is the lighting on State Road 80, which was discussed in a meeting with the Florida Department of Transportation (FDOT); and the other is that the Florida Department of

Environmental Protection (FDEP) has the Town in their sites relative to the National Pollutant Discharge Elimination System (NPDES).

## 9. OLD BUSINESS

- a. Discussion of Road Improvement Policy
  - Methodology
  - Roads

Town Manager Kutney provided background, and reported he had placed additional paperwork on the dais for Council to review.

Town Manager Kutney then explained the Change Order Request made by North Florida Emulsions (NFE) for additional funds to finish the road repairs. Town Manager Kutney had provided notice to proceed to NFE and to Keshavarz and Associates, the Town Engineers; however, NFE started work on a weekend without benefit of a preconstruction meeting. The Change Order from NFE was for an additional eighty (80) tons of fill, and recommendation to proceed could not be granted without Council approval. Town Manager Kutney felt NFE should have been aware of road conditions prior to commencing work. He then read for the record a letter from Maziar Keshavarz dated May 20, 2014. The rut fill quotes were: Marcella Boulevard \$1,250 – ten (10) tons of fill; Compton Road, \$2,500 – twenty (20) tons of fill; and Bryan Road, \$3,620 twenty-nine (29) tons of fill.

**Motion: Councilman Rockett made a motion to accept the Change Order from NFE. Vice –Mayor Jarriel seconded the motion.**

Council discussed the improprieties of conduct referencing the Change Order, and how to conduct business properly.

Mayor Browning stated he was extremely disappointed to get a Change Order basically a day after the job commenced.

Members of the audience expressed their opinions.

**Upon vote, motion to accept the Change Order passed 3/2, with Councilman Goltzené and Mayor Browning casting dissenting votes.**

Mayor Browning called for a break, 8:26 to 8:36 p.m.

Once the meeting reconvened, Mayor Browning opened the floor for comments on road improvements.

Councilman Rockett reiterated the Council's position. In order to establish a fair basis for the entire Town, every resident on every road would have the opportunity to have their road resurfaced with OGEM, and assessed at one hundred dollars (\$100) per acre. There should be a

majority of residents in agreement to have their road resurfaced; if not, the road would remain a dirt road. Councilman Rockett is basing this on current funds as he is not interested in adding debt or raising taxes. He referenced Collecting Canal Road and B Road matters.

Councilman Goltzené agreed with the statements presented by Councilman Rockett. The issue is how the Town is going to pay, there is grant money available; however, without outside money it would be impossible for the Town to pay for all of these expenditures. If there is any debt to be incurred, the people will have to vote on it. Councilman Goltzene referenced the Roadway, Equestrian Trails and Greenways Advisory Committee (RETGAC) Meeting where Board Members suggested the Town take jurisdiction of Okeechobee Boulevard within the Town limits and install two (2) roundabouts for traffic control. This would be a good project to discuss with Palm Beach County. Currently we do not have the money, and we have to stop promising people to do things. He also addressed canal culvert bridges that extend off of Town roads.

Vice-Mayor Jarriel referenced the funds in the Town's bank account, and read Bill Underwood's addendum referencing debts and bonds. He elaborated on the financial numbers and road matters.

Councilman Liang noted the big question for capital improvement projects is the timeliness of how quickly the Town wants the project done. If the Town does not mind waiting, money can be saved and the projects can be paid for as we go; otherwise, the Town needs to look at all funding options.

Council continued to discuss budget matters, Loxahatchee Groves Water Control District management of roads, and what needs to be done to get roads improved throughout the Town.

Elise Ryan, 3508 A Road, wanted to add that the Town would need a referendum in order to borrow money. With regard to the finances, the revenue is flat and expenses are increasing. We have an overhead now and it is costly. Mrs. Ryan feels the Town is on a slippery slope with the current capital improvement plan, and for Council to possibly consider a referendum.

Virginia Standish, 15410 North Road, referenced an article in the *Town Crier*; she will play devil's advocate and recommend that the residents become proactive towards Minto, and find out how the Town can get compensation without placing a burden on the Town by strategizing for traffic alternatives.

Council reviewed with Town Manager Kutney the feasibility of taking over the Town portion of Okeechobee Boulevard from Palm Beach County.

Town Manager Kutney addressed a framework for the Budget and the need to establish a balance between fiscal and service needs. The Town is trying not to incur debt, and in turn to implement additional revenue. Over a series of meetings, Town Manger Kutney feels Council will be able to find a solution.

Mayor Browning stated the Town needs to be careful. He believes in Government Lite and he feels we are getting too heavy.

Keith Harris, 2580 C Road, and Chair for Roadway, Equestrian Trails, and Greenway Advisory Committee:

- Roadway Canal Crossings
- Town of Loxahatchee Groves Roadway Canal Crossing – A Study and Recommendation
- Town of Loxahatchee Groves Gas Tax Map
- Town of Loxahatchee Groves Vehicular Canal Crossing Photos

Keith Harris provided his presentation on culverts and canal crossings on Town roads and provided a copy of his presentation.

Council discussed the feasibility of repairing/replacing culverts on Town roads, and referenced the purpose of gas tax monies, and if those monies are being applied properly. Since culverts are part of the infrastructure of the Town, it would be feasible to establish a standard for installation, and possibly go out for bid, not to exceed \$100,000.

## **10. NEW BUSINESS**

- a. Debt Issue in Charter

Town Manager Kutney stated there was nothing more that needed to be said.

**Councilman Goltzené suggested that the June 17, and July 15, 2014, Town Council Meetings (second meetings of the month) be cancelled. It was the consensus of Council to agree to the cancellations.**

## **11. CLOSING COMMENTS**

- a. Public

Bill Louda, 1300 E Road, said “no to Minto”. He suggested Council look at the culvert standard submitted by Clete Saunier, former District Administrator of the Loxahatchee Groves Water Control District (LGWCD).

Virginia Standish, 15410 North Road, expressed her concern that the Town needs to use common sense in order to see if there is money available to protect the community.

- b. Town Attorney

Nothing further at this time.

c. Town Council Members

Vice-Mayor Jarriel thanked everyone for coming, and to be safe going home.

Councilman Liang thanked everyone for coming.

Councilman Rockett asked if Council could direct the Town Attorney to contact Palm Beach County concerning the legal prospective of taking over Okeechobee Boulevard during the future expansion project.

Town Attorney Cirullo stated there was a legal mechanism, but that the decision would be more policy, maybe it is best that Town Manager Kutney talk to the County Administrator first, and if it is a policy issue then determine where we can go from there. If there are any road blocks then Town Attorney Cirullo can talk to the County Attorney.

Councilman Rockett would like Staff to pursue this inquiry, and mentioned he likes a two lane country road that does not get expanded, but feels that is something Minto would not like.

Councilman Rockett would like a resolution to relay that the Town of Loxahatchee Groves is not in support of the Minto expansion. He also requested a discussion of the Town's Code Enforcement process and procedures, and any documentation to be placed on the next Town Council Agenda.

Town Manager Kutney noted he will be presenting a PowerPoint Presentation during the Financial Advisory and Audit Committee (FAAC) Meeting concerning the nuts and bolts Code Enforcement, of which he can also present to Council, if they wish. Town Manager Kutney did state the Town's policy was, in order to file a complaint; the complaint must be in the form of a written affidavit. The Town does not conduct proactive Code Enforcement.

Councilman Rockett wanted the Code Enforcement PowerPoint on the next agenda, and for Town Manager Kutney to provide, to Council, anything he could prepare in the meantime.

**It was the Consensus of Council to have the Town Attorney prepare a resolution stating the Town of Loxahatchee Groves is not in support of the Minto expansion.**

Councilman Goltzené thanked everyone for coming.

Mayor Browning would like the Town to take over the responsibility of Okeechobee Boulevard within the Town boundaries; however, the entire road is part of Palm Beach County's grand plan, and he does not think the request would be granted.

**12. ADJOURNMENT**

There being no further business to come before the Council, Mayor Browning adjourned the meeting at 10:17 p.m.

\_\_\_\_\_  
Janet K. Whipple, Town Clerk

\_\_\_\_\_  
David Browning, Mayor

These minutes were approved during the \_\_\_\_\_ Town Council Meeting.



# Town of Loxahatchee Groves

## Town Council Meeting

Tuesday, June 3, 2014 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 Janet K. Whipple  
Town Attorney Michael D. Cirullo, Jr.

### MINUTES

#### 1. OPENING

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:01 p.m. Present were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen Tom Goltzené, and Jim Rockett. Also present were Town Manager Mark Kutney, Town Attorney Mike Cirullo, Town Planning Technician Braeden Garrett, Town Planning Consultant Jim Fleischmann, and Town Clerk Janet K. Whipple. Councilman Ryan Lang was not present at this time.

- b. Pledge of Allegiance & Invocation – Mayor Browning

- c. Approval of Agenda

Town Manager Kutney requested that a presentation by Frank Schiola be added to *Presentations* as Item "d."

**Motion: Councilman Rockett made a motion to approve the Agenda, as amended. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.**

#### 2. CONSENT AGENDA

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

b. Minutes for Approval:

- May 6, 2014, Town Council Meeting

c. Approval of Connection of New Potable Water Service with Palm Beach County, Norma Davis – 14685 40<sup>th</sup> Street North, Loxahatchee Groves, FL 33470

**Motion: Vice-Mayor Jarriel made a motion to approve the Consent Agenda. Councilman Rockett seconded the motion. Upon vote, the motion passed 4/0.**

### **3. PUBLIC COMMENT**

Keith Harris, 2580 C Road, read a prayer referencing dual allegiance in our elected Town Government. Mr. Harris spoke on roads on the gas tax maps and the difference of opinions concerning this matter. He remarked that the Water District (LGWCD) is not his Town government. Mr. Harris noted many incidences and discussions concerning roads and culverts in which Vice-Mayor Jarriel should have recused himself, and did not.

David Braswell, 13118 Casey Road, requested that his road be paved and he will work with other residents along Casey Road. As he understands, the Town needs fifty-one percent (51%) of residents, in agreement, to proceed.

Amy Braswell, 13118 Casey Road, expressed her concern of three (3) drug rehabilitation houses on her road. Mrs. Braswell had called to report the activity but has not heard back. She wanted to know if these houses are legal.

### **4. PRESENTATIONS**

- a. Representative Mark S. Pafford, Florida House of Representative, District 86, to provide Legislative Update.

Representative Mark Pafford first responded to Mrs. Braswell's concern on drug rehabilitation houses. The State does not define these homes. A bill concerning the houses went thru the House and died, and it is a concern; however, at this time there is no legislation. Representative Pafford then reported that the proposed Palm Beach State College was not vetoed by the Governor; and there is a lack of funding for schools in the County and a lack of Health Care coverage.

John Ryan, Supervisor at the Loxahatchee Groves Water Control District (LGWCD), invited Representative Pafford to the District meeting for recognition of his leadership and efforts towards the community.

Mayor Browning appreciated Representative Pafford's work with the District Road Bill and the Equestrian Trails Bill that passed before the Special Acts of the Legislature.

- b. Phyllis Maniglia, representing the Loxahatchee Groves Land Owners Association, is requesting consideration of a monetary donation from the Town, as a sponsor for her attendance to the 2014 Florida Neighborhoods Conference in Orlando, July 11<sup>th</sup> and 12<sup>th</sup>, 2014.

Phyllis Maniglia, 359 West D Road, had come before Town Council to request sponsorship for her attendance to the Neighborhoods Conference in Orlando. The Loxahatchee Groves Land Owners Association was sending her as their representative; however, through other sponsorships she had met her expenses. She thanked Council for their consideration, and to those who had made donations as sponsor.

- c. Jim Fleischmann, Town Planning Consultant, to present the Unified Land Development Code Review Committee Summary Report.

Jim Fleischmann, Town Planning Consultant, provided background on the Unified Land Development Code (ULDC) Board Final Report.

Council briefly discussed the packet and Mayor Browning stated this information needed to be brought to Council as a separate agenda item or have a Special Workshop to review the information.

- d. Frank Schiola, to administer Certificates of Appreciation. *(added to the agenda per an amendment)*

Frank Schiola, 13434 Marcella Boulevard, came to the Town Council meeting to present Certificates of Appreciation to Councilman Jim Rockett and to John and Elise Ryan for their help during the Loxahatchee Groves Elementary School Annual Spring Carnival and Silent Auction. Mr. Schiola thanked them on behalf of the school.

## **5. COMMITTEE REPORTS**

- a. Elise Ryan, Chair for the Financial Advisory and Audit Committee (FAAC), to provide Financial Report ending April 2014.

Elise Ryan, Chair for the FAAC provided the Financial Report ending April 2014. As there were items in the Capital Budget that were not yet approved, she requested Council provide to Staff the items that need to be rolled over into the 2015-1016 Capital Budget.

Town Attorney Cirullo will meet with Town Manager Kutney and Perla Underwood for discussion on this matter.

**Motion: Councilman Rockett made a motion to approve the Financial Report ending April 2014. Councilman Goltzené seconded the motion. Upon vote, the motion passed 4/0.**

Council discussed the Budget.

**Motion: Councilman Rockett made a motion to have a second meeting in June to discuss the Budget.**

**After further discussion, the motion failed for lack of a second.**

Members of the audience expressed their support of two meeting per month, and suggested that a Workshop could be scheduled in July.

## 6. RESOLUTIONS

### RESOLUTION NO. 2014-05 (Opposition to Minto West Development Amendments):

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, OPPOSING THE AMENDMENTS TO THE PALM BEACH COUNTY COMPREHENSIVE PLAN PROPOSED FOR THE MINTO WEST DEVELOPMENT ON PROPERTY ABUTTING THE TOWN OF LOXAHATCHEE GROVES AND FORMERLY REFERRED TO AS CALLERY JUDGE GROVES; URGING THE PALM BEACH COUNTY COMMISSION TO DENY THE PROPOSED AMENDMENTS; PROVIDING FOR COPIES OF THIS RESOLUTION TO BE DISTRIBUTED TO AFFECTED ENTITIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Councilman Goltzené recused himself from voting, but not from discussion.** He stated there are people in Town who want to live in the 21<sup>st</sup> Century. Folks need to live with reality and realize growth will happen.

Town Attorney Cirullo read the title of Resolution No. 2014-05.

Council discussed portions they felt were vague, and how the impact of the Minto Project would affect the traffic flow in the Town.

**Motion: Councilman Rockett made a motion to approve Resolution No. 2014-05. Vice-Mayor Jarriel seconded the motion.**

Further discussion ensued with audience participation.

**Upon roll call vote, the motion passed 3/0.**

Council discussed notifying residents; however, upon further discussion the residents were encouraged to contact the Palm Beach County Commissioners with their individual concerns.

**7. ORDINANCES**

**a. ORDINANCE NO. 2014-04 2<sup>nd</sup> / FINAL READING / PUBLIC HEARING (Livestock Waste – Property Owners).** (rev 05/15/2014)

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE USE OF LIVESTOCK WASTE WITHIN THE TOWN; AMENDING THE TOWN’S UNIFIED LAND DEVELOPMENT CODE BY AMENDING PART III ENTITLED “SUPPLEMENTAL REGULATIONS,” ARTICLE 50 ENTITLED “PUBLIC NUISANCES” BY ADDING A NEW SECTION 50-035 TO BE ENTITLED “USE OF LIVESTOCK WASTE;” PROVIDING FOR DEFINITIONS; PROVIDING THAT THE USE OF LIVESTOCK WASTE IS A PUBLIC NUISANCE EXCEPT AS PROVIDED BY THIS SECTION; PROVIDING FOR REGISTRATION AND PERMITS, REQUIREMENTS AND LIMITATIONS ON THE DELIVERY AND USE OF LIVESTOCK WASTE; PROVIDING FOR REPORTING AND NOTICE REQUIREMENTS; PROVIDING FOR REVOCATION OF PERMITS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Attorney Cirullo read the title for Ordinance No. 2014-04, and advised Council the adoption will require four (4) affirmative votes to adopt on Second (2<sup>nd</sup>) Reading.

**Motion: Councilman Rockett made a motion to postpone the vote on Ordinance No. 2014-04 until all five (5) Council Members are present.**

Town Attorney Cirullo noted that by establishing a date certain, the Town will not have to notice the ordinance again.

**Councilman Rockett modified his motion to postpone until the July 1, 2014, Town Council Meeting. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 3/1 with Councilman Goltzené casting a dissenting vote.**

**b. ORDINANCE NO 2014-05: 2<sup>ND</sup> / FINAL READING / PUBLIC HEARING (Guns, Firearms, Gun Ranges).**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN’S UNIFIED LAND DEVELOPMENT CODE TO ELIMINATE REGULATIONS RELATING TO GUNS, FIREARMS AND GUN RANGES TO ADDRESS STATE PREEMPTIONS OF THE REGULATION OF**

**THESE SUBJECTS; PROVIDING FOR INTENT OF THE TOWN TO COMPLY WITH THE STATE'S PREEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Attorney Cirullo read the title of Ordinance No. 2014-05 and again advised Council that Ordinance No. 2014-05 also requires four (4) affirmative votes to adopt on Second (2<sup>nd</sup>) Reading.

**Councilman Rockett made a motion to approve Ordinance No. 2014-05. Councilman Goltzene seconded the motion. There being no discussion by Council or the audience, and upon roll call vote, the motion passed 4/0.**

**8. ADMINISTRATIVE UPDATE – *Town Manager Kutney***

Town Manager Kutney reminded Council of the meeting changes.

**9. OLD BUSINESS - *None***

**10. NEW BUSINESS**

- a. Florida Fish and Wildlife Conservation Commission Office of the General Counsel, re Local Ordinances and the Regulations of Captive Wildlife. (*Councilman Goltzené*)

Councilman Goltzené stressed that captive wildlife is the regulatory responsibility of the Florida Fish and Wildlife Conservation Commission (FWC), and the Town should remove Town responsibility from the Code Book. Captive wildlife has always been a part of Loxahatchee Groves, and as such, needs to be left alone by the Town.

Town Attorney Cirullo stated the matter is worth looking into, and he will work with Town Manager Kutney and Town Planning Consultant Fleischman, if Council wishes, to address this issue.

**It was the consensus of Council to direct the Town Attorney and Staff to review the Town Code in reference to captive wildlife.**

- b. Code Enforcement PowerPoint Presentation (*Town Manager Kutney – Receive and File*)

## 11. CLOSING COMMENTS

### a. Public

Phyllis Maniglia, 359 West D Road, reported that she had attended the Finance Advisory and Audit Committee (FAAC) Meeting, and after watching Town Manager Kutney's Code Enforcement Presentation, she advised Council that she would like to be on the next Town Council Agenda concerning Code Enforcement and review how the Town is closing cases. She also reported that Code Enforcement Officer Russ Elgin was allowed on her property to review the circumstances of her case, and he had stated that the Code Enforcement complaint was unfounded. Ms. Maniglia has not yet received a letter to that effect.

Jo Siciliano, 1530 B Road, wants to make sure she is maintaining her property correctly, what is her responsibility, and where can she find this information.

Mayor Browning suggested Ms. Siciliano contact Palm Beach County Emergency Management.

Vice-Mayor Jarriel suggested Ms. Siciliano also contact the Steve Yohe, the Loxahatchee Groves Water Control District Administrator.

John Ryan, 3508 A Road, referenced reports from the Unified Land Development Code (ULDC) Review Committee interim recommendations.

### b. Town Attorney

Town Attorney Cirullo had no report.

### c. Town Council Members

Councilman Goltzené thanked everyone for staying tonight. He felt the Town Council made a mistake regarding the Minto Project. Had the Town worked with Minto, fees that were contributed to Palm Beach County would have been given to Loxahatchee Groves. Councilman Goltzené also noted that the mean spirited actions are not acceptable and this has caused the Town to kick the folks in the teeth who could have helped us. Now the Town has to look at Representative Pafford for assistance. Talking to people is better than fighting and the silent majority just lost their chance; someday the Town will grow up.

Vice-Mayor Jarriel thanked everyone for coming and the having a full house.

Councilman Rockett thanked everyone for coming.

Mayor Browning disagrees with Councilman Goltzené, as it is his opinion that Minto wants to change it all. He noted most everyone was flooded during Tropical Storm Isaac. He also thanked everyone for coming.

**12. ADJOURNMENT**

There being no further business to come before Council, Mayor Browning adjourned the meeting at 8:22 p.m.

\_\_\_\_\_  
Janet K. Whipple, Town Clerk

\_\_\_\_\_  
David Browning, Mayor

These minutes were approved during the \_\_\_\_\_ Town Council Meeting.



**Item 2.c.**

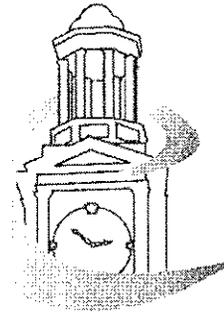
**Consent Agenda**

**City Services LLC Agreement**

# e-City Services LLC

## Agreement for Media Streaming and Media On Demand Services

e-City Services LLC, as a licensed reseller of Earthchannel® Communications LLC, will provide the following products and services to the Town of Loxahatchee Groves.



### EarthCaster encoder ECTV-Mini: Shipping Not Included

- H.264 encoders compatible with PC/Mac/Mobile formats
- Encoder is bundled as part of the service and are not available for purchase.
- Hardware-as-a-Service (HaaS) encoders are fully managed and serviced by EarthChannel to ensure maximum up-time and warrantied for the life of the service.
- Fully Managed Encoder Service includes expedited replacement shipping.
- Dedicated IP address required.
- Local network stream delivery, VOD creation, automatic upload & file synchronization.

\_\_\_\_\_  
(Initials) [Customer]

\_\_\_\_\_  
e-City Services LLC

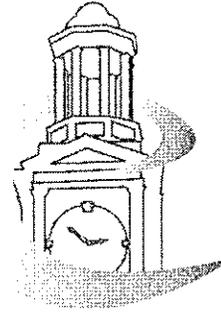
**e-City Services LLC is a licensed reseller of EarthChannel® streaming services & products**

**e-City Services LLC**

P.O. Box 197267  
Winter Springs, FL 32719  
(407) 964-1623

**Hosting, Streaming & Subscription Fees (1 IP Address) - \$2,995 per year**

- Unlimited U.S. viewer bandwidth for both live and/or VOD streams
- Unlimited support & training
- Unlimited video archived storage for 5 years
- Adequate bandwidth to support a minimum of 5,000 simultaneous streams
- 99+% Server uptime
- Unlimited use of the EarthChannel software for easy indexing and publishing
- Media Indexing (jump to agenda items)
- Ability to add attachments
- Viewership Reporting
- Rich Search Tools
- Cross-Platform Media Player (PC / Mac / Mobile)
- Choice of 320 x 240, 480 x 360, 640 x 480 media formats
- "TinyClip" media clipping tool
- Indexed & Non-Indexed players
- Term: 12-months, net 30. Auto-renewable unless given 60-days notice



**Town of Loxahatchee Groves  
14579 Southern Blvd. Suite 2  
Loxahatchee Groves, FL 33470**

**e-City Services LLC  
P.O. Box 197267  
Winter Springs, FL 32719**

\_\_\_\_\_  
(Signature) (Date)

\_\_\_\_\_  
Randy Perry  
Principal, e-City Services LLC

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(Title)

**e-City Services LLC is a licensed reseller of EarthChannel® streaming services & products**

**e-City Services LLC**

P.O. Box 197267  
Winter Springs, FL 32719  
(407) 964-1625



**Item 2.d.**

**Consent Agenda**

**Website Memorandum**

# Underwood Management Services Group, LLC

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

William F. Underwood, II  
Managing Partner  
Email: [umsg@att.net](mailto:umsg@att.net)

## Memorandum

TO: Honorable Mayor and Town Council  
FROM: William F. Underwood, II  
DATE: June 9, 2014  
SUBJECT: Annual Website Activity

I would like to take this opportunity to update the Town Council of the usefulness of the Town's website. Over the last year, there has been some question the value of the Town's website or believe the website has been ineffective in educating the Town's citizens. We recently received some statistics on the quantity of citizen activity with regard to the level of transparency the Town is providing through the use of the Town's website [www.loxahatcheegrovesfl.gov](http://www.loxahatcheegrovesfl.gov).

During the past twelve (12) months, the Town's website has improved transparency and reduced the need for staff to answer simple requests for information and fax or photocopy documents. We are confident the Town Council will be pleased to know:

- The website had over 32,500 visitors.
- The visitors viewed, looked at, or read more than 89,000 website pages.
- They also downloaded over 10,600 adobe acrobat (PDF) files.

We will be making some updated changes to the Town's website homepage as a refresher to the site while continuing to add more data, information, and files that are useful to your constituents in the Town. Over the next twelve months we will work toward providing community outreach information for the Town residents.

We know you are as pleased as we are with the contribution the Town's website is making to educate the citizens in the workings of their government.

WFU



**Item 2.e.**

**Consent Agenda**

**Legal Non-conforming Lot of  
Record**



## Town of Loxahatchee Groves

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

Carlos Lopez  
Keller Williams Realty  
12008 South Shore Blvd., Suite 33414  
Wellington, FL 33414

Re: "Legal Non-conforming Lot of Record" status of a parcel of land located at 14535 Paradise Trail, Loxahatchee Groves, FL 33470 (Parcel Control Number 41-41-43-17-01-342-0100).

Dear Mr. Lopez:

Based upon the documentation submitted (Ref: Attached E-Mail stream), the above referenced property qualifies under Section 75-010 of the Town of Loxahatchee Groves Unified Land Development Code (ULDC) as a Legal Non-Conforming Lot of Record. A Legal Non-Conforming Lot of Record may be used for any use permitted by the zoning district within which it is located, subject to Section 75-030 of the ULDC (copy attached). The above referenced lot is within the AR Agricultural Residential zoning district.

If you have any additional questions, please contact this office at: (561) 793-2418.

Sincerely,

Mark Kutney, Town Manager  
Town of Loxahatchee Groves

(encl):

1. Property Appraiser data and property aerial
2. E-Mail stream documenting "Lot of Record" status
3. ULDC Section 75-030.



Gary R. Nikolits, CFA  
**Property Appraiser**  
 Palm Beach County

Homestead Exemption **E-file** ▶



**Location Address** 14535 PARADISE TRL  
**Municipality** LOXAHATCHEE GROVES  
**Parcel Control Number** 41-41-43-17-01-342-0100  
**Subdivision** LOXAHATCHEE GROVES IN  
**Official Records Book** 26098 **Page** 1953  
**Sale Date** JUN-2013  
**Legal Description** LOXAHATCHEE GROVES E 107 FT OF W 749 FT OF N 169 FT OF S 338 FT OF TR 42 BLK C A/K/A COUNTRY ESTATES WEST UNR

**Owners**  
 VAISBERG DINA  
 VAISBERG ITZHAK &

**Mailing address**  
 4434 COLONY VIEW DR  
 LAKE WORTH FL 33463 7841

Sales Date	Price	OR Book/Page	Sale Type	Owner
JUN-2013	\$16,000	26098 / 1953	WARRANTY DEED	VAISBERG ITZHAK & KINNEY SHERRY E
NOV-1989	\$100	06273 / 1274	QUIT CLAIM	
JAN-1984	\$12,500	04136 / 1138	WARRANTY DEED	

No Exemption Information Available.

**Number of Units** 0 **\*Total Square Feet** 0 **Acres** 0.42  
**Use Code** 0000 - VACANT **Zoning** AR - Agricultural Residential ( 41-LOXAHATCHEE GROVES )

Tax Year	2013	2012	2011
Improvement Value	\$0	\$0	\$0
Land Value	\$19,552	\$21,486	\$26,858
Total Market Value	\$19,552	\$21,486	\$26,858

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$19,552	\$21,486	\$26,858
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$19,552	\$21,486	\$26,858

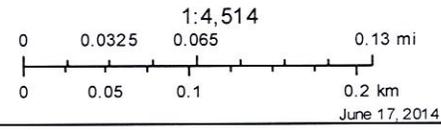
Tax Year	2013	2012	2011
Ad Valorem	\$392	\$437	\$558
Non Ad Valorem	\$209	\$92	\$151
Total tax	\$601	\$529	\$709



41-41-43-17-01-342-0100



created by: PBC Property Appraiser



**Subject:** FW: 41-41-43-17-01-342-0100  
**From:** Carlos and Shree (lopezwestrealty@outlook.com)  
**To:** Irmijim@bellsouth.net;  
**Date:** Tuesday, June 17, 2014 10:12 AM

Dear Mr. Fleischman,

Thank you for your call back today. Below you will see the entire email thread with Mr. Garrett's and the county's answers to our question about this property. Thank you for any answers you can give us.

Sincerely,

*Carlos*

**Carlos López and Shree West | Realtors®**  
**Keller Williams Realty Wellington**  
12008 South Shore Blvd Suite 201  
Wellington, FL, 33414  
**Carlos: 561-313-5180**

**Shree: 561-346-7003**  
Fax: 561-282-0834  
Email: [lopezwestrealty@outlook.com](mailto:lopezwestrealty@outlook.com)

Web: [PalmBeachSelectHomes.com](http://PalmBeachSelectHomes.com)





**From:** Carlos and Shree [mailto:lopezwestrealty@outlook.com]  
**Sent:** Monday, June 09, 2014 10:38 AM  
**To:** 'bgarrett@loxahatcheegrovesfl.gov'  
**Subject:** FW: 41-41-43-17-01-342-0100

Dear Mr. Garret,

I followed up with the county regarding the information you needed to see is the lot by the parcel number 41-41-43-17-01-342-0100 could receive a building permit. The County responded with the email you see below pointing to the record and history of the property and they are indicating that it was part of the plat, in its current configuration, since 1979. Will this information allow you to say if in fact this lot qualifies to receive a building permit in order to legally build a home on it?. I am including your original email to me in the email thread below.

I would thank you for any help or answers you can give us.

Sincerely,

*Carlos*

**Carlos López and Shree West | Realtors®**  
**Keller Williams Realty Wellington**

12008 South Shore Blvd Suite 201  
Wellington, FL, 33414  
**Carlos: 561-313-5180**

**Shree: 561-346-7003**  
Fax: 561-282-0834  
Email: [lopezwestrealty@outlook.com](mailto:lopezwestrealty@outlook.com)

Web: [PalmBeachSelectHomes.com](http://PalmBeachSelectHomes.com)



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**From:** Cheryl M. Horton [<mailto:CHorton@pbcgov.org>]  
**Sent:** Monday, June 09, 2014 8:45 AM  
**To:** 'lopezwestrealty@outlook.com'  
**Cc:** Marilyn Irby  
**Subject:** 41-41-43-17-01-342-0100

Good morning,

Marilynn Irby has forwarded your questions to me regarding the subject property.

I have researched this parcel back to 1976 when the parcel was part of a 43.24 acre tract. Our tax roll legal description for this area was Loxahatchee Groves, plat book 12 page 29 which was recorded in

1925. In 1979 a deed recorded in Official record book 2989 page 521 created a cut out and tax roll legal description for the current parcel configuration. This deed legal description is Loxahatchee Groves Plat and includes a reference to a/k/a Lt 30 in unrecorded Plat of James D. Carlton, Inc dated in 1961.

In 1985, our legal description was updated to include a/k/a Lt 30 in unrecorded Plat of Country Estates West. (I have not been able to find either unrecorded plat information). In 2007 the parcel was incorporated in the Loxahatchee Groves municipality.

I hope this information is helpful.

Sincerely,

-----  
Cheryl M. Horton, CFE, CMS  
Supervisor  
GIS Mapping Department  
**Palm Beach County Property Appraiser's Office**  
301 N Olive Ave, West Palm Beach, FL 33401  
Tel: 561 355-3330 Fax: 561 355-3065  
Email: [CHorton@pbcgov.org](mailto:CHorton@pbcgov.org)



[www.pbcgov.com/papa](http://www.pbcgov.com/papa)

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Under Florida Law e-mail addresses are public record. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

**From:** Braeden Garrett [<mailto:bgarrett@loxahatcheegrovesfl.gov>]  
**Sent:** Wednesday, June 04, 2014 11:43 AM

**To:** 'Carlos and Shree'  
**Subject:** RE: question

Good Morning,

Yes, they would be able to build a home, but they would have to provide proof that the lot is a “legal non-conforming” lot of record. Currently the Town requires 5 acres to build a home, but there were many lots that were split before incorporation. They could provide a plat that shows the split before incorporation, or find record on an old deed.

Sincerely,

Braeden Garrett

Planning Technician



## TOWN OF LOXAHATCHEE GROVES

14579 Southern Blvd, Suite 2

Loxahatchee Groves, FL 33470

(561) 793-2418: Phone

(561) 793-2420: Fax

[www.loxahatcheegroves.org](http://www.loxahatcheegroves.org)

**From:** Carlos and Shree [<mailto:lopezwestrealty@outlook.com>]  
**Sent:** Wednesday, June 04, 2014 10:38 AM  
**To:** Braeden Garrett  
**Subject:** question

Dear Mr. Garrett,

I was at your offices this morning and one of your colleagues told me you would be able to assist me in finding out whether the property described in the attachment to this email (PCN 41-41-43-17-01-342-0100) would qualify for a building permit by the Town of Loxahatchee Groves. We are realtors representing the owners of this property, but we needed to make sure a buyer would be able to build a house on it.

We really appreciate any assistance you can give us with this matter.

Sincerely,

Carlos

**Carlos López and Shree West | Realtors®**  
**Keller Williams Realty Wellington**  
12008 South Shore Blvd Suite 201  
Wellington, Fl, 33414  
**Carlos: 561-313-5180**

**Shree: 561-346-7003**

Fax: 561-282-0834

Email: [lopezwestrealty@outlook.com](mailto:lopezwestrealty@outlook.com)

Web: [PalmBeachSelectHomes.com](http://PalmBeachSelectHomes.com)



**Section 75-030. - Nonconforming plots of record.**

- (A) A nonconforming plot of record may be used for any use permitted by the zoning district within which the plot is located, provided the plot complies with all development standards except for required plot size and dimensions, and provided that specific uses required to have different plot area or dimensional requirements than generally required for other uses within the same zoning district, shall not be permitted on a nonconforming plot of record that does not comply with said plot size and dimensional requirements, unless the Town grants a variance for the size, setback, or dimensional requirement pursuant to the procedures and standards of Article 150, "Variances."
- (B) In order to ensure the reasonable use of property, the revised development standards shall apply to nonconforming lots of record as follows:
- (1) *Setbacks.* Setbacks for new development or redevelopment of a primary structure on a nonconforming plot of record may be reduced as follows:
    - a. *Nonconforming plots of one acre or less:* All required setbacks may be reduced by 50 percent.
    - b. *Nonconforming plots of between one and five acres:* All required setbacks may be reduced by 25 percent.
  - (2) *Plot coverage.* The combined area of all buildings and roofed structures on a nonconforming plot of record may be increased as follows:
    - a. *Nonconforming plots of one acre or less:* Maximum plot coverage may be increased by five percent of plot area.
    - b. *Nonconforming plots of between one and two acres:* Maximum plot coverage may be increased by two percent of plot area.
  - (3) *Pervious area.* The minimum pervious area for new development and redevelopment of a nonconforming plot of record may be reduced as follows:
    - a. *Nonconforming plots of less than one acre:* Required pervious area may be reduced by an additional five percent of plot area.



**Item 4.**

**PRESENTATIONS**

**No back up**



**Item 5.**

**COMMITTEE REPORTS**

**Financials Ending May 2014**

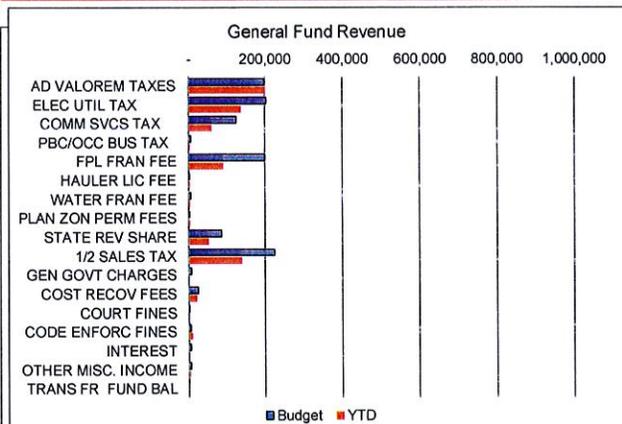


## Town of Loxahatchee Groves

### Financial Activity Report as of May 31, 2014

(67% of year elapsed)

#### General Fund Revenue Budget



General Fund Revenues			
Revenues	Budget	Year-to-Date	%
AD VALOREM TAXES @ 1.2000	197,297	201,265	102.0%
ELECTRIC UTILITY TAX	203,000	138,048	68.0%
COMMUNICATION SERVICES TAX	125,446	59,903	47.8%
COUNTY OCCUPATIONAL LICENSES	5,000	4,401	88.0%
FPL FRANCHISE FEE	200,000	91,241	45.6%
HAULER LICENSE FEE	2,000	3,805	190.3%
PBC WATER UTILITY FRANCHISE	5,050	3,716	73.6%
PLANNING & ZONING PERMIT FEES	100	4,022	4021.5%
STATE REVENUE SHARING	85,446	51,510	60.3%
HALF CENT SALES TAX	224,014	139,740	62.4%
GENERAL GOVERNMENT CHARGES	7,000	2,493	35.6%
COST RECOVERY FEES	25,000	21,471	85.9%
COURT FINES	2,500	-	-
CODE ENFORCEMENT FINES	5,000	9,648	193.0%
INTEREST	5,000	108	2.2%
OTHER MISC. INCOME	5,000	2,992	59.8%
TRANSFER FROM FUND BALANCE*	-	-	-
Total Revenues	1,096,853	734,362	67.0%

General Fund Expenditures			
Expenditures	Budget	Year-to-Date	%
LEGISLATIVE	103,885	32,436	31.2%
EXECUTIVE	285,230	186,265	65.3%
FINANCIAL AND ADMINISTRATIVE	24,250	17,610	72.6%
LEGAL COUNSEL	90,000	62,760	69.7%
COMPREHENSIVE PLANNING & ZONING	170,042	105,518	62.1%
OTHER GENERAL GOVERNMENT	128,665	58,923	45.8%
LAW ENFORCEMENT	280,781	186,854	66.5%
PUBLIC WORKS	14,000	1,350	9.6%
Total Expenditures	1,096,853	651,715	59.4%
Excess(deficiency)	-	82,647	-

#### YTD-Total Funds Expen. Budget

Expenditures	Budget	Year-to-Date	%
Total Townwide Budget	4,550,949	1,091,234	24.0%

#### Selected Other Funds

Transportation Fund	Budget	Year-to-Date	%
FIRST LOCAL OPTION FUEL TAX (6 CENT)	249,245	143,837	57.7%
SECOND LOCAL OPTION FUEL (5 CENT)	117,326	69,949	59.6%
CONTRIBUTION FROM GENERAL FUND	-	-	-
TRANSFER FROM FUND BALANCE	856,191	-	-
Total Revenues	1,222,762	213,785	17.5%
TRAFFIC CONTROL SIGNS (6 CT) MAINT.	6,000	3,656	60.9%
TOWN ROADS (6 CT) MAINT.	93,245	42,245	45.3%
DISTRICT ROADS (6 CT) MAINT.	150,000	2,915	1.9%
ROADS AND STREETS (5 CT)	-	-	-
SPECIAL PROJECTS (6 CT)	-	-	0.0%
148th TERR BRIDGE(5)CULVERT	-	-	-
CONSTRUCTION TOWN RDS & STREETS	-	-	-
TRANSFER TO CIP FUND	973,517	15,070	1.5%
Total Expenses	1,222,762	63,886	5.2%
Excess(deficiency)	-	149,900	-

Solid Waste Fund	Budget	Year-to-Date	%
SOLID WASTE ASSESSMENTS	432,873	396,878	91.7%
DISCOUNT FEES	(12,103)	(13,727)	113.4%
SWA RECYCLING INCOME	8,000	2,162	27.0%
CONTRIBUTION FROM GENERAL FUND	-	-	-
Total Revenues	428,770	385,313	89.9%
CONTRACTUAL-WASTE OVERSIGHT	7,010	18,047	257.4%
PBC ADMINISTRATION FEE 1%	4,460	3,667	82.2%
POSTAGE & FREIGHT	500	-	0.0%
SOLID WASTE CONTRACTOR	415,800	256,818	61.8%
OTHER SANITATION SERVICES	-	-	0.0%
LEGAL ADVERTISING	1,000	700	70.0%
MANAGEMENT FEES	-	-	-
Total Expenses	428,770	279,232	65.1%
Excess(deficiency)	-	106,081	-

Capital Improvement Program (CIP) Fund	Budget	Year-to-Date	%
CONTRIBUTION FROM TRANSPORTATION FUND	973,517	15,070	1.5%
TRANSFER FROM FUND BALANCE	829,047	81,332	9.8%
Total Revenues	1,802,564	96,402	5.3%
Develop Town Hall Alternatives	-	-	-
Surveying Town Roads	100,000	9,653	9.7%
OGEM Collecting Canal Road	943,630	-	0.0%
Okeechobee and D Road Traffic Light	250,000	6,000	2.4%
Town Roads OGEM Projects	100,000	51,855	51.9%
Trails	80,000	-	0.0%
D Road to Southern Blvd	300,000	-	0.0%
Purchase Roads from LGWCD	28,934	28,893	-
Total Expenses	1,802,564	96,401	5.3%

Contract Services Expenditures			
Expenditures	Budget	Year-to-Date	%
Waste Pro	415,800	191,691	46.1%
Palm Beach County Sheriff	280,281	140,141	50.0%
Underwood Management Services Group	373,148	205,635	55.1%
Goren, Cherof, Doody, Ezrol	90,000	60,603	67.3%
Tew & Associates	35,000	14,978	42.8%
Land Research Management	20,000	16,314	81.6%
Engineering Services*	140,000	69,117	49.4%
Frank Schiola	25,000	22,190	88.8%
YEE's Corporation	10,800	7,200	66.7%
Loxahatchee Water Control District	178,934	21,613	12.1%
Total Expenses	1,568,963	749,482	47.8%

\* Keshavarez & Assoc.; A&B Engineering, Simmon & White  
Represents consumption of fund balance. This is not true revenue by definition or reflected in GL in transactions



**BUDGET VS ACTUAL**  
**AS OF May 31, 2014**  
 67% Elapsed  
**General Fund**  
**Revenues**

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
001-311-100-000	Ad Valorem Taxes	10,555.30	201,264.83	-	197,297	3,967.83	102.0%
	<b>Ad Valorem Taxes Subtotal</b>	<b>10,555.30</b>	<b>201,264.83</b>		<b>197,297</b>	<b>3,967.83</b>	
001-314-100-000	Electric Utility Tax	18,263.06	138,047.59	-	203,000	(64,952.41)	68.0%
001-315-100-000	Communications Services	8,661.98	59,903.42	-	125,446	(65,542.58)	47.8%
001-316-200-000	County Occupational License	137.57	4,401.33	-	5,000	(598.67)	88.0%
	<b>Local Taxes Subtotal</b>	<b>27,062.61</b>	<b>202,352.34</b>		<b>333,446</b>	<b>(131,093.66)</b>	
001-323-100-000	FPL Franchise Fee	13,888.25	91,241.11	-	200,000	(108,758.89)	45.6%
001-323-125-000	Haulers License Fee	-	3,805.00	-	2,000	1,805.00	190.3%
001-323-300-000	PBC Water Utility Franchise	432.26	3,716.39	-	5,050	(1,333.61)	73.6%
001-329-100-000	Planning & Zoning Permit	900.00	4,021.50	-	100	3,921.50	-532.1%
	<b>Permits, Franchise Fees &amp; Special Subtotal</b>	<b>15,220.51</b>	<b>102,784.00</b>		<b>207,150</b>	<b>(104,366.00)</b>	
001-335-120-000	State Revenue Sharing	6,438.71	51,509.68	-	85,446	(33,936.32)	60.3%
001-335-180-000	Half Cent Sales Tax	21,845.33	139,739.69	-	224,014	(84,274.31)	62.4%
	<b>Intergovernmental Revenue Subtotal</b>	<b>28,284.04</b>	<b>191,249.37</b>		<b>309,460</b>	<b>(118,210.63)</b>	<b>61.8%</b>
001-341-000-000	General Government Charges	-	2,493.30	-	7,000	(4,506.70)	35.6%
001-343-349-000	Cost Recovery Fees	1,305.75	21,471.41	-	25,000	(3,528.59)	85.9%
	<b>Charges for Services Subtotal</b>	<b>1,305.75</b>	<b>23,964.71</b>		<b>32,000</b>	<b>(8,035.29)</b>	
001-351-100-000	Court Fines	-	-	-	2,500	(2,500.00)	
001-354-100-000	Code Enforcement Fines	-	9,647.50	-	5,000	4,647.50	193.0%
	<b>Code Enforcement Fines Subtotal</b>	<b>-</b>	<b>9,647.50</b>		<b>7,500</b>	<b>2,147.50</b>	
001-361-100-000	Interest	14.53	108.00	-	5,000	(4,892.00)	2.2%
001-369-000-000	Other Misc Income	358.43	2,991.54	-	5,000	(2,008.46)	59.8%
	<b>Other Misc Revenue Subtotal</b>	<b>372.96</b>	<b>3,099.54</b>		<b>10,000</b>	<b>(6,900.46)</b>	
001-399-000-000	Transfer from Fund Balance*	-	-	-	-	-	
	<b>Other Non-operating Sources Subtotal</b>	<b>-</b>	<b>-</b>		<b>-</b>	<b>-</b>	
	<b>Grand Total Revenue</b>	<b>82,801.17</b>	<b>734,362.29</b>	<b>-</b>	<b>1,096,853</b>	<b>(362,490.71)</b>	<b>67.0%</b>

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**TOWN OF LOXAHATCHEE GROVES**  
**BUDGET VS ACTUAL**  
**AS OF May 31, 2014**  
**67% Elapsed**  
**General Fund**  
**Expenditures**

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
001-511-310-000	Professional Services	-	-	-	60,000	60,000.00	0.0%
001-511-400-000	Travel	-	-	-	3,000	3,000.00	0.0%
001-511-492-000	Other Operating Expenses	-	196.10	-	1,500	1,303.90	13.1%
001-511-499-000	Other Current Charges - Council Reimbursement	2,500.00	22,500.00	-	30,000	7,500.00	75.0%
001-511-500-000	Education & Training	-	-	-	1,000	1,000.00	0.0%
001-511-510-000	Office Supplies	-	-	-	300	300.00	0.0%
001-511-520-000	Operating Supplies	-	-	-	300	300.00	0.0%
001-511-540-000	Books, Publications & Subscriptions	224.19	4,239.63	-	2,435	(1,804.63)	174.1%
001-511-820-000	Special Events/Contributions	5,000.00	5,500.00	-	5,350	(150.00)	102.8%
	<b>Legislative Total</b>	<b>7,724.19</b>	<b>32,435.73</b>	<b>-</b>	<b>103,885</b>	<b>71,449.27</b>	<b>31.2%</b>
001-512-340-000	Other Services	22,008.83	176,070.64	-	264,106	88,035.36	66.7%
001-512-400-000	Travel	146.67	657.44	-	1,000	342.56	65.7%
001-512-420-000	Postage & Freight - NEW	18.36	354.90	-	1,000	645.10	35.5%
001-512-490-000	Legal Advertising	-	141.60	-	1,000	858.40	14.2%
001-512-492-000	Other Operating Expenses	5.00	287.04	-	944	656.96	30.4%
001-512-493-000	Election Expense	-	247.50	-	8,010	7,762.50	3.1%
001-512-510-000	Office Supplies	716.57	8,055.78	-	8,600	544.22	93.7%
001-512-540-000	Books, Publications & Subscriptions	370.00	449.68	-	570	120.32	78.9%
	<b>Executive Total</b>	<b>23,265.43</b>	<b>186,264.58</b>	<b>-</b>	<b>285,230</b>	<b>98,965.42</b>	<b>65.3%</b>
001-513-320-000	Accounting and Auditing	-	16,700.00	-	18,000	1,300.00	92.8%
001-513-470-000	Printing and Binding	-	-	-	4,750	4,750.00	0.0%
001-513-490-000	Legal Advertising	-	910.00	-	1,500	590.00	60.7%
001-513-493-000	Election Expense (moved)	-	-	-	-	-	0.0%
	<b>Financial &amp; Administrative Total</b>	<b>-</b>	<b>17,610.00</b>	<b>-</b>	<b>24,250</b>	<b>6,640.00</b>	<b>72.6%</b>
001-514-310-000	Professional Services	11,196.35	62,760.25	-	90,000	27,239.75	69.7%
	<b>Legal Total</b>	<b>11,196.35</b>	<b>62,760.25</b>	<b>-</b>	<b>90,000</b>	<b>27,239.75</b>	<b>69.7%</b>

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**TOWN OF LOXAHATCHEE GROVES**  
**BUDGET VS ACTUAL**  
**AS OF May 31, 2014**  
**67% Elapsed**  
**General Fund**  
**Expenditures**

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
001-515-310-000	Professional Services	7,367.00	20,904.00	-	40,000	19,096.00	52.3%
001-515-340-000	Other Services	6,585.83	52,693.64	-	79,042	26,348.36	66.7%
001-515-343-000	Planning & Zoning Contract	-	876.25	-	20,000	19,123.75	4.4%
001-515-347-000	Comprehensive Plan	-	-	-	-	-	0.0%
001-515-349-000	Cost Recovery Expenditure	1,305.75	21,711.91	-	25,000	3,288.09	86.9%
001-515-490-000	Legal Advertising - NEW	636.40	9,331.84	-	6,000	(3,331.84)	155.5%
	<b>Comprehensive Planning &amp; Zoning Total</b>	<b>15,894.98</b>	<b>105,517.64</b>		<b>170,042</b>	<b>64,524.36</b>	<b>62.1%</b>
001-519-315-000	Special Magistrate	595.00	7,603.63	-	16,000	8,396.37	47.5%
001-519-354-000	Code Compliance	1,696.25	12,282.75	-	41,000	28,717.25	30.0%
001-519-410-000	Communications Services	639.51	4,431.59	-	5,700	1,268.41	77.8%
001-519-440-000	Rentals and Leases	1,278.41	12,283.59	-	20,000	7,716.41	61.4%
001-519-450-000	Insurance	-	15,111.00	-	18,000	2,889.00	84.0%
001-519-460-000	Repair & Maint - Building	-	1,600.00	-	2,450	850.00	65.3%
001-519-470-000	Printing and Binding	-	-	-	-	-	0.0%
001-519-480-000	Promotional Activities	-	-	-	-	-	0.0%
001-519-490-000	Computer Repair	139.94	739.13	-	2,500	1,760.87	29.6%
001-519-491-000	Computer Services	266.00	2,445.24	-	3,631	1,185.76	67.3%
001-519-494-000	Inspector General Office	-	2,218.00	-	5,280	3,062.00	42.0%
001-519-810-000	Aids to Govt Agencies Grant - LGWCD	-	-	-	-	-	
001-519-820-000	Loxahatchee Groves CERT	-	208.00	-	2,000	1,792.00	10.4%
001-519-900-000	Transfer to Transportation Fund	-	-	-	-	-	0.0%
001-519-910-000	Transfer to Sanitation Fund	-	-	-	-	-	
001-519-920-000	Transfer to Capital Projects	-	-	-	-	-	
001-519-990-000	Contingency	-	-	-	12,104	12,104.00	0.0%
	<b>Other Governmental Services Total</b>	<b>4,615.11</b>	<b>58,922.93</b>		<b>128,665</b>	<b>69,742.07</b>	<b>45.8%</b>
001-521-341-000	Professional Services-PBSO	23,356.75	186,854.00	-	280,281	93,427.00	66.7%
001-521-342-000	Contractual-ADDL PBSO	-	-	-	500	500.00	0.0%
	<b>Law Enforcement Total</b>	<b>23,356.75</b>	<b>186,854.00</b>		<b>280,781</b>	<b>93,927.00</b>	<b>66.6%</b>
001-539-310-000	Other Services	-	-	-	-	-	0.0%
001-539-340-000	Professional Services	96.71	1,349.67	-	14,000	12,650.33	9.6%
	<b>Public Works Total</b>	<b>96.71</b>	<b>1,349.67</b>		<b>14,000</b>	<b>12,650.33</b>	<b>9.6%</b>
	<b>Grand Total Expenditure</b>	<b>86,149.52</b>	<b>651,714.80</b>	<b>-</b>	<b>1,096,853</b>	<b>445,138.20</b>	<b>59.4%</b>
	<b>Net Revenue</b>	<b>(3,348.35)</b>	<b>82,647.49</b>		<b>-</b>		

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**TOWN OF LOXAHATCHEE GROVES  
BUDGET VS ACTUAL  
AS OF May 31, 2014**

67% Elapsed

**Transportation Fund  
Revenues**

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
101-312-410-000	1st Local Option Fuel Tax (1 to 6 cent)	23,809.93	143,836.93	-	249,245	(105,408.07)	57.7%
101-312-420-000	2nd Local Option Fuel Tax (1 to 5 cent)	11,000.86	69,948.56	-	117,326	(47,377.44)	59.6%
101-363-990-000	Contribution from General Fund	-	-	-	-	-	0.0%
101-399-000-000	Transfer from Fund Balance	-	-	-	856,191	(856,191.00)	0.0%
	<b>Total Revenue</b>	<b>34,810.79</b>	<b>213,785.49</b>		<b>1,222,762</b>	<b>(1,008,977)</b>	<b>17.5%</b>

**Transportation Fund  
Expenditures**

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
101-541-467-000	Traffic Control Signs (6 ct) Maint.	703.00	3,656.00	-	6,000	2,344.00	60.9%
101-541-468-000	Non-District Roads (6 ct) Maint.	15,494.98	42,244.90	-	93,245	51,000.10	45.3%
101-541-469-000	District Roads (6 ct) Maint.	-	2,915.00	-	150,000	147,085.00	0.0%
101-541-631-000	Road and Streets (5 cent)	-	-	-	-	-	0.0%
101-541-632-000	Special Projects (6 cent)	-	-	-	-	-	0.0%
101-541-634-000	148th Terr Bridge (5)/Culvert	-	-	-	-	-	0.0%
101-541-636-000	Construct Town Rds & Sts	-	-	-	-	-	0.0%
101-541-920-000	Transfer to Capital Projects	-	15,070.00	-	973,517	958,447.00	1.6%
101-541-990-000	Transfer to Fund Balance	-	-	-	-	-	0.0%
101-541-996-000	Transfer to Fund Balance	-	-	-	-	-	0.0%
	<b>Total Expenditure</b>	<b>16,197.98</b>	<b>63,885.90</b>		<b>1,222,762</b>	<b>1,158,876</b>	<b>5.2%</b>
	<b>Net Revenue</b>	<b>18,612.81</b>	<b>149,899.59</b>				

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**TOWN OF LOXAHATCHEE GROVES**  
**BUDGET VS ACTUAL**  
**AS OF May 31, 2014**  
**67% Elapsed**  
**Capital Improvement Program**  
**Revenues**

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
305-363-990-000	Contributions from General Fund	-	-	-	-	-	0.0%
305-363-991-000	Contributions from Transportation Fund	-	15,070.00	-	973,517	(958,447.00)	1.6%
305-399-000-000	Transfer from Fund Balance	28,893.00	81,331.50	-	829,047	(747,715.50)	9.8%
	<b>Total Revenue</b>	<b>28,893.00</b>	<b>96,401.50</b>	-	<b>1,802,564</b>	<b>(1,706,162.50)</b>	<b>5.3%</b>

Represents consumption of fund balance. This is not true revenue by definition or reflected in GL in transactions

**Capital Improvement Program**  
**Expenditures**

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
305-519-600-000	Develop Town Hall Alternatives	-	-	-	-	-	0.0%
305-541-610-000	Surveying Town Roads	-	9,653	-	100,000	90,347.00	9.7%
305-541-620-000	OGEM Collecting Canal Road	-	-	-	943,630	943,630.00	0.0%
305-541-630-000	Okeechobee and D Road Traffic Light	-	6,000.00	-	250,000	244,000.00	2.4%
305-541-640-000	Town Roads OGEM Projects	-	51,855.50	-	100,000	48,144.50	51.9%
305-541-650-000	Trails	-	-	-	80,000	80,000.00	0.0%
305-541-652-000	D Road to Southern Blvd	-	-	-	300,000	300,000.00	0.0%
305-541-654-000	Purchase Roads from LGWCD	28,893.00	28,893.00	-	28,934	41.00	99.9%
	<b>Total Expenditure</b>	<b>28,893.00</b>	<b>96,401.50</b>	-	<b>1,802,564</b>	<b>1,706,163</b>	<b>5.3%</b>
	<b>Net Revenue</b>	-	-	-	-	-	

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**TOWN OF LOXAHATCHEE GROVES**  
**BUDGET VS ACTUAL**  
**AS OF May 31, 2014**  
 67% Elapsed  
**Solid Waste Fund**  
**Revenues**

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
405-323-125-000	Haulers Licensing Fee - MOVED TO GF	-	-	-	-	-	0.0%
405-325-205-000	Solid Waste Assessments	5,255.45	396,878.33	-	432,873	(35,994.67)	91.7%
405-325-206-000	Discount Fees	-	(13,727.45)	-	(12,103)	(1,624.45)	113.4%
405-343-120-000	SWA Recycling Income	-	2,162.15	-	8,000	(5,837.85)	27.0%
405-363-990-000	Contributions from General Fund	-	-	-	-	-	0.0%
<b>Total Revenue</b>		<b>5,255.45</b>	<b>385,313.03</b>	<b>-</b>	<b>428,770</b>	<b>(43,456.97)</b>	<b>89.9%</b>

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
405-534-345-000	Contractual - Waste Over	2,178.75	18,047.12	-	7,010	(11,037.12)	257.5%
405-534-346-000	PBC Administration Fee 1	-	3,666.58	-	4,460	793.42	82.2%
405-534-420-000	Postage & Freight	-	-	-	500	500.00	0.0%
405-534-434-000	Solid Waste Contractor	33,577.50	256,818.14	-	415,800	158,981.86	61.8%
405-534-436-000	Other Sanitation Service	-	-	-	-	-	0.0%
405-534-490-000	Legal Advertising	-	700.00	-	1,000	300.00	70.0%
405-534-595-000	TOLG Management Fee	-	-	-	-	-	0.0%
<b>Total Expenditure</b>		<b>35,756.25</b>	<b>279,231.84</b>	<b>-</b>	<b>428,770</b>	<b>149,538.16</b>	<b>65.1%</b>
<b>Net Revenue</b>		<b>(30,500.80)</b>	<b>106,081.19</b>		<b>-</b>	<b>-</b>	

Note: YTD Fines credited to Service Provider invoicing - \$21,600.00

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**Item 6.**

**RESOLUTIONS**

**None**



**Item 7.a.**

**ORDINANCES**

**Ordinance No. 2014-04 (Livestock Waste Property Owners)**

**(2<sup>nd</sup>/Final Reading)**

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-04**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE USE OF LIVESTOCK WASTE WITHIN THE TOWN; AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE BY AMENDING PART III ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 50 ENTITLED "PUBLIC NUISANCES" BY ADDING A NEW SECTION 50-035 TO BE ENTITLED "USE OF LIVESTOCK WASTE;" PROVIDING FOR DEFINITIONS; PROVIDING THAT THE USE OF LIVESTOCK WASTE IS A PUBLIC NUISANCE EXCEPT AS PROVIDED BY THIS SECTION; PROVIDING FOR REGISTRATION AND PERMITS, REQUIREMENTS AND LIMITATIONS ON THE DELIVERY AND USE OF LIVESTOCK WASTE; PROVIDING FOR REPORTING AND NOTICE REQUIREMENTS; PROVIDING FOR REVOCATION OF PERMITS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, on April 3, 2012, the Town Council adopted Ordinance 2012-03, which amended and restated Ordinance 2010-03, to provide for properties eligible to receive manure and horse bedding materials (livestock waste), amend permit requirements and provide regulations on how such materials are used on eligible properties; and,

**WHEREAS**, the Town Council has heard concerns from Town Management and the public relating to the current permitting process and continued abuses by commercial haulers, and property owners, for dumping manure and horse droppings (livestock waste) on properties within the Town; and,

**WHEREAS**, the Town Council continues to be concerned with water quality within the drainage canals in the Town, and has heard from residents with scientific and academic backgrounds that raised phosphorous levels are possible from continued abuse of livestock waste dumping by commercial haulers, and property owners, within the Town; and,

**WHEREAS**, the Town Council believes that increased equestrian activities in neighboring municipalities during certain periods of time each year causes commercial haulers of livestock waste originating on facilities in those areas to seek out places in close proximity to those communities to dump their loads and avoid expenses and perhaps industry regulations associated with taking such loads to facilities designed to accept such; and,

**WHEREAS**, the Town Council believes that when used properly and in limited quantities, livestock waste can provide agricultural benefits, and thus a total ban on the delivery of livestock waste is not in the best interest of the community; and,

**WHEREAS**, on the other hand, improper disposal and use of Livestock Waste is a public nuisance, causing pollution concerns, attracting flies and emanating odors to nearby properties; and

**WHEREAS**, the Town Council seeks to balance permitting the limited and beneficial use of livestock waste with avoiding nuisances created by abuses associated with the dumping of such materials within the Town; and,

**WHEREAS**, the Town believes that given the limited beneficial use of livestock waste, it is fair and reasonable to require property owners of property on which livestock waste is to be deposited for use for agricultural purposes to obtain a permit from the Town so that public nuisances can be avoided and the Town can effectively enforce regulations and laws intended to prevent illegal dumping of livestock waste and prevent pollution.

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

**Section 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof. Ordinance 2012-03 is superceded as set forth herein.

**Section 2.** The Town’s Unified Land Development Code (ULDC) is amended to amend Part III, entitled “Supplemental Regulations,” Article 50, entitled “Public Nuisance,” to create a new Section 50-035, to be entitled “Use of Livestock Waste,” to read as follows:

**PART III – SUPPLEMENTAL REGULATIONS**

**ARTICLE 50 – PUBLIC NUISANCES**

**Section 50-035. – Use of Livestock Waste.**

(A) **Definitions.** All terms shall have the meanings set forth in Section 10-015 of the Unified Land Development Code, except as defined herein. The following definitions shall apply to this Section:

1. *Approved disposal site:* A real property for which a Town, county or state registration or permit has been issued for the disposal and/or processing of livestock waste, as amended from time to time, and/or a plot of land that is conducting bona fide agricultural activities in accordance with F.S. § 193.461.
2. *Bona fide agricultural purposes:* means farming, pasture, grove, or forestry operations, including horticulture, floriculture, viticulture, dairy, livestock, poultry, bee and aquaculture, consistent with Section 823.14, Florida Statutes (Right to Farm) and Section 570.02, Florida Statutes (Agriculture).
3. *Commercial livestock waste hauler:* Person(s), firm(s), corporation(s), or other legal entit(ies) permitted by the Town to provide livestock waste removal services for a fee within the Town in accordance with terms and conditions established by this ordinance.
4. *Composting:* The process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can easily and safely be stored, handled, and used in an environmentally acceptable manner within a period of 90 days.
5. *Hauler:* when used herein, collectively Commercial Livestock Waste Hauler and Livestock Waste Self-Haulers.

6. Livestock: Grazing animals, such as cattle, horses, sheep, goats, other ruminants, swine, ostriches, emus and rheas, which are used for private use or commercial purposes, or as defined by F.S. § 585.01, as may be amended from time to time.
  7. Livestock facility: Property under single ownership or control where livestock is raised and or boarded.
  8. Livestock waste: Wastes composed of excreta of animals and residual materials that have been used for bedding, sanitary, or feeding purposes for such animals. For purposes of this article, livestock waste that has been properly composted shall not be considered livestock waste.
    - (a) Livestock waste self-hauler: Property owner or authorized representative providing Livestock waste removal services from their own property within the Town, or delivering Livestock waste to their own property within the Town from a location within the Town, for personal use only by the owner or tenant of the receiving property, using a vehicle with a capacity no greater than ten (10) cubic yards.
  9. Livestock waste storage area: An area constructed of impermeable material such as concrete or asphalt; with an impermeable cover; or a mechanical storage container that can be sealed, lifted, and transported.
  10. Load: approximately twenty (20) to twenty-five (25) cubic yards of Livestock Waste.
  11. Public Nuisance: the unreasonable, unwarranted and/or unlawful activity and/or use of property, which causes inconvenience or damage to others, either to individuals and/or to the general public.
- (B) The deposit, dumping, and/or use of Livestock Waste, unless done in strict compliance with this Section is declared to be a public nuisance and is prohibited.
- (C) A property owner must obtain a permit from the Town prior to accepting any Livestock Waste on the property. A property owner may have only one permit at a time. An annual permit shall be valid from October 1 to September 30, and shall expire each September 30 regardless of the date it is issued. Property owners are responsible for the timely renewal of the annual permits.
- (D) The requirements for the permit required by subsection (C) are as follows:
1. With the exception of a Town Manager-approved permit for residential property hereinafter provided, the property on which the Livestock waste is to be deposited must be designated as agricultural by the Palm Beach County Tax Collector for property tax purposes; provided that when a property owner applies for the first

time to the Town for a permit, the property owner may obtain its initial permit notwithstanding not having the agricultural use tax designation when the property owner has filed an application with the Palm Beach Tax Collector for an agricultural use property tax designation and certifies to the Town Manager that the property owner is making a good faith effort to obtain the agricultural use tax designation as soon as possible. This exception shall apply only for the initial permit. No subsequent permits may be issued until the property obtains the agricultural use tax designation. Property owners of property designated as residential by the Palm Beach County Tax Collector may obtain a permit from the Town Manager when the property owner of the residential property demonstrates to the Town Manager that the Livestock Waste is solely for bona fide agricultural purpose on-site. The Town Manager shall advise the Town Council of all permits approved for residential properties.

2. The permit will be in the name of the record owner of the property. The property owner must be the applicant for the permit.
3. The property owner shall certify at the time of application that the Livestock Waste originates from within the Town or is shown by the filing of an affidavit by the property owner that it originated from outside the State of Florida.
4. The property owner must certify at the time of application that the Livestock Waste is being used by the property owner for bona fide agricultural purposes in appropriately limited quantities pursuant to Best Management Practices (BMP) or guidelines published by the Florida Department of Environmental Protection for

- the application of Livestock Waste (published guideline). The property owner shall provide the Town with a copy of the applicable BMP or published guideline.
5. The property owner must advise the Town at the time of application of the total quantity of Livestock Waste to be delivered to the property and its intended use.
  6. The property owner must identify whether he or she will be a Livestock Waste Self-Hauler, will use a Commercial Livestock Waste Hauler, or both. In the event a property owner intends to use a Commercial Livestock Waste Hauler, the property owner must identify the Commercial Livestock Waste Hauler, and the Commercial Livestock Waste Hauler must have a permit from the Town and be in compliance with the Town's ordinances at all times during the effectiveness of the owner's permit. A permit issued to a property owner pursuant this Section limits the property owner to using only one (1) Commercial Livestock Waste Hauler. The property owner must advise the Town in writing of a change in the Commercial Livestock Waste Hauler prior to receiving any Livestock Waste from the new Commercial Livestock Waste Hauler.
  7. The acceptance of a permit by the property owner shall provide consent for a Town representative to inspect the property solely for purposes of ensuring compliance with the terms of the permit.
  8. There shall be no charge for a Property Owner Permit.
  9. The Town may request copies of permits and licenses for the designated Commercial Livestock Waste Hauler, as well as drawings or layouts of the property to verify that the Livestock Waste shall be deposited and used in compliance with this Section 50-035.

- (E) The deposit of Livestock Waste is permitted only on Approved disposal sites within the Town.
- (F) Only Livestock Waste that originates from within the Town or is shown by the filing of an affidavit by the property owner that it originated from outside the State of Florida may be deposited on property within the Town.
- (G) Delivery of Livestock Waste by Commercial Livestock Waste Haulers shall be permitted only between the hours of 9:00 am through 4:00 pm, Monday through Friday, except holidays as listed on the Town website. Delivery of Livestock Waste by Commercial Livestock Waste Haulers is prohibited at all other times. Delivery must also be avoided during storm events, or when the ground is saturated.
- (H) The Property Owner may accept a maximum of ten (10) loads pursuant to the Permit, with a maximum of four (4) loads in a calendar month.
- (I) The Property Owner shall ensure that its Hauler does not dump Livestock Waste:
- a. within fifty (50) feet of the property line, or such other distance in this subsection (I), whichever is greater;
  - b. within two hundred (200) feet of any well or other private potable water source, provided that the distance shall be three hundred (300) feet from the private potable water source if the private potable water source is located down slope from the Livestock Waste dumping site. These distances apply whether the water source is on the property or beyond the property;
  - c. within five hundred (500) feet from a potable community well or water source. This distance applies whether the surface water is on the property or beyond the property;

- d. Within fifty (50) feet from surface waters where the site is level and has vegetative cover, or one hundred (100) feet if the soil surface slopes towards the water source or is void of vegetative cover. These distances apply whether the water source is on the property or beyond the property.
- (J) The Property Owner shall spread the Livestock Waste in accordance with BMP or published guidelines within seventy-two (72) hours of receipt of the materials. Upon receiving notice from the Town of flies, odors or other adverse effects, affecting neighbors, the Livestock Waste shall be immediately spread by the Property Owner. Property Owners are required to use appropriate equipment to properly spread Livestock Waste.
- (K) Livestock Waste shall not be spread or otherwise applied:
- a. within fifty (50) feet of the property lines or such other distance in this subsection (K), whichever is greater;
  - b. within two hundred (200) feet of any well or other private potable water source, provided that the distance shall be three hundred (300) feet from the private potable water source if the private potable water source is located down slope from the Livestock Waste dumping site. These distances apply whether the water source is on the property or beyond the property;
  - c. within five hundred (500) feet from a potable community well or water source. This distance applies whether the surface water is on the property or beyond the property;
  - d. Within fifty (50) feet from surface waters where the site is level and has vegetative cover, or one hundred (100) feet if the soil surface slopes towards the

water source or is void of vegetative cover. These distances apply whether the water source is on the property or beyond the property.

- (L) Crops should be planted as soon as possible after spreading, but in no case later than ninety (90) days after spreading. A failure to timely plant crops shall result in a revocation of the permit and the property owner shall not be eligible for a new permit for a period of one (1) year from the date of revocation.
- (M) The use of Livestock Waste as fill on property is strictly prohibited.
- (N) The property owner shall post a sign at the entrance on the property at the location where deliveries are received with a contact telephone number for neighbors to be able to contact the property owner about concerns with the delivery and/or use of Livestock Waste on the property.
- (O) Delivery Records shall be provided by property owners to the Town Manager each month, no later than the fifth (5<sup>th</sup>) business day of the month following the month for which the report is filed. The Delivery records shall identify the waste source, quantity in cubic yards, and the bona fide agricultural use of the Livestock waste. Failure to provide monthly delivery records shall result in the revocation of the permit. The Town reserves the right to audit the delivery records and request records from the Commercial Livestock Waste Hauler that delivered the Livestock Waste to the property. The failure to cooperate with such audit shall result in the revocation of a permit.
- (P) The Town Council reserves the right to amend this Ordinance at any time, and any such amendments will apply to both future permits and active permits unless specifically exempted by the Town Council.

(Q) Violations of this ordinance shall result in a revocation of a permit by the Town Manager. Violations of this ordinance by a permit holder's designated Commercial Livestock Waste Hauler shall be a violation by the permit holder. Should a person violate this ordinance on more than one (1) occasion during a calendar year, that person shall not be granted a permit from the Town for a period of one (1) calendar year from the date of the last violation.

(R) A violation of this ordinance is deemed by the Town Council to be a public nuisance.

(S) The Town Council specifically finds that a violation of this ordinance presents a public nuisance for purposes of enforcement of Section 403.413, Florida Statutes, and law enforcement officers charged with the enforcement of state and local laws within the Town shall strictly enforce Section 403.413, Florida Statutes. Upon the issuance of a violation notice under Section 403.413, Florida Statutes, or this ordinance, any permits issued by the Town to the property owner shall be suspended and the property owner shall cease accepting Livestock Waste until such time as a hearing is conducted or the fines paid.

(T) In addition to enforcement pursuant to Section 403.413, Florida Statutes, this ordinance shall be enforced as follows:

(1) Law enforcement officers are authorized to enforce this ordinance. In addition to penalties resulting from a violation of Section 403.413, Florida Statutes, the fines for violations of this ordinance shall be:

<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>All Additional Offenses</u>
<u>\$350</u>	<u>\$400</u>	<u>\$450</u>	<u>\$500</u>

- (2) The Town may also file charges for any offense in a court with jurisdiction, in which case the penalty shall be a fine of \$500, imprisonment not to exceed sixty (60) days, or both, for each violation of this ordinance. The Town shall recover its costs of prosecution, including attorney's fees, filing fees, and personnel costs for law enforcement and Town employees.
- (3) To the extent authorized by law, the Town Administration is authorized to use the Town's Code Enforcement process to enforce violations of this ordinance where a law enforcement officer has not otherwise issued violations of Section 403.413, Florida Statutes, or of this ordinance. In such instances, the fine shall be the maximum permitted by law. The Town shall recover its costs of prosecution, including attorney's fees, filing fees, and personnel costs for law enforcement and Town employees.
- (4) Each day a violation remains, and each delivery by a Commercial Livestock Waste Hauler for which there is no permit, constitutes a separate violation of this ordinance.
- (U) Nothing in this ordinance is to be construed to permit a Solid Waste Management Facility in conflict with Town state and county regulations.

**Section 3. Effect on Ordinance 2012-03.** The provisions herein as to regulations for Property Owners for delivery and use of Livestock Waste, referred to in Ordinance 2012-03 as "manure and horse bedding," supersede and replace regulations as to delivery and use of Livestock Waste on properties within the Town in Ordinance 2012-03.

**Section 4. Repeal of Laws in Conflict.** All Ordinances or part of Ordinances in conflict herewith are in the same are hereby repealed to the extent of such conflict.

**Section 5. Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

**Section 6. Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

**Section 7. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS \_\_\_ DAY OF \_\_\_\_\_, 2014.**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS \_\_\_ DAY OF \_\_\_\_\_, 2014.**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Janet K. Whipple, Town Clerk

\_\_\_\_\_  
Vice-Mayor Ron Jarriel

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Tom Goltzené

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Council Member Jim Rockett

MDC



**Item 8.**

**ADMINISTRATIVE UPDATE**

**(No Backup)**



**Item 9.a.**

**OLD BUSINESS**

**CDBG Block Grant Agreement**

**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:** June 25, 2014

**SUBJECT:** Renewed Interlocal Cooperation Agreement Between Palm Beach County and The Town Of Loxahatchee Groves for Fiscal Years 2015, 2016, and 2017.

**I. BACKGROUND/HISTORY**

On July 11<sup>th</sup>, 2011 the Town of Loxahatchee Groves entered into an agreement with Palm Beach County granting the common power to perform Community Block Grant (CDBG), Emergency Shelter Grant (ESG) Program, and Home Investment Partnerships Program (HOME) activities within their jurisdictions. The County and the Municipality agree to cooperate to undertake or assist in undertaking community renewal and lower income housing assistance activities; and to cooperate in the implementation of the goals and objectives of the County's Consolidated Plan, as approved by the U.S. Department of Housing and Urban Development (HUD).

**II. DISCUSSION**

Amin Houry, Technical Services Coordinator at the Department of Economic Sustainability of Palm Beach County, is requesting a signed agreement by July 25<sup>th</sup>, 2014.

**III. FISCAL IMPACT**

- N/A

**IV. ATTACHMENTS**

- One (1) copy of 2015-2017 Interlocal Cooperation Agreement
- One (1) copy of the July 12<sup>th</sup>, 2011 Interlocal Cooperation Agreement

**V. REQUESTED ACTION**

Town Management recommends a motion by Town Council to approve the ICA and authorize the Mayor to execute the same.



May 27, 2014



Mr. Mark Kutney, Town Manager  
Town of Loxahatchee Grove  
14579 Southern Boulevard #2  
Loxahatchee, Florida 33470

Re: Participation in the Urban County Program for FY 2015-2017

Dear Mr. Kutney:

The current cooperation agreement between the Town of Loxahatchee Grove and Palm Beach County through which the Town of Loxahatchee Grove participates in the Palm Beach County Urban County Jurisdiction is expiring. The Town of Loxahatchee Grove is therefore invited to execute a new agreement to participate in the Palm Beach County Urban County Program for FYs 2015, 2016 and 2017 and which will automatically renew every three years upon the Town's concurrence. The agreement will enable your municipality and its residents to continue to access funds under the Community Development Block Grant (CDBG), Home Investment Partnerships (HOME) Program, and Emergency Solutions Grant (ESG) Programs as a part of the Palm Beach County Entitlement Jurisdiction. In addition, by participating with the County, your municipality will be eligible to receive economic stimulus or disaster recovery funding which is distributed to the County by the U.S. Department of Housing and Urban Development (HUD).

The Department of Economic Sustainability (DES) will provide to you the unsigned agreement within 10 days of the date of this letter. HUD has established a very short deadline to receive the executed agreement, therefore, DES is requesting that the agreements be placed on the agenda of your earliest Town Commission meeting. DES will be in touch with you to ascertain the name of a Town staff contact and provide them any required assistance. We will also be available to attend your Town Commission's meeting to give a presentation and answer questions

Be advised that participation in the County's Program will preclude your application for State CDBG funds, but you may still apply for State HOME and ESG funds if the state allows. If you choose not to renew this agreement, by June 20, 2014, you must notify DES and HUD in writing of your decision not to participate in the County's Urban Entitlement

**Department of  
Economic Sustainability  
Strategic Planning & Operations**

100 Australian Avenue, Suite 500  
West Palm Beach, FL 33406  
(561) 233-3600  
www.pbcgov.com/des



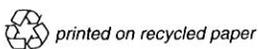
**Palm Beach County  
Board of County  
Commissioners**

- Priscilla A. Taylor, Mayor
- Paulette Burdick, Vice Mayor
- Hal R. Valeche
- Shelley Vana
- Steven L. Abrams
- Mary Lou Berger
- Jess R. Santamaria

**County Administrator**

Robert Weisman

"An Equal Opportunity  
Affirmative Action Employer"





Jurisdiction. Please address such notification to DES's address listed above and to HUD as follows:

Ann D. Chavis, CPD Director  
U.S. Department of Housing & Urban Development  
Florida State Office, Brickell Plaza Federal Building  
909 Southeast First Avenue, Room 500  
Miami, FL 33131

If you have any questions, please contact Carlos Serrano, Director, Strategic Planning and Operations at 561-233-3608 or Clement Clarke, Principal Planner at 561-233-3622.

Sincerely,

A handwritten signature in blue ink, which appears to read "Edward W. Lowery".

Edward W. Lowery, J.D., Director  
Department of Economic Sustainability

cc: Janet Whipple, Town Clerk, Town of Loxahatchee Grove  
Sherry Howard, Deputy Director, DES  
Betsy Barr, Director of Contracts and Quality Control, DES  
Carlos Serrano, Director, Strategic Planning, DES  
Clement C. Clarke, Principal Planner, DES

**INTERLOCAL COOPERATION AGREEMENT  
BETWEEN PALM BEACH COUNTY  
AND  
TOWN OF LOXAHATCHEE GROVES**

**THIS AGREEMENT** made and entered into on \_\_\_\_\_, by and between **Palm Beach County**, a political subdivision of the State of Florida, hereinafter referred to as the "County", and **Town of Loxahatchee Groves**, a municipality duly organized and existing by virtue of the laws of the State of Florida, hereinafter referred to as the "Municipality".

**WHEREAS**, the parties hereto have the common power to perform Community Development Block Grant (CDBG) Program, Emergency Solutions Grant (ESG) Program and Home Investment Partnerships (HOME) Program activities within their jurisdictions, said common powers being pursuant to Section 125.01, Florida Statutes, and Chapter 163, Part III, Florida Statutes; and

**WHEREAS**, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act" authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

**WHEREAS**, Title I of the Housing and Community Development Act of 1974, as amended, mandates that a county must enter into interlocal cooperation agreements with municipalities in its jurisdiction for the purposes of implementing CDBG activities within said municipalities; and

**WHEREAS**, such interlocal cooperation agreements are also required to implement the HOME Program under Title II of the National Affordable Housing Act of 1990, as amended, and the ESG Program under the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act); and

**WHEREAS**, the County desires to join with the Municipality in order to carry out the planning and professional services necessary to implement the CDBG, ESG and HOME Programs during Federal Fiscal Years 2015, 2016 and 2017, and during subsequent Federal Fiscal Years; and

**WHEREAS**, the County and the Municipality agree to cooperate to undertake or assist in undertaking community renewal and lower income housing assistance activities; and

**WHEREAS**, the County and Municipality wish to cooperate in the implementation of the goals and objectives of the County's Consolidated Plan, as approved by the U.S. Department of Housing and Urban Development (HUD); and

**WHEREAS**, the Municipality desires to cooperate with the County for the purpose of implementing the CDBG, ESG and HOME Programs; and

**WHEREAS**, the governing bodies of the County and the Municipality have each authorized this Agreement.

**NOW, THEREFORE**, in consideration of the mutual promises and covenants herein contained, it is agreed as follows:

1. This Agreement covers the CDBG, ESG and HOME Programs and pertains to funds that the County is qualified to receive from HUD under said Programs for Federal Fiscal Years 2015, 2016 and 2017 which cover the three-year urban county qualification period beginning on October 1, 2015, and ending on September 30, 2018 (hereinafter the "Qualification Period"). This Agreement shall remain in effect until the CDBG, ESG and HOME funds and program income

received (with respect to activities carried out during the Qualification Period and during any subsequent three-year qualification periods covered by any renewal of this Agreement) are expended and the funded activities are completed. Neither the Municipality nor the County may terminate, or withdraw from, this Agreement while it remains in effect.

2. This Agreement shall be automatically renewed for a three-year qualification period at the end of the Qualification Period and at the end of each subsequent qualification period unless either party provides the other party a written notice in which it elects not to participate in a new qualification period. If such notice be given, the party electing not to participate shall also send a copy of the written notice to the HUD field office with jurisdiction over the County.

The County shall, by the date specified in HUD's Urban County Qualification Notice for the next qualification period, notify the Municipality in writing of its right not to participate, and the County shall provide a copy of such written notice to the HUD field office with jurisdiction over the County by the date specified in the Urban County Qualification Notice.

3. While this Agreement is in full force and effect, during the Qualification Period and during any subsequent three-year qualification periods covered by any renewal of this Agreement, the County and the Municipality agree to amend this Agreement to incorporate any changes necessary to meet the requirements for cooperation agreements as set forth by HUD in its Urban County Qualification Notices applicable to all subsequent three-year qualification periods, and to provide HUD such amendments as provided in the Urban County Qualification Notices. Failure to comply with the aforesaid shall void the automatic renewal of this Agreement.
4. The Municipality, by executing this Agreement, understands that:
  - (a) It may not apply for any grants from appropriations under the State of Florida CDBG Program for fiscal years during the period in which it participates in the County's CDBG Program.
  - (b) It may receive a formula allocation under the HOME Program only through the County. Even if the County does not receive a HOME formula allocation, the Municipality understands that it may not receive HOME Program funds from a HOME consortium with other local governments. This, however, does not preclude the County or the Municipality from applying to the State of Florida for HOME Program funds if the State of Florida so allows.
  - (c) It may receive a formula allocation under the ESG Program only through the County. This, however, does not preclude the County or the Municipality from applying to the State of Florida for ESG Program funds if the State of Florida so allows.
5. This Agreement is contingent upon the County's qualification as an "urban county" under the CDBG Program as determined by HUD, as well as HUD's award of funds under the CDBG, ESG and HOME Programs.
6. The County and the Municipality agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities. The County and the Municipality also agree to cooperate to enable the County to expend CDBG, ESG and HOME Program funds on eligible activities within the Municipality's jurisdiction during the Qualification Period and during any subsequent qualification periods covered by the renewal of this Agreement.
7. The Municipality shall assist and cooperate with the County in the preparation of the HUD required Consolidated Plan for the use of CDBG, ESG, and HOME Program funds. The County shall prepare the Consolidated Plan application and other necessary documents, and shall take full responsibility and assume all obligations as the applicant. The County and the Municipality agree to comply with said Consolidated Plan and implement activities as outlined in the Action Plan approved by HUD for the use of CDBG, ESG, and HOME Program funds. The

County and the Municipality agree that the County is hereby permitted to undertake or assist in undertaking essential community development and housing assistance activities within the Municipality's jurisdiction.

8. The County, through its Department of Economic Sustainability, shall assist the Municipality in undertaking all professional and administrative services necessary for the purposes of implementing activities of the CDBG, ESG and HOME Programs, including preparation of all applications and other necessary documents, planning and other administrative activities, as required.
9. Pursuant to 24 CFR 570.501(b), the Municipality is subject to the same requirements applicable to subrecipients, including the requirements of a written agreement as described in 24 CFR 570.503.
10. The Municipality may not sell, trade, or otherwise transfer all or any portion of CDBG Program funds to another metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG Program funds in exchange for any other funds, credits or non-Federal considerations, but must use such CDBG Program funds for activities under Title I of the Housing and Community Development Act of 1974, as amended.
11. The Municipality and the County shall take all actions necessary to assure compliance with the County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The Municipality and the County shall comply with Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975), the Americans with Disabilities Act of 1990 and other applicable laws. The County shall not fund any activities in, or in support of, the Municipality should the Municipality not affirmatively further fair housing within its jurisdiction or should the Municipality impede the County's actions to comply with the County's fair housing certification.
12. The Municipality agrees that no person shall on the grounds of race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity or expression, or genetic information, be excluded from the benefits of, or be subjected to discrimination under, any activity carried out by the performance of this Agreement. Upon receipt of evidence of such discrimination, the County shall have the right to terminate this Agreement.
13. The Municipality has adopted, and is enforcing, a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and the Municipality has adopted, and is enforcing, a policy of enforcing applicable State and local laws against physically barring entrance to, or exit from, a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.
14. Palm Beach County has established the Office of Inspector General in Palm Beach County Code, Section 2-421 - 2-440, as may be amended. The Inspector General's authority includes, but is not limited to, the power to review past, present and proposed County contracts, transactions, accounts and records, to require the production of records, and to audit, investigate, monitor, and inspect the activities of the Municipality, its officers, agents, employees, and lobbyists in order to ensure compliance with contract requirements and detect corruption and fraud. Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be in violation of Palm Beach County Code, Section 2-421 to 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.

- 15. No provision of this Agreement is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Agreement, including but not limited to any citizen or employees of the County and/or the Municipality.
- 16. Nothing contained herein shall be deemed to authorize the delegation of the constitutional or statutory duties of the state, county or municipal officers.
- 17. A copy of this Agreement shall be filed with the Clerk and Comptroller in and for Palm Beach County.
- 18. Any prior agreements or contracts regarding the duties and obligations of the parties enumerated herein are hereby declared to be null and void.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officials.

(MUNICIPAL SEAL BELOW)

**TOWN OF LOXAHATCHEE GROVES, a municipality duly organized and existing by virtue of the laws of the State of Florida**

ATTEST:

By: \_\_\_\_\_  
David Browning, Mayor

By: \_\_\_\_\_  
Janet K. Whipple, Town Clerk

By: \_\_\_\_\_  
Mark Kutney, Town Manager (if applicable)

(COUNTY SEAL BELOW)

**PALM BEACH COUNTY, FLORIDA, a Political Subdivision of the State of Florida**  
**BOARD OF COUNTY COMMISSIONERS**

ATTEST: SHARON R. BOCK,  
Clerk & Comptroller

By: \_\_\_\_\_  
Priscilla A. Taylor, Mayor

By: \_\_\_\_\_  
Deputy Clerk

Document No.: \_\_\_\_\_

Approved as to Form and  
Legal Sufficiency

Approved as to Terms and Conditions  
Department of Economic Sustainability

By: \_\_\_\_\_  
Tammy K. Fields,  
Chief Assistant County Attorney

By: \_\_\_\_\_  
Sherry Howard  
Deputy Director

**LEGAL CERTIFICATION BY PALM BEACH COUNTY**

As Legal Counsel for Palm Beach County, Florida, I hereby state that the terms and provisions of this Agreement entered into on \_\_\_\_\_ by and between **Palm Beach County** and **Town of Loxahatchee Groves** are fully authorized under State and local law, and that the Agreement provides full legal authority for Palm Beach County to undertake, or assist in undertaking, community renewal and lower income housing assistance activities.

\_\_\_\_\_  
Tammy K. Fields, Chief Assistant County Attorney  
Palm Beach County, Florida



**Item 9.b.**

**OLD BUSINESS**

**Discussion of 43<sup>rd</sup> Road North**

April 7, 2014



Town of Loxahatchee Groves  
14579 Southern Blvd. Suite 2  
Loxahatchee Groves, FL 33470

To whom it may concern,

Please remove my portion of 43Road North from the Gas Tax Revenue map.

Attached please see my attached Affidavit regarding this issue.

Regards,

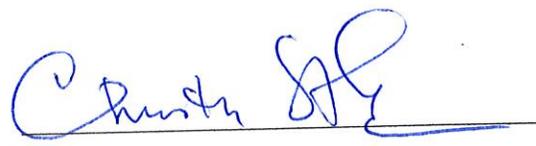
Christine St. John  
14220 43<sup>rd</sup> Road North  
P. O. Box 479  
Loxahatchee Groves, FL 33470

STATE OF FLORIDA  
COUNTY OF PALM BEACH

By \_\_\_\_\_

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgements, personally appeared Christine M. St. John, who after being first duly sworn by me, deposes and says:

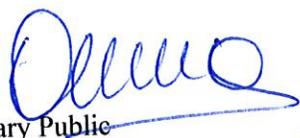
1. My name is Christine M. St. John; I am over 18 years of age. The statements made in this affidavit are true and are based on my personal knowledge and experience.
2. I have been a resident of Loxahatchee Groves, Florida for over 14 years.
3. I currently reside at 14220 43<sup>rd</sup> Road North, Loxahatchee Groves, Florida I have owned this property since May, 1999.
4. I have been maintaining the portion of the private road which lies on my property for over 14 years.
5. I DECLARE under penalty of perjury that the foregoing is true and correct. Executed this 7<sup>th</sup> day of April, 2014.



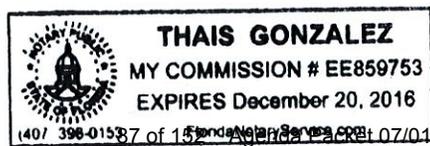
Christine St. John  
14220 43<sup>rd</sup> Road North  
Loxahatchee Groves, FL 33470  
  
Mailing address: P.O. Box 479  
Loxahatchee, FL 33470

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, on this day personally appeared Christine M. St. John, who I know or who has shown \_\_\_\_\_ as legal identification, and who after being by me first duly sworn, deposes and states that she executed the foregoing Affidavit and that the statements contained therein are true and correct to the best of her knowledge and belief.  
WITNESS my hand and official seal at Loxahatchee Groves on this 7 day of April, 2014.



Notary Public  
My Commission Expires:



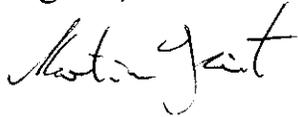
Town of Loxahatchee Groves  
14579 Southern Blvd. Suite 2  
Loxahatchee Groves, FL 33470

To whom it may concern,

Please remove my portion of 43 Road North from the Gas Tax Revenue map.

Attached please see my attached Affidavit regarding this issue.

Regards,

A handwritten signature in cursive script that reads "Martin Geist".

Martin Geist  
14036 43<sup>rd</sup> Road North  
Loxahatchee Groves, FL 33470

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgements, personally appeared Martin Geist, who after being first duly sworn by me, deposes and says:

1. My name is Martin Geist; I am over 18 years of age. The statements made in this affidavit are true and are based on my personal knowledge and experience.
2. I have owned the property located at 14036 43<sup>rd</sup> Road North, Loxahatchee Groves, Florida since January 2002.
3. A portion of the private road, 43rd Road North, is located on my north easement and has been maintained by my neighbors and my tenants.
4. I DECLARE under penalty of perjury that the foregoing is true and correct. Executed this day of April, 2014.



Martin Geist  
14036 43<sup>rd</sup> Road North  
Loxahatchee Groves, FL 33470

BEFORE ME, the undersigned authority, on this day personally appeared Martin Geist, who I know or who has shown Passport - Germany as legal identification, and who after being by me first duly sworn, deposes and states that he executed the foregoing Affidavit and that the statements contained therein are true and correct to the best of his knowledge and belief.

WITNESS my hand and official seal at Chicago, IL, on this 19 day of April, 2014.



Notary Public

My Commission Expires: 5/12/14

April 14, 2014

To: Mayor David Browning, Town Council Members

Cc: Mark Kutney, Town Manager and Stephen Yohe, LGWCD

From: Christine M. St. John, 14220 43<sup>rd</sup> Road North, Loxahatchee Groves

Re: Supplement to my request of April 7, 2014 to have my road removed from the Town of Loxahatchee Groves Gas Tax Map

I, along with five other property owners in the Moore Groves subdivision of Loxahatchee Groves believe that 43<sup>rd</sup> Road North is a private road and have stated as such in legal filings in the civil case Michael Laudadio v Darrin Swank 502012CA016296XXXXMB. Copies of these are attached;

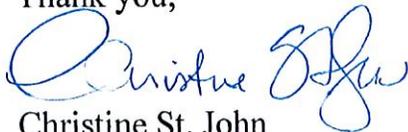
- Councilman James Rockett
- James L. Berke (owner of Moore Groves property at time of lawsuit)
- Luz M. Fernandez
- Christine St. John
- Martin Geist
- Lesly P. Rauberts

In addition, former property owner James Berke has gated the western section of the road and the new owners, Little Turtle Creek, LLC. have chosen to leave the gates in place.

The Town has failed to supply a Maintenance Map (or survey) recorded in the Palm Beach County Office of the Clerk and Comptroller designating 43<sup>rd</sup> Road North as a public road.

Please reference House Bill 1045 (now law) and House Bill 1335 for the requirements needed for prima facie evidence of the public's easement rights. (A true copy of both Bills is attached.)

Thank you,



Christine St. John  
14220 43<sup>rd</sup> Road North

October 15, 2012

Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida

Case No. 50 2012 CA 016296 XXXX MB AH (may be incorrect, unintelligible on document)

Michael Laudadio and Diane Laudadio, Plaintiffs v. Darrin Swank et al, Defendants

I object to this Complaint and the General Allegations that are inaccurate and misleading.

The only viable ingress/egress for the plaintiffs is south from their property along 145<sup>th</sup> Road North and then west along the easement until they can cross over the existing culvert bridge on the north end of road.

Trespass or taking of property rights along 43<sup>rd</sup> Road North is not an option and will be resisted with all legal means available including but no limited to a counter suit against Michael Laudadio and Diane Laudadio.

James M Rockett  
14155 43<sup>rd</sup> Road North  
Loxahatchee, FL 33470

Nancy L Rockett  
14155 43<sup>rd</sup> Road North  
Loxahatchee, FL 33470

FILED  
12 OCT 16 PM 2:28  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
CIRCUIT PROC. DATE 3

COPIES MAILED PER CIVIL  
PROCEDURE 1.080(G)  
DATED 10/19/2012  
SHARON R. BOCK  
CLERK & COMPTROLLER  
BY DEPUTY CLERK

Case # 50 2012 CA 016296 XXXX M9 ? (unintelligible) AH

Laudadio vs James L. Berke & James L. Berke Trustee

Defendant's Response Count I: The Laudadios as well as all of the defendants have been deeded a legal ingress and egress easement just immediately north and adjacent to the existing maintenance road (LWCD) on the north side of the North Rd. canal, which they have been using to access their property on a daily basis since they purchased their property ten years ago. By simply clearing some vegetation and placing some shell rock on that existing easement, they will have a legal and designated right of way off of their property.

Defendant's Response Count II: The Laudadios have never been deeded access on 43<sup>rd</sup> North which is a private easement deeded only to those properties which immediately border that road. There is no reason legally or practically for them to be granted an easement across private lands, when they already have a legal ingress and egress to their property on North Rd.

FILED  
2012 SEP 28 AM 8:37  
SHARON R. BOCK  
CLERK  
PAJON B. BAKER  
CLERK  
COURT  
CLERK & COMPTROLLER

It is my understanding that the Loxahatchee Water Control District in several workshops held over the past few years have suggested my remedy to Count I and have even proposed possible costs for such work ( Cleat Saunier/ Supervisor LWCD.

It is also my understanding that the Town of Loxahatchee Groves considers 43<sup>rd</sup> Rd. as a private easement strictly for the use of the residents whose lands it borders and not as a through road into the town.

James L. Berke & James L. Berke Trustee of  
James L. Berke Living Revocable Trust(7/19/07)

4348 145<sup>th</sup> Ave. North

P.O. Box 326

Loxahatchee, Fl. 33470

COPIES MAILED PER CIVIL  
PROCEDURE 1.480(a)  
DATED 10/3/2012  
SHARON R. BOCK  
CLERK & COMPTROLLER

September 24<sup>th</sup>, 2012

FILED  
2012 SEP 28 AM 10:13  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY  
CIRCUIT CIVIL

To: IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT IN AND  
FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 50 2012 CA 016296 XXXX MB. AH

From: DEFENDANT LUZ M. FERNANDEZ      Plaintiffs: Michael Laudadio  
14279 43<sup>rd</sup> Road N.      vs      AND Diane Laudadio.  
Loxahatchee, FL 33470

To whom it may concern;

My name is Luz M. Fernandez owner of the property located  
at 14279 43<sup>rd</sup> Road N. Loxahatchee, FL 33470.

I am writing this letter in response to the above case  
No. On September 6<sup>th</sup>, 2012 I received a summons in  
reference to 43<sup>rd</sup> Road North. The plaintiffs "The Laudadios"  
want to have legal access ingress/egress to this 43<sup>rd</sup> Road.

I personally object to the access of 43<sup>rd</sup> Road which is  
a private road. and plaintiffs legal description of their  
property do not include the easement for 43<sup>rd</sup> Road North.  
therefore the plaintiffs should not have access to.

Sincerely,



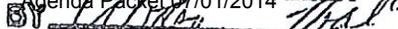
Luz M. Fernandez

COPIES MAILED PER CIVIL  
PROCEDURE 1.080(g)

DATED 09/24/12

SHARON R. BOCK

CLERK & COMPTROLLER

BY 

September 21, 2012

Circuit Court of the Fifteenth Judicial Circuit In and for Palm Beach County, Florida

Case NO. Unintelligible: 50 2012 CA 016296 XXXX MB AH (may be incorrect, unintelligible on document)

Michael Laudadio and Diane Laudadio, Plaintiffs v. Darrin Swank et al, Defendants

The Complaint outlined is incomplete and misleading, to wit:

There already exists a recorded easement, known as 40th Road North, immediately adjacent to and to the north side of the Loxahatchee Groves Water Control District canal maintenance road, for the benefit of the Laudadios and other residents living on 145th Ave. North. The problem is that this easement has not been maintained. Rather than cure the problem, thereby eliminating the necessity of this lawsuit, the owners Laudadio et al seek instead to make the residents of 43rd Road North responsible for the refusal to maintain the easement for ingress and egress they already have. It is not my fault that there has been a failure to maintain this easement.

Further, I see no justifiable reason to add to the traffic flow of 43rd Road North and the resultant added frequency and expense of maintenance of 43rd Road North because the Plaintiff's own property has not been maintained. Given they have refused to maintain the easement they already have, there is no reason to believe they will contribute to the maintenance of 43rd Road North.

Further, the Town of Loxahatchee Groves took the position in a letter sent to Michael Laudadio dated January 28th 2010 that the road known as 43<sup>rd</sup> Road North is all on private property; that there is no public easement along this road to allow public use of that stretch of the road; therefore it is considered a private road on private property without any public access rights.

I am opposed to the Complaint and will vigorously defend my rights in this matter.



Lesley P. Rauberts  
14280 43<sup>rd</sup> Road North  
Loxahatchee  
Florida 33470

COPIES MAILED PER CIVIL  
PROCEDURE 1.080(b)  
DATED 9/28/2012  
SHARON R. BOCK  
CLERK & COMPTROLLER

FILED

2012 SEP 24 PM 12:47

SHARON R. BOCK, CLERK  
PALM BEACH COUNTY  
CIRCUIT CIVIL / PROBATE

IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH  
COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. 502012CA016296XXXXMB

5/27

MICHAEL LAUDADIO and DIANE  
LAUDADIO,  
Plaintiffs,

v.

DARRIN SWANK, JODI SWANK, CHRISTINE  
ST. JOHN, JAMES L. BERKE, Individually  
and as Trustee of the James L. Berke Living  
Revocable Trust Dated July 19, 2007, DANIEL J.  
FORTUNA, EVE B. FORTUNA, FRANK CANAS,  
GEORGE PODRAY, LORI PODRAY, MARTIN  
GEIST, STEVE FARBER, DAMON C. ROCKETT,  
JAMES M. ROCKETT, NANCY L. ROCKETT,  
FERNANDO NEGRIN, ALONSO CARIDAD,  
ISABELLE MANOU, LESLEY P. RAUBERTS,  
LUZ M. FERNANDEZ, and LOXAHATCHEE  
GROVES WATER CONTROL DISTRICT,

Defendants.

\_\_\_\_\_ /

ANSWER

Pro se defendant, Christine St. John, hereby submits her Answer to the original complaint and reserves her right to file an amended Answer to include an action of seeking declaratory judgment and injunction to remove two gates placed by co- defendant James Berke across two sections of the easement granting ingress /egress to her property. These two gates unreasonably interfere with the easement as the two gates are not electronic gates.

## HISTORICAL FACTS

1. CHRISTINE ST. JOHN is a resident of Palm Beach County, Florida, residing in property as more particularly described on Exhibit A attached hereto, and which property is commonly known as 14220 43<sup>rd</sup> Road North, Loxahatchee Groves, Florida 33470.
2. The ST. JOHN property is adjacent to the private road 43<sup>rd</sup> Road North, a road that runs east and west and bisects the Moore Groves subdivision. To the east it intersects 140<sup>th</sup> Avenue North, (a road which is maintained by the neighboring Indian Trails Improvement District (ITID) and not by Loxahatchee Groves Water Control District (LGWCD), which provides access to the outside world. To the west it intersects with 145<sup>th</sup> Avenue North, a dedicated road which runs south from that intersection to 40<sup>th</sup> Street North, which runs west, and which, for a distance of approximately 604 feet intersects with "D" Road after crossing a culvert (over the North Road canal), which provides access to the outside world.
3. According to Palm Beach County ORB 3739/0542 the Moore Groves legal description for 30' ingress and egress easement is described as follows: "The North 30 feet of the East Three-Quarter of the South One-Half of the North One-Half of the Southeast One Quarter of Section 8, Township 43 South, Range 41East, Palm Beach County, Florida".
4. A controversy exists as to where the actual road bisecting Moore Groves subdivision lays on the ground. Co-Defendant, Loxahatchee Groves Town Council member James Rockett disputed the actual location of the road, on the ground of 43rd Road North, during his testimony in the recent Civil Court case (15<sup>th</sup> Judicial Circuit) Sunsport Gardens, Inc. v. [Co-Defendant] Christine St. John, Case # 502010CA007050XXXXAO. As a result, a professional land surveyor must locate the exact location, on the ground of 43rd Road North which must include a complete boundary survey of the fifty-five (55) acre Moore

IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH  
COUNTY, FLORIDA  
CIVIL DIVISION

CASE NO. 502012CA016292XXXXMB

# 28  
Sept 28, 2012

Michael Laudadio and Diane Laudadio, Plaintiffs,

v.

Darrin Swank, Jodi Swank, Christine St. John, James L. Berke, Individually and as Trustee of the James L. Berke Living revocable Trust dated July 19, 2007, Daniel J. Fortuna, Eve B. Fortuna, Frank Canas, George Podray, Lori Podray, Martin Geist, Steve Farber, Damon C. Rockett, James M. Rockett, Nancy L. Rockett, Fernando Negrin, Alonso Caridad, Isabelle Manou, Lesley P. Rauberts, Luz M. Fernandez, and Loxahatchee Groves Water Control District,

Defendants.

Response to the Complaint

I, Martin Geist, submit my response to this lawsuit brought against me by plaintiff. I live in Germany and I own over 5 acres property on 14036 43rd Road North, Loxahatchee Groves Florida. I have a legal 30' feet easement on my north part of the property which is designated to the road 43rd Road North. My neighbor across from me does not have a road easement. This fact is recorded with the courts as I discovered when I gave easement rights for a water pipe running across my property..

I came to Florida Thursday September 27, 2012 to file this response with the court. I do not have any documents with me to back up what I state in this response but they are true and I will be able to provide the court with the documents if needed.

I object to this lawsuit. I also did object for years to the Loxahatchee Water Control District working on the road, 43rd Road North, my 30' easement for liability reasons and the Town of Loxahatchee Groves

if a serious accident will happen in the near future. I have never signed any document allowing any district to work on my property and I told them I decline all liability.

My legal entrance to my property is west on my property at 145th Ave. I object to pay for anything to do with 43rd Road North. This is a private road and my neighbors used to grade the road and add fill when the trucks from the commercial business on the road damage the road.

I did file this document September 29, 2012 with the Court in Palm Beach County, Florida and mailed a copy of this letter to attorney James S. Telepman and provided him with my e-mail address.

Martin Geist

(Mailing address) 3445 Flossmoor Ave., Orlando Florida 32822

*See pg 2*

A bill to be entitled

An act relating to the Loxahatchee Groves Water Control District, Palm Beach County; amending chapter 99-425, Laws of Florida, as amended; providing for the dedication of the width of roads to the public; providing requirements for such dedication; providing for prima facie evidence of public road easements; exempting certain property of an electric utility; assigning traffic control jurisdiction on all public roads within the district to the Town of Loxahatchee Groves; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 8 is added to section 2 of chapter 99-425, Laws of Florida, as amended by chapter 2004-410, Laws of Florida, to read:

Section 8. Dedication of width of certain roads within the district.-

a. Improvement of four public roads identified in paragraphs (1) through (4) was approved at referendum pursuant to paragraph c. of section 4 of chapter 2004-410, Laws of Florida, after January 1, 2009, and before December 31, 2010. The width of these roads, to the extent that they have been actually constructed and maintained or repaired continuously and uninterruptedly by the district for 7 years, shall be dedicated through easement rights to the public pursuant to this act. The four public roads subject to this section are as follows:

29 (1) "A" Road to include the following description: "A"  
30 Road from Okeechobee Boulevard to North Road and North  
31 Road approximately one-quarter mile east from "A" Road  
32 intersection.

33  
34 (2) "C" Road (South) to include the following  
35 description: "C" Road from Collecting Canal Road to  
36 Okeechobee Boulevard and Collecting Canal Road  
37 approximately one-quarter mile each way, east and west  
38 from "C" Road intersection.

39  
40 (3) "C" Road (North) to include the following  
41 description: "C" Road from Okeechobee Boulevard to North  
42 Road and North Road approximately one-quarter mile each  
43 way, east and west from "C" Road intersection.

44  
45 (4) "D" Road to include the following description: "D"  
46 Road from Okeechobee Boulevard to North Road and North  
47 Road approximately one-quarter mile each way, east and  
48 west from "D" Road intersection.

49  
50 b. The filing of a map in the office of the clerk of the  
51 circuit court of the county in which the road is located showing  
52 the lands and reciting on it that the road has been dedicated in  
53 accordance with subsection a. or by any other means of  
54 acquisition, duly certified by the chair and secretary of the  
55 district, shall be prima facie evidence of the public's easement  
56 rights.

57 |       c. This section does not apply to any facility of an  
58 | electric utility which is located on property otherwise subject  
59 | to this section.

60 |       d. The Town of Loxahatchee Groves shall have traffic  
61 | control jurisdiction over all public roads located within the  
62 | district.

63 |       Section 2. This act shall take effect upon becoming a law.

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See pg 2

A bill to be entitled  
An act relating to the Loxahatchee Groves Water  
Control District, Palm Beach County; amending chapter  
99-425, Laws of Florida, as amended; providing for the  
dedication of road right-of-way easements to the  
public; providing requirements for such dedication;  
providing for prima facie evidence of such public road  
right-of-way easements; exempting certain property of  
an electric utility; assigning continuing traffic  
control jurisdiction on all public roads within the  
district to the Town of Loxahatchee Groves; providing  
an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 9 is added to section 2 of chapter 99-  
425, Laws of Florida, as amended, to read:

Section 9. Roads presumed to be dedicated.-

a. When a road within the district has been constructed by  
the district, and when such road has been maintained or repaired  
continuously and uninterruptedly for 7 years by the district, an  
easement for such road over, under, across, upon, through, and  
within the underlying real property for road right-of-way  
purposes shall be deemed to be dedicated to the public to the  
extent of the width that has been actually maintained or  
repaired for the prescribed period, whether or not the road has

27 | been formally established as a public road. The dedication shall  
28 | vest such easement in and to the road in the public, whether or  
29 | not there is a record of conveyance, dedication, or  
30 | appropriation to the public use.

31 | b. The filing of a map in the office of the clerk of the  
32 | circuit court of the county where the road is located showing  
33 | the lands and reciting on it that the road has been dedicated in  
34 | accordance with subsection a., or by any other means of  
35 | acquisition, duly certified by the chair and secretary of the  
36 | district, shall be prima facie evidence of the public's easement  
37 | rights.

38 | c. This section does not apply to any facility of an  
39 | electric utility which is located on property otherwise subject  
40 | to this section.

41 | d. The Town of Loxahatchee Groves shall continue to have  
42 | traffic control jurisdiction over all public roads located  
43 | within the district.

44 | Section 2. This act shall take effect upon becoming a law.



**Item 9.c.**

**OLD BUSINESS**

**Phyllis Maniglia – no back up**



**Item 10.a.**

**NEW BUSINESS**

**FY 2014/2015 Budget**



# Town of Loxahatchee Groves

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

June 25, 2014

Honorable Mayor and Town Council  
The Town of Loxahatchee Groves, Florida

The Town of Loxahatchee Groves  
Fiscal 2014-2015 Budget Message

Mayor and Town Council:

Pursuant to Section 3(e) 4. of the Town Charter, I am pleased to transmit the Town Manager's preliminary Town Budget for FY 2015 and the Capital Improvement Plan (CIP) for FY 2015-2019. The preliminary budget is balanced as required by Florida Statutes. Unlike the 2014 Budget, the Town received good news that the preliminary estimate of total taxable value is \$197,445,482 which represents an increase of 10.4 % over the previous year total taxable value. In fact, this increase was the second largest of all municipalities in Palm Beach County and shows that the Town will be in a positive position to move forward in the future. Several large development projects are on the horizon with the future building of Phase 1 of Palm Beach State College, Loxahatchee Groves Commons, and Loxahatchee Groves Town Center. Additionally, other investors have taken notice and continually make inquiries to Town Staff. I believe the future is bright for the Town.

## Budget Summary

- The recommended budget for all funds is \$2,379,845 and is comprised of the following: General Fund \$1,114,597; Transportation Fund \$364,385; Capital Improvement Fund \$472,934; and Solid Waste Fund \$427,929
- The General Fund Revenue Budget is predicated upon a millage rate increase of 0.3 mills from 1.2000 to 1.5000 mills
- Ad Valorem property taxes account for 23.19% of the General Fund Budget and 10.86% of the entire Town-Wide Budget
- The Capital Improvement Plan for FY2015-2019 represents a total of \$770,110. The FAAC previously reviewed the Capital Budget/Program at their May Meeting and will continue review of the budget/program at their June 30 Meeting. The FAAC recommended approval of the other three fund budgets

## General Fund Summary

- With the exception of the Ad Valorem property taxes, all other revenue sources remained constant. Reductions were estimated for the Communications Services Tax and the FPL Franchise Fee
- Legal Services was raised by \$30,000 to account for the increase in various legal matters
- The PBSO Professional Services Contract increased by 1%
- In Other General Government, Rentals and Leases increased by \$14,783 or 73.915% to cover increased expenses

### Transportation Fund Summary

- All revenues within this fund have remained constant
- \$150,000 is appropriated for Road Maintenance via Water Control District 6c local Option Fuel Tax
- \$117,326 was transferred to fund balance (5c Local Option Fuel Tax)
- \$25,000 was set aside as a special project to address Equestrian Crossings on Okeechobee Boulevard

### Capital Improvement Fund Summary

- An appropriation of \$100,000 for the surveying of Town Roads, these roads will be determined
- Projects funding the traffic signal at Okeechobee Boulevard and D Road (\$244,000), and Equestrian Trails (\$100,000) are identified for the FY 2015 Capital Budget Year

### Solid Waste Fund Summary

- Essentially estimated revenues have remained constant in this fund and appropriations have followed the same

### Conclusion

The Town continues to move forward on a number of fronts. FEMA Flood Mapping, NPDES and the Southern Boulevard expansion are projects that will continue to require Staff time and expense. Additionally, Town Council has asked Staff to pursue jurisdictional control of Okeechobee Boulevard. Staff continues to work on Comprehensive Plan amendments to Okeechobee and Southern Boulevards and these amendments should be ready for adoption in FY 2015. Many of these projects and others will potentially add to future budget pressures necessitating a strong strategic planning/visioning process during the next Fiscal Year.

I would like to thank the Town Council for their guidance and the support of all Town vendors as Town Management moves forward with the process of enhancing the Town's future.

Respectfully submitted



Mark A. Kutney  
Town Manager  
Underwood Management Services Group



**Recommended Revenue Estimates and Appropriations  
for Fiscal Year 2014-15**

General Fund										
Estimated Revenues										
Acct	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 12-13 Audited	FY 13-14 Budget	Year to Date APRIL 30, 2014	FY 2014-15 Proposed Budget	FAAC Proposed Budget	Council Recommend	Council Adopted
001-311-100-000	Ad Valorem Taxes	265,670	214,645	210,006	197,297	190,710	258,509	258,509	-	-
	<b>Taxes - Ad Valorem Taxes Subtotal</b>	<b>265,670</b>	<b>214,645</b>	<b>210,006</b>	<b>197,297</b>	<b>190,710</b>	<b>258,509</b>	<b>258,509</b>	<b>-</b>	<b>-</b>
001-314-100-000	Electric Utility Tax	223,319	203,118	225,396	203,000	119,785	203,000	203,000		
001-315-100-000	Communications Services	153,947	138,478	117,082	125,446	51,241	105,000	105,000		
001-316-200-000	County Occupational License	9,596	10,419	8,588	5,000	4,264	5,000	5,000		
	<b>Taxes Subtotal</b>	<b>386,862</b>	<b>352,015</b>	<b>351,066</b>	<b>333,446</b>	<b>175,290.00</b>	<b>313,000</b>	<b>313,000</b>	<b>-</b>	<b>-</b>
001-323-100-000	FPL Franchise Fee	219,169	188,222	185,002	200,000	77,353	185,000	185,000		
001-323-125-000	Haulers Licensing Fee			2,000	2,000	3,805	-	-		
001-323-300-000	PBC Water Utility Franchise	10,727	5,048	5,550	5,050	3,284	5,050	5,050		
001-329-100-000	Planning & Zoning Permit	-	99	976	100	3,122	2,000	2,000		
	<b>Permits, Franchise Fees &amp; Special Subtotal</b>	<b>229,896</b>	<b>193,369</b>	<b>193,528</b>	<b>207,150</b>	<b>87,564.00</b>	<b>192,050</b>	<b>192,050</b>	<b>-</b>	<b>-</b>
001-335-120-000	State Revenue Sharing	75,405	77,999	78,495	85,446	45,071	85,446	85,446		
001-335-180-000	Half Cent Sales Tax	221,950	207,901	217,322	224,014	117,894	224,014	224,014		
	<b>Intergovernmental Revenue Subtotal</b>	<b>297,355</b>	<b>285,900</b>	<b>295,817</b>	<b>309,460</b>	<b>162,965</b>	<b>309,460</b>	<b>309,460</b>	<b>-</b>	<b>-</b>
001-341-000-000	General Government Charges	2,352	7,702	11,007	7,000	2,493	5,000	4,000		
001-343-349-000	Cost Recovery Fees	-	53,948	34,110	25,000	20,166	35,000	35,000		
	<b>Charges for Services Subtotal</b>	<b>2,352</b>	<b>61,650</b>	<b>45,117</b>	<b>32,000</b>	<b>22,659.00</b>	<b>40,000</b>	<b>40,000</b>	<b>-</b>	<b>-</b>
001-351-100-000	Court Fines	-	-	1,411	2,500	-	-	-		
001-354-100-000	Code Enforcement Fines	-	35,727	300	5,000	9,648	300	300		
	<b>Judgments, Fines &amp; Forfeits Subtotal</b>	<b>-</b>	<b>35,727</b>	<b>1,711</b>	<b>7,500</b>	<b>9,648</b>	<b>300</b>	<b>300</b>	<b>-</b>	<b>-</b>
001-361-100-000	Interest	3,345	355	217	5,000	93	200	200		
001-369-000-000	Other Misc. Income	5,069	50,649	2,204	5,000	2,633	1,000	1,000		
	<b>Other Misc. Revenue Subtotal</b>	<b>8,414</b>	<b>51,004</b>	<b>2,421</b>	<b>10,000</b>	<b>2,726.00</b>	<b>1,200</b>	<b>1,200</b>	<b>-</b>	<b>-</b>
001-385-100-000	Transfer from Solid Waste Fund	11,649	-	-	-	-	-	-		
001-399-000-000	Transfer from Fund Balance	-	-	-	-	-	-	-		
	<b>Other Non-operating Sources Total</b>	<b>11,649</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
	<b>Grand Total Revenue</b>	<b>1,202,198</b>	<b>1,194,310</b>	<b>1,099,666</b>	<b>1,096,853</b>	<b>651,562</b>	<b>1,114,519</b>	<b>1,114,519</b>	<b>-</b>	<b>-</b>

**Recommended Revenue Estimates and Appropriations  
for Fiscal Year 2014-15**



General Fund Appropriations									
Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 12-13 Audited	FY 13-14 Budget	Year to Date APRIL 30, 2014	FY 2014-15 Proposed Budget	FAAC Proposed Budget	Council Recommend	Council Adopted
<b>Legislative</b>									
001-511-310-000 Professional Services	-	-	650	60,000	-	-	-	-	-
001-511-400-000 Travel	211	863	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	1,084	1,500	196	1,500	1,500	-	-
001-511-499-000 Other Current Charges - Council Reimbursement	-	-	15,000	30,000	20,000	30,000	30,000	-	-
001-511-500-000 Education & Training	(125)	300	-	1,000	-	1,000	1,000	-	-
001-511-510-000 Office Supplies	-	158	52	300	-	300	300	-	-
001-511-520-000 Operating Supplies	55	-	-	300	-	300	300	-	-
001-511-540-000 Books, Publications & Subscriptions	5,034	1,296	4,244	2,435	4,015	2,435	2,435	-	-
001-511-820-000 Special Events/Contributions	1,513	4,662	3,327	5,350	500	5,350	4,000	-	-
<b>Legislative Total</b>	<b>7,283</b>	<b>9,923</b>	<b>24,449</b>	<b>103,885</b>	<b>24,711</b>	<b>43,885</b>	<b>42,535</b>	-	-
<b>Executive</b>									
001-512-340-000 Other Services	200,000	256,843	256,414	264,106	154,062	268,596	268,596	-	-
001-512-400-000 Travel	460	812	1,323	1,000	511	1,500	1,500	-	-
001-512-410-000 Communication Services - Moved to Gen Govt.	5,620	3,102	-	-	-	-	-	-	-
001-512-420-000 Postage & Freight	1,043	689	1,982	1,000	337	1,000	1,000	-	-
001-512-490-000 Legal Advertising - (NEW)	-	7,282	817	1,000	142	500	500	-	-
001-512-492-000 Other Operating Expenses	4,932	862	193	944	282	944	944	-	-
001-512-493-000 Election Expense	5,546	-	6,961	8,010	248	8,010	8,010	-	-
001-512-510-000 Office Supplies	1,972	6,861	10,318	8,600	7,339	12,000	12,000	-	-
001-512-521-000 Loxahatchee Groves CERT - Moved to Gen Govt	2,950	665	-	-	-	-	-	-	-
001-512-540-000 Books, Publications & Subscriptions	883	427	-	570	80	570	570	-	-
<b>Executive Total</b>	<b>223,406</b>	<b>277,543</b>	<b>278,008</b>	<b>285,230</b>	<b>163,001</b>	<b>293,120</b>	<b>293,120</b>	-	-
<b>Financial and Administrative</b>									
001-513-320-000 Accounting and Auditing	15,000	19,750	16,100	18,000	16,700	18,000	18,000	-	-
001-513-470-000 Printing and Binding	3,591	4,055	2,817	4,750	-	1,750	1,750	-	-
001-513-490-000 Legal Advertising	7,972	2,285	910	1,500	910	2,000	2,000	-	-
001-513-493-000 Election Expense - moved to Executive	-	-	-	-	-	-	-	-	-
<b>Financial &amp; Administrative Total</b>	<b>26,563</b>	<b>26,090</b>	<b>19,827</b>	<b>24,250</b>	<b>17,610</b>	<b>21,750</b>	<b>21,750</b>	-	-
<b>Legal</b>									
001-514-310-000 Professional Services	73,472	67,402	106,975	90,000	51,564	120,000	120,000	-	-
001-514-312-000 Legal Comprehensive Plan	42,627	-	-	-	-	-	-	-	-
<b>Legal Total</b>	<b>116,099</b>	<b>67,402</b>	<b>106,975</b>	<b>90,000</b>	<b>51,564</b>	<b>120,000</b>	<b>120,000</b>	-	-

**Legislative**

Account Number	Account Title	Detail Description	Amount	FAAC	Council Amount	Council Adopted
001-511-310-000	Professional Services		\$0	\$0	\$0	\$0
001-511-400-000	Travel		\$3,000	\$3,000	\$0	\$0
		Transportation Reimbursement as necessary	\$1,000	\$1,000	\$0	\$0
		Misc Expenses	\$2,000	\$2,000	\$0	\$0
001-511-420-000	Postage & Freight - (was legal Advertising)		\$0	\$0	\$0	\$0
001-511-492-000	Other Operating Expenses		\$1,500	\$1,500	\$0	\$0
		Meeting expenses	\$500	\$500	\$0	\$0
		Town brand marketing	\$1,000	\$1,000	\$0	\$0
001-511-499-000	Other Current Charges - Counc 001-511-499-000		\$30,000	\$30,000	\$0	\$0
		Town Council Reimbursement @ \$500 per month per Council	\$30,000	\$30,000	\$0	\$0
001-511-500-000	Education & Training		\$1,000	\$1,000	\$0	\$0
		Misc Seminars	\$1,000	\$1,000	\$0	\$0
001-511-510-000	Office Supplies		\$300	\$300	\$0	\$0
		Misc office supplies	\$300	\$300	\$0	\$0
001-511-520-000	Operating Supplies		\$300	\$300	\$0	\$0
		Misc supplies	\$300	\$300	\$0	\$0
001-511-540-000	Books, Publications & Subscriptions		\$2,435	\$2,435	\$0	\$0
		Florida League of Cities - annual membership	\$500	\$500	\$0	\$0
		Government Finance Officers Association Annual Membership	\$160	\$160	\$0	\$0
		Palm Beach County League of Cities	\$550	\$550	\$0	\$0
		Palm West Chamber of Commerce - annual membership	\$225	\$225	\$0	\$0
		Palm Beach County League of Cities - small cities hosting	\$500	\$500	\$0	\$0
		Miscellaneous subscriptions	\$500	\$500	\$0	\$0
001-511-820-000	Special Events/Contributions		\$5,350	\$4,000	\$0	\$0
		Holiday Parade supplies	\$350	\$0	\$0	\$0
		Holiday Parade Float	\$1,000	\$0	\$0	\$0
		Volunteer Committee Member Appreciation	\$2,000	\$2,000	\$0	\$0
		Other unscheduled events	\$2,000	\$2,000	\$0	\$0

**Executive**

Account Number	Account Title	Detail Description	Amount	FAAC	Council Amount	Council Adopted
001-512-340-000	Other Services	UMSG - Contract Management Services up CPI @ 1.7%	\$268,596	\$268,596	\$0	\$0
001-512-400-000	Travel	Town Manager Mileage & Misc. reimbursement	\$1,500	\$1,500	\$0	\$0
001-512-410-000	Communication Services - Moved to Gen Govt.	Account moved to General Government	\$0	\$0	\$0	\$0
001-512-420-000	Postage & Freight	General, Code Enforcement, and Special Magistrate notification:	\$1,000	\$1,000	\$0	\$0
001-512-490-000	Legal Advertising - (NEW)	General notices, procurement, and ordinance advertising	\$500	\$500	\$0	\$0
001-512-492-000	Other Operating Expenses	Recording Fees	\$944	\$944	\$0	\$0
		Credit Card Machine and fees	\$500	\$500	\$0	
			\$444	\$444	\$0	
001-512-493-000	Election Expense	Advertising	\$8,010	\$8,010	\$0	\$0
		Election Inspectors compensation	\$1,300	\$1,300	\$0	
		Law Enforcement escort service	\$800	\$800	\$0	
		Training and expenses	\$160	\$160	\$0	
		Palm Beach County Supervisor of Election charges	\$2,250	\$2,250	\$0	
			\$3,500	\$3,500	\$0	
001-512-510-000	Office Supplies	TCI Automation - Per page printing charges - 2 copiers	\$12,000	\$12,000	\$0	\$0
		Misc office supplies for Town Hall	\$6,000	\$6,000	\$0	
			\$6,000	\$6,000	\$0	
001-512-521-000	Loxahatchee Groves CERT - Moved to Gen Govt	Account moved to General Government	\$0	\$0	\$0	\$0
001-512-540-000	Books, Publications & Subscriptions	GFOA for CAFR submission	\$570	\$570	\$0	\$0
			\$320	\$320	\$0	

**Financial and Administrative**

Account Number	Account Title	Detail Description	Amount	FAAC	Council Amount	Council Adopted
001-513-320-000	Accounting and Auditing		\$18,000	\$18,000	\$0	\$0
		Nowlen Holt & Miner - auditing services	\$18,000	\$18,000	\$0	
001-513-470-000	Printing and Binding		\$1,750	\$1,750	\$0	\$0
		Business cards	\$1,000	\$1,000	\$0	
		Misc reports and submission	\$750	\$750	\$0	
					\$0	
001-513-490-000	Legal Advertising		\$2,000	\$2,000	\$0	\$0
		TRIM notices	\$2,000	\$2,000	\$0	
001-513-493-000	Election Expense - moved to Executive		\$0		\$0	\$0

**Legal**

Account Number	Account Title	Detail Description	Amount	FAAC	Council Amount	Council Adopted
001-514-310-000	Professional Services		\$120,000	\$120,000	\$0	\$0
		Goren, Cherof, Doody & Ezrol, PA - Legal Counsel	\$120,000	\$120,000	\$0	
					\$0	
001-514-312-000	Legal Comprehensive Plan		\$0	\$0	\$0	\$0

**Recommended Revenue Estimates and Appropriations  
for Fiscal Year 2014-15**



**General Fund  
Appropriations**

	<b>Account</b>	<b>FY 10-11 UNAUDITED FINAL</b>	<b>FY 11-12 Audited</b>	<b>FY 12-13 Audited</b>	<b>FY 13-14 Budget</b>	<b>Year to Date APRIL 30, 2014</b>	<b>FY 2014-15 Proposed Budget</b>	<b>FAAC Proposed Budget</b>	<b>Council Recommend</b>	<b>Council Adopted</b>
<b>Planning and Zoning</b>										
001-515-310-000	Professional Services	-	25,000	56,603	40,000	13,537	40,000	40,000	-	-
001-515-340-000	Other Services	2,962	-	76,733	79,042	46,108	80,385	80,385	-	-
001-515-343-000	Planning & Zoning Contract	7,894	5,825	-	20,000	876	20,000	20,000	-	-
001-515-347-000	Comprehensive Plan	10,558	-	-	-	-	-	-	-	-
001-515-349-000	Cost Recovery Expenditure	-	53,948	38,288	25,000	20,406	35,000	35,000	-	-
001-515-490-000	Legal Advertising	-	-	4,524	6,000	8,695	10,000	10,000	-	-
	<b>Comprehensive Planning &amp; Zoning Total</b>	<b>21,414</b>	<b>84,773</b>	<b>176,148</b>	<b>164,042</b>	<b>80,927</b>	<b>185,385</b>	<b>185,385</b>	<b>-</b>	<b>-</b>
<b>Other General Government</b>										
001-519-315-000	Special Magistrate	-	19,299	24,074	16,000	7,009	16,000	16,000	-	-
001-519-354-000	Code Compliance	56,573	25,612	28,100	41,000	10,587	38,000	38,000	-	-
001-519-410-000	Communications Services	-	2,278	5,742	5,700	3,792	6,800	6,800	-	-
001-519-440-000	Rentals and Leases	12,998	17,241	18,634	20,000	11,005	34,783	34,783	-	-
001-519-450-000	Insurance	5,538	16,372	23,023	18,000	15,111	18,000	18,000	-	-
001-519-460-000	Repair & Maint - Building	154	6,225	2,400	2,450	1,600	3,600	3,600	-	-
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	1,727	2,500	599	5,500	5,500	-	-
001-519-491-000	Computer Services	-	-	3,370	3,631	2,179	7,292	7,292	-	-
001-519-494-000	Inspector General Office	-	468	-	5,280	2,218	5,280	5,280	-	-
001-519-810-000	Aids to Government Agenc	-	-	28,893	-	-	-	-	-	-
001-519-820-000	Loxahatchee Groves CERT	-	-	2,853	2,000	208	2,000	2,000	-	-
001-519-900-000	Transfer to Transportation Fund	-	48,913	-	-	-	-	-	-	-
001-519-910-000	Transfer to Sanitation Fund	-	-	-	-	-	-	-	-	-
001-519-920-000	Transfer to Capital Projects	-	1,000,000	-	-	-	-	-	-	-
001-519-990-000	Contingency	-	-	-	12,104	-	18,421	9,693	-	-
	<b>Other Governmental Services Total</b>	<b>82,534</b>	<b>1,162,169</b>	<b>138,816</b>	<b>128,665</b>	<b>54,308</b>	<b>155,676</b>	<b>146,948</b>	<b>-</b>	<b>-</b>
<b>Law Enforcement</b>										
001-521-341-000	Professional Services-PBSO	274,785	274,785	275,243	280,281	163,497	280,281	280,281	-	-
001-521-342-000	Contractual-ADDL PBSO	-	126	-	500	-	500	10,500	-	-
	<b>Law Enforcement Total</b>	<b>274,785</b>	<b>274,911</b>	<b>275,243</b>	<b>280,781</b>	<b>163,497</b>	<b>280,781</b>	<b>290,781</b>	<b>-</b>	<b>-</b>
<b>Public Works</b>										
001-539-340-000	Other Services	407	1,847	2,950	14,000	1,253	14,000	14,000	-	-
001-541-310-000	Professional Services	-	-	-	-	-	-	-	-	-
	<b>Public Works Total</b>	<b>407</b>	<b>1,847</b>	<b>2,950</b>	<b>14,000</b>	<b>1,253</b>	<b>14,000</b>	<b>14,000</b>	<b>-</b>	<b>-</b>
	<b>Grand Total Expenditure</b>	<b>752,491</b>	<b>1,904,658</b>	<b>1,022,416</b>		<b>565,566</b>	<b>1,114,597</b>	<b>1,114,519</b>	<b>-</b>	<b>-</b>

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**Planning and Zoning**

Account Number	Account Title	Detail Description	Amount	FAAC	Council Amount	Council Adopted
001-515-310-000	Professional Services	Town initiated engineering services	\$40,000	\$40,000	\$0	\$0
001-515-340-000	Other Services	UMSG - planning & zoning services CPI @ 1.6%	\$80,385	\$80,385	\$0	\$0
001-515-343-000	Planning & Zoning Contract	Land Research Management - Town initiated planning services	\$20,000	\$20,000	\$0	\$0
001-515-347-000	Comprehensive Plan	Modifications - Capital Improvement Element	\$0	\$0	\$0	\$0
001-515-349-000	Cost Recovery Expenditure	Various projects (TBD)	\$35,000	\$35,000	\$0	\$0
001-515-490-000	Legal Advertising	Planning & Zoning Avertising non-cost recovery matters	\$10,000	\$10,000	\$0	\$0

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**Other General Government**

Account Number	Account Title	Detail Description	Amount	FAAC	Amount	Council Adopted
<b>001-519-315-000</b>	<b>Special Magistrate</b>		<b>\$16,000</b>	<b>\$16,000</b>	<b>\$0</b>	<b>\$0</b>
		Caldwell & Pacetti - Special Magistrate	\$16,000	\$16,000	\$0	
<b>001-519-354-000</b>	<b>Code Compliance</b>		<b>\$38,000</b>	<b>\$38,000</b>	<b>\$0</b>	<b>\$0</b>
		Tew & Taylor - code enforcement case presentment	\$35,000	\$35,000	\$0	
		Miscellaneous services and support	\$3,000	\$3,000	\$0	
<b>001-519-410-000</b>	<b>Communications Services</b>		<b>\$6,800</b>	<b>\$6,800</b>	<b>\$0</b>	<b>\$0</b>
		ATT - Telephone and Long Distance Services	\$3,600	\$3,600	\$0	
		Comcast - Internet Services	\$2,500	\$2,500	\$0	
		Boost Mobile	\$700	\$700	\$0	
<b>001-519-440-000</b>	<b>Rentals and Leases</b>		<b>\$34,783</b>	<b>\$34,783</b>	<b>\$0</b>	<b>\$0</b>
		TCI automation - Toshiba copier rental	\$4,200	\$4,200	\$0	
		Easy Self-Storage - unit	\$1,788	\$1,788	\$0	
		Meeting Room rentals - 3 meeting monthly	\$300	\$300	\$0	
		Yee's Corporation - Office suites	\$24,000	\$24,000	\$0	
		Drinking water service	\$300	\$300	\$0	
		Miscellaneous rental or leases	\$4,195	\$4,195	\$0	
<b>001-519-450-000</b>	<b>Insurance</b>		<b>\$18,000</b>	<b>\$18,000</b>	<b>\$0</b>	<b>\$0</b>
		Florida League of Cities - General Liability	\$18,000	\$18,000	\$0	
<b>001-519-460-000</b>	<b>Repair &amp; Maint - Building</b>		<b>\$3,600</b>	<b>\$3,600</b>	<b>\$0</b>	<b>\$0</b>
		Cleaning services	\$3,600	\$3,600	\$0	
<b>001-519-470-000</b>	<b>Printing and Binding</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
			\$0	\$0	\$0	
<b>001-519-480-000</b>	<b>Promotional Activities</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
			\$0	\$0	\$0	
<b>001-519-490-000</b>	<b>Computer Equip Software &amp; Hardware Repair</b>		<b>\$5,500</b>	<b>\$5,500</b>	<b>\$0</b>	<b>\$0</b>
		Misc. software upgrades	\$1,500	\$1,500	\$0	
		Replacement of Town Council hardware	\$1,200	\$1,200	\$0	
		Update Microsoft Office Pro Suite @ \$400 each	\$2,800	\$2,800	\$0	
<b>001-519-491-000</b>	<b>Computer Services</b>		<b>\$7,292</b>	<b>\$7,292</b>	<b>\$0</b>	<b>\$0</b>
		Hosting - e-City Services	\$1,500	\$1,500	\$0	
		Microsoft Exchange 14 - email	\$1,698	\$1,698	\$0	
		Dropbox	\$1,045	\$1,045	\$0	
		Streaming video from eCity Services	\$3,000	\$3,000	\$0	
		Carbonite	\$49	\$49	\$0	
<b>001-519-494-000</b>	<b>Inspector General Office</b>		<b>\$5,280</b>	<b>\$5,280</b>	<b>\$0</b>	<b>\$0</b>
		Various contract requirements	\$5,280	\$5,280	\$0	
<b>001-519-820-000</b>	<b>Loxahatchee Groves CERT</b>		<b>\$2,000</b>	<b>\$2,000</b>	<b>\$0</b>	<b>\$0</b>
		Annual contribution	\$2,000	\$2,000	\$0	
<b>001-519-900-000</b>	<b>Transfer to Transportation Fund</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
				\$0		
<b>001-519-910-000</b>	<b>Transfer to Sanitation Fund</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
			\$0	\$0	\$0	
<b>001-519-920-000</b>	<b>Transfer to Capital Projects</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
			\$0	\$0	\$0	
<b>001-519-990-000</b>	<b>Contingency</b>		<b>\$18,421</b>	<b>\$9,693</b>	<b>\$0</b>	<b>\$0</b>
			\$18,421	\$9,693	\$0	

**Law Enforcement**

Account Number	Account Title	Detail Description	Amount	FAAC	Council Amount	Council Adopted
001-521-341-000	Professional Services-PBSO	2% increase for FY2014	\$280,281	\$280,281	\$0	\$0
001-521-342-000	Contractual-ADDL PBSO	Misc. detail shifts for BSO	\$500	\$10,500	\$0	\$0

**Public Works**

Account Number	Account Title	Detail Description	Amount	FAAC	Council Amount	Council Adopted
001-539-340-000	Other Services	Miscellaneous physical environment services	\$14,000	\$14,000	\$0	\$0
			\$14,000	\$14,000	\$0	
001-541-310-000	Professional Services		\$0	\$0	\$0	\$0
			\$0	\$0	\$0	

**Recommended Revenue Estimates and Appropriations  
for Fiscal Year 2014-15**



**Transportation Fund**

**Estimate Revenues**

	<b>Account</b>	<b>FY 10-11 UNAUDITED FINAL</b>	<b>FY 11-12 Audited</b>	<b>FY 12-13 Audited</b>	<b>FY 13-14 Budget</b>	<b>Year to Date APRIL 30, 2014</b>	<b>FY 2014-15 Proposed Budget</b>	<b>FAAC Proposed Budget</b>	<b>Council Recommend</b>	<b>Council Adopted</b>
101-312-410-000	1st Local Option Fuel Tax (6c)	260,800	246,902	245,644	249,245	120,027	247,059	247,060	-	-
101-312-420-000	2nd Local Option Fuel Tax (5c)	122,025	116,036	114,427	117,326	58,948	117,326	117,326	-	-
101-363-990-000	Contribution from General Fund	-	48,913	-	-	-	-	-	-	-
101-399-000-000	Transfer from Fund Balance	-	-	-	856,191	-	-	-	-	-
	<b>Total Revenue</b>	<b>382,825</b>	<b>411,851</b>	<b>360,071</b>	<b>1,222,762</b>	<b>178,975</b>	<b>364,385</b>	<b>364,386</b>	<b>-</b>	<b>-</b>

**Transportation Fund**

**Appropriations**

	<b>Account</b>	<b>FY 10-11 UNAUDITED FINAL</b>	<b>FY 11-12 Audited</b>	<b>FY 12-13 Audited</b>	<b>FY 13-14 Budget</b>	<b>Year to Date APRIL 30, 2014</b>	<b>FY 2014-15 Proposed Budget</b>	<b>FAAC Proposed Budget</b>	<b>Council Recommend</b>	<b>Council Adopted</b>
101-541-467-000	Traffic Control Signs-6c	3,709	-	19,066	6,000	1,095	10,000	10,000	-	-
101-541-468-000	Town Roads Maint.-6c	19,765	49,975	73,667	93,245	28,608	62,059	102,059	-	-
101-541-469-000	Road Maintenance District-6c	130,629	150,305	153,755	150,000	2,915	150,000	150,000	-	-
101-541-631-000	Road and Streets -new construction-5c	6,460	-	-	-	-	-	-	-	-
101-541-632-000	Special Projects	650	-	901	-	-	25,000	60,000	-	-
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	-	-	-	973,517	15,070	-	-	-	-
101-541-990-000	Transfer to Fund Balance 5ct.	-	-	-	-	-	117,326	42,327	-	-
	<b>Total Expenditure</b>	<b>182,589</b>	<b>389,787</b>	<b>247,389</b>	<b>1,222,762</b>	<b>47,688</b>	<b>364,385</b>	<b>364,386</b>	<b>-</b>	<b>-</b>

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## Transportation Fund

Account Number	Account Title	Detail Description	Amount	FAAC	Council Amount	Council Adopted
<b>Revenues</b>						
101-312-410-000	1st Local Option Fuel Tax (6c)		\$249,245	\$249,245	\$0	\$0
		State Dept Fin Svc Estimate O&M	\$249,245	\$249,245	\$0	
101-312-420-000	2nd Local Option Fuel Tax (5c)		\$117,326	\$117,326	\$0	\$0
		State Dept Fin Svc Estimate Capital	\$117,326	\$117,326	\$0	
101-363-990-000	Contribution from General Fund		\$0	\$0	\$0	\$0
		Not needed for FY14	\$0	\$0	\$0	
101-399-000-000	Transfer from Fund Balance		\$0	\$0	\$0	\$0
		5 cent gas tax fund balance reserve			\$0	
		6 cent gas tax fund balance reserve			\$0	
			\$0	\$0		
<b>Appropriations</b>						
101-541-467-000	Traffic Control Signs-6c		\$10,000	\$10,000	\$0	\$0
		Various traffic control signs	\$6,000	\$6,000	\$0	0
		Installation	\$2,000	\$2,000		
		Equestrian Signs	\$2,000	\$2,000		
101-541-468-000	Town Roads Maint.-6c		\$62,059	\$102,059	\$0	\$0
		Town road maintenance @ \$110/mile	\$25,000	\$25,000	\$0	
		Base rock for Town roads @ \$12/tor	\$5,000	\$5,000	\$0	
		Road repairs	\$32,059	\$32,059	\$0	
		Hedging		\$40,000	\$0	
101-541-469-000	Road Maintenance District-6c		\$150,000	\$150,000	\$0	\$0
		Actual cost reimbursements up to	\$150,000	\$150,000	\$0	
101-541-631-000	Road and Streets -new construction-5c		\$0	\$0	\$0	\$0
101-541-632-000	Special Projects		\$25,000	\$60,000	\$0	\$0
		Equestrian Crossings Okeechobee Blvd.	\$25,000	\$60,000		
101-541-633-000	22nd Road Ditch		\$0	\$0	\$0	\$0
			\$0	\$0	\$0	
101-541-634-000	Town 148th Terr Bridge (5)/Culvert -5c		\$0	\$0	\$0	\$0
			\$0	\$0	\$0	\$0
101-541-920-000	Transfer to Capital Projects		\$0	\$0	\$0	\$0
			\$0	\$0	\$0	
101-541-990-000	Transfer to Fund Balance 5ct.		\$117,326	\$42,327	\$0	\$0
			\$117,326	\$42,327	\$0	

**Recommended Revenue Estimates and Appropriations  
for Fiscal Year 2014-15**



<b>Capital Improvement Program</b>										
<b>Estimated Revenues</b>										
	<b>Account</b>	<b>FY 10-11 UNAUDITED FINAL</b>	<b>FY 11-12 Audited</b>	<b>FY 12-13 Audited</b>	<b>FY 13-14 Budget</b>	<b>Year to Date APRIL 30, 2014</b>	<b>FY 2014-15 Proposed Budget</b>	<b>FAAC Proposed Budget</b>	<b>Council Recommend</b>	<b>Council Adopted</b>
305-363-990-000	Contributions from General Fund	-	1,000,000	-	-	-	-	-	-	-
305-363-991-000	Contributions from Transportation Fund	-	-	-	973,517	15,070	-	-	-	-
305-399-000-000	Transfer from Fund Balance	-	-	-	829,047	52,439	472,934	-	-	-
	<b>Total Revenue</b>	-	-	-	<b>1,802,564</b>	<b>67,509</b>	<b>472,934</b>	-	-	-

<b>Capital Improvement Program</b>										
<b>Appropriations</b>										
	<b>Account</b>	<b>FY 10-11 UNAUDITED FINAL</b>	<b>FY 11-12 Audited</b>	<b>FY 12-13 Audited</b>	<b>FY 13-14 Budget</b>	<b>Year to Date APRIL 30, 2014</b>	<b>FY 2014-15 Proposed Budget</b>	<b>FAAC Proposed Budget</b>	<b>Council Recommend</b>	<b>Council Adopted</b>
305-541-610-000	Surveying Town Roads	-	-	-	100,000	9,653	100,000	-	-	-
305-541-620-000	OGEM Collecting Canal Road	-	-	-	943,630	-	-	-	-	-
305-541-630-000	Okeechobee and D Road Traffic Light	-	-	-	250,000	6,000	244,000	-	-	-
305-541-640-000	Town Roads OGEM Projects	-	-	-	100,000	51,856	-	-	-	-
305-541-650-000	Trails	-	-	-	80,000	-	100,000	-	-	-
305-541-652-000	"D" Road to Southern Blvd	-	-	-	300,000	-	-	-	-	-
305-541-654-000	Purchase roads from LGWCD	-	-	-	28,934	-	28,934	-	-	-
	<b>Total Expenditure</b>	-	-	-	<b>1,802,564</b>	<b>67,509</b>	<b>472,934</b>	-	-	-

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**Capital Improvement Fund**  
**Estimate Revenues & Appropriations**

Account Number	Account Title	Detail Description	Amount	FAAC	Council Amount	Council Adopted
<b>Estimated Revenues</b>						
305-337-300-000	Local Govt Unit Grant - Physical Environ		\$40,000			
	Grant from Palm Beach County through the LGWCD for trails		\$40,000			
305-363-991-000	Contributions from Transportation Func		\$0			\$0
305-399-000-000	Transfer from Fund Balance		\$443,308			\$0
	Transfer fund in from remaining unassigned fund balance		\$443,308			\$0
<b>Appropriations</b>						
305-541-610-000	Surveying Town Roads		\$90,374			\$0
	TBD		\$90,374			\$0
305-541-620-000	OGEM Collecting Canal Roac		\$0			\$0
	Road and drainage improvements		\$0			\$0
305-541-630-000	Okeechobee and D Road Traffic Light		\$244,000			\$0
	Tentative costs to implement traffic control device		\$244,000			\$0
305-541-640-000	Town Roads OGEM Projects		\$0			\$0
			\$0			\$0
305-541-654-000	Trails		\$120,000			\$0
	Equestrian trails		\$120,000			\$0
305-541-652-000	"D" Road to Southern Blvd		\$0			\$0
	FDOT rejected traffic light					\$0
305-541-654-000	Purchase roads from LGWCD		\$28,934			\$0
	Amortized cost for road acquisition from LGWCD for 5 fiscal years		\$28,934			\$0

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TOWN OF LOXAHATCHEE GROVES, FLORIDA

Proposed FY 2015 - 2019 Budget

Total Capital Improvement Fund - Five-Year Plan								
	Proposed FY 14	Forecast 4/30/14	FY 15	FY 16	FY 17	FY 18	FY 19	Total FY 15 - FY 19
<b>Funding</b>								
<b>External Sources (Excluding Financing)</b>								
Grant*	-		\$40,000	-	-	-	-	-
<b>Total Available Resources:**</b>		<b>\$1,973,517</b>	<b>\$1,906,008</b>	<b>\$1,422,700</b>	<b>\$1,293,766</b>	<b>\$1,164,832</b>	<b>\$1,135,898</b>	
<b>Internal Sources</b>								
General Fund			\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance - CIP	\$829,047	\$52,439	\$443,308	\$128,934	\$128,934	\$28,934	\$0	\$730,110
Gas Tax	\$973,517	\$15,070	\$0	\$0	\$0	\$0	\$0	-
UNFUNDED	\$0		\$0	\$0	\$0		\$0	-
Subtotal :	\$1,802,564	\$67,509	\$443,308	\$128,934	\$128,934	\$28,934	\$0	730,110
<b>Total Revenue &amp; Other Sources</b>	<b>1,802,564</b>		<b>\$483,308</b>	<b>128,934</b>	<b>128,934</b>	<b>28,934</b>		<b>\$770,110</b>
<b>Projects</b>								
Town Road Survey	\$100,000	\$9,653	\$90,374	\$0	\$0	\$0	0	\$90,374
Collecting Canal	\$943,630		\$0	\$0	\$0	\$0	-	\$0
Traffic Light Okeechobee	\$250,000	\$6,000	\$244,000	-	-	-	-	\$244,000
Town Roads OGEM Projects	\$100,000	\$51,856	\$0	\$0	-	-	-	-
Trails	\$80,000	\$0	\$120,000	\$100,000	\$100,000	-	-	\$320,000
Typical Paving of "D" Road	\$300,000		\$0	\$0	\$0	-	-	-
Road acquisiton from LGWCD	\$28,934		\$28,934	28,934	28,934	28,934	-	115,736
Town Hall Alternatives	\$0		\$0	\$0	-	-	-	\$0
<b>Total</b>	<b>\$1,802,564</b>	<b>\$67,509</b>	<b>\$483,308</b>	<b>\$128,934</b>	<b>\$128,934</b>	<b>\$28,934</b>		<b>\$770,110</b>
EOY Available	-	\$1,906,008	\$1,422,700	\$1,293,766	\$1,164,832	\$1,135,898	\$1,135,898	

\* Note: Transfer from LGWCD for Trails

\*\* Note: FY2014 Beginning Balance after \$400,000 Transfer to General Fund

## CAPITAL IMPROVEMENT PROJECT DETAIL SHEET

<b>A. PROJECT IDENTIFICATION</b>							
PROJECT NAME:		Town Road Survey			PROJECT NUMBER: 1006		
LOCATION: All Non-District Roads							
<b>B. PROJECT INFORMATION</b>							
DESCRIPTION/JUSTIFICATION: Tentative cost to survey all Town roads or implementation of master transportation system							
RELATIONSHIP TO OTHER PROJECTS/PLANS: None							
<b>C. EXPENDITURE SCHEDULE:</b>							
				<b>ACCOUNT NUMBER: 305-519-600-000</b>			
Cost Elements:	Total	FY15	FY16	FY17	FY18	FY19	FY20 beyond
Plan, Design, Supervn	\$90,374	\$90,374	\$0				
Land	\$0						
Site Improvements	\$0						
Construction	\$0						
Furniture & Equipment	\$0						
<b>Total:</b>	<b>\$90,374</b>	<b>\$90,374</b>	<b>\$0</b>				
<b>D. FUNDING SOURCE/FUNDING SCHEDULE:</b>							
General Fund	\$0						
Fund Balance - CIP	\$90,374	\$90,374					
Gas Tax	\$0		\$0				
Grant	\$0						
CIP Fund Balance	\$0	\$0					
<b>Total:</b>	<b>\$90,374</b>	<b>\$90,374</b>	<b>\$0</b>				
<b>E. LEVEL OF SERVICE:</b>							
				<b>PLANNING AREA:</b>			
Plan LOS	N/A						
Actual LOS	N/A						
Added Capacity	N/A						

## CAPITAL IMPROVEMENT PROJECT DETAIL SHEET

<b>A. PROJECT IDENTIFICATION</b>							
PROJECT NAME:		Collecting Canal			PROJECT NUMBER:		
LOCATION: Collecting Canal Road							
<b>B. PROJECT INFORMATION</b>							
DESCRIPTION/JUSTIFICATION: OGEM improvements to Collecting Canal Road							
RELATIONSHIP TO OTHER PROJECTS/PLANS: None							
<b>C. EXPENDITURE SCHEDULE:</b>							
<b>ACCOUNT NUMBER: 305-519-600-000</b>							
Cost Elements:	Total	FY15	FY16	FY17	FY18	FY19	FY20 beyond
Plan, Design, Supervn	\$0	\$0					
Land	\$0	\$0					
Site Improvements	\$0	\$0					
Construction	\$0	\$0					
Furniture & Equipment	\$0						
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
<b>D. FUNDING SOURCE/FUNDING SCHEDULE:</b>							
General Fund	\$0	\$0					
Fund Balance - CIP	\$0	\$0					
Gas Tax	\$0	\$0					
Grant	\$0	\$0					
Unfunded	\$0	\$0					
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>E. LEVEL OF SERVICE:</b>							
<b>PLANNING AREA:</b>							
Plan LOS	N/A						
Actual LOS	N/A						
Added Capacity	N/A						

## CAPITAL IMPROVEMENT PROJECT DETAIL SHEET

<b>A. PROJECT IDENTIFICATION</b>							
PROJECT NAME:		Traffic Light Okeechobee			PROJECT NUMBER:		
LOCATION: Okeechobee and D Road							
<b>B. PROJECT INFORMATION</b>							
DESCRIPTION/JUSTIFICATION: Tentative cost to implement traffic control device							
RELATIONSHIP TO OTHER PROJECTS/PLANS: None							
<b>C. EXPENDITURE SCHEDULE:</b>							
				ACCOUNT NUMBER: 305-519-600-000			
Cost Elements:	Total	FY15	FY16	FY17	FY18	FY19	FY20 beyond
Plan, Design, Supervn	\$0						
Land	\$0						
Site Improvements	\$0						
Construction	\$244,000	\$244,000					
Furniture & Equipment	\$0						
<b>Total:</b>	<b>\$244,000</b>	<b>\$244,000</b>	<b>\$0</b>				
<b>D. FUNDING SOURCE/FUNDING SCHEDULE:</b>							
General Fund	\$0						
Fund Balance - CIP	\$244,000	\$244,000					
Gas Tax	\$0	\$0					
Grant							
Unfunded							
<b>Total:</b>	<b>\$244,000</b>	<b>\$244,000</b>	<b>\$0</b>				
<b>E. LEVEL OF SERVICE:</b>							
				PLANNING AREA:			
Plan LOS	N/A						
Actual LOS	N/A						
Added Capacity	N/A						

## CAPITAL IMPROVEMENT PROJECT DETAIL SHEET

<b>A. PROJECT IDENTIFICATION</b>							
PROJECT NAME:		Trails			PROJECT NUMBER:		
LOCATION:							
<b>B. PROJECT INFORMATION</b>							
DESCRIPTION/JUSTIFICATION:		Development of a horse trail from A Road to Folsom Road					
RELATIONSHIP TO OTHER PROJECTS/PLANS: None							
<b>C. EXPENDITURE SCHEDULE:</b>							
				ACCOUNT NUMBER: 305-519-600-000			
Cost Elements:	Total	FY15	FY16	FY17	FY18	FY19	FY20 beyond
Plan, Design, Supervn	\$80,000	\$80,000	\$0				
Land	\$100,000		\$100,000				
Site Improvements	\$100,000			\$100,000			
Construction	\$40,000	\$40,000					
Furniture & Equipment	\$0						
<b>Total:</b>	<b>\$320,000</b>	<b>\$120,000</b>	<b>\$100,000</b>	<b>\$100,000</b>			
<b>D. FUNDING SOURCE/FUNDING SCHEDULE:</b>							
General Fund	\$0						
Fund Balance - CIP	\$280,000	\$80,000	\$100,000	\$100,000			
Gas Tax	\$0						
Grant	\$40,000	\$40,000					
Unfunded	\$0						
<b>Total:</b>	<b>\$320,000</b>	<b>\$120,000</b>	<b>\$100,000</b>	<b>\$100,000</b>			
<b>E. LEVEL OF SERVICE:</b>							
				PLANNING AREA:			
Plan LOS	N/A						
Actual LOS	N/A						
Added Capacity	N/A						

## CAPITAL IMPROVEMENT PROJECT DETAIL SHEET

<b>A. PROJECT IDENTIFICATION</b>							
PROJECT NAME:	Typical Paving of "D" Road	PROJECT NUMBER:					
LOCATION: D Road							
<b>B. PROJECT INFORMATION</b>							
DESCRIPTION/JUSTIFICATION:	Provide FDOT paving requirements on "D" Road from Southern Boulevard north to the bridge. OGEM from the north side of the bridge to Collecting Canal after the Town receives necessary ownership transfer from the LGWCD						
RELATIONSHIP TO OTHER PROJECTS/PLANS:	None						
<b>C. EXPENDITURE SCHEDULE:</b>							
				<b>ACCOUNT NUMBER: 305-519-600-000</b>			
Cost Elements:	Total	FY15	FY16	FY17	FY18	FY19	FY20 beyond
Plan, Design, Supervn	\$0	\$0					
Land	\$0						
Site Improvements	\$0						
Construction	\$0						
Furniture & Equipment	\$0						
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>			
<b>D. FUNDING SOURCE/FUNDING SCHEDULE:</b>							
General Fund	\$0						
Fund Balance - CIP							
Gas Tax	\$0	\$0					
Grant	\$0						
Unfunded	\$0						
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>			
<b>E. LEVEL OF SERVICE:</b>							
		<b>PLANNING AREA:</b>					
Plan LOS	N/A						
Actual LOS	N/A						
Added Capacity	N/A						

## CAPITAL IMPROVEMENT PROJECT DETAIL SHEET

**A. PROJECT IDENTIFICATION**

PROJECT NAME: Road acquisition from LGWCD  
 LOCATION: OGM paved roads with the Town

PROJECT NUMBER:

**B. PROJECT INFORMATION**

DESCRIPTION/JUSTIFICATION:

RELATIONSHIP TO OTHER PROJECTS/PLANS: None

**C. EXPENDITURE SCHEDULE:**

ACCOUNT NUMBER: 305-519-600-000

Cost Elements:	Total	FY15	FY16	FY17	FY18	FY19	FY20 beyond
Plan, Design, Supervn	\$0	\$0					
Land	\$0						
Site Improvements	\$115,736	\$28,934	\$28,934	\$28,934	\$28,934	\$0	
Construction	\$0						
Furniture & Equipment	\$0						
<b>Total:</b>	<b>\$115,736</b>	<b>\$28,934</b>	<b>\$28,934</b>	<b>\$28,934</b>	<b>\$28,934</b>	<b>\$0</b>	<b>\$0</b>

**D. FUNDING SOURCE/FUNDING SCHEDULE:**

General Fund	\$0						
Fund Balance - CIP	\$115,736	\$28,934	\$28,934	\$28,934	\$28,934		
Gas Tax							
Grant							
Unfunded							
<b>Total:</b>	<b>\$115,736</b>	<b>\$28,934</b>	<b>\$28,934</b>	<b>\$28,934</b>	<b>\$28,934</b>	<b>\$0</b>	<b>\$0</b>

**E. LEVEL OF SERVICE:**

PLANNING AREA:

Plan LOS	N/A						
Actual LOS	N/A						
Added Capacity	N/A						

**Recommended Revenue Estimates and Appropriations  
for Fiscal Year 2014-15**



<b>Solid Waste Fund</b>										
<b>Estimated Revenues</b>										
	<b>Account</b>	<b>FY 10-11 UNAUDITED FINAL</b>	<b>FY 11-12 Audited</b>	<b>FY 12-13 Audited</b>	<b>FY 13-14 Budget</b>	<b>Year to Date APRIL 30, 2014</b>	<b>FY 2014-15 Proposed Budget</b>	<b>FAAC Proposed Budget</b>	<b>Council Recommend</b>	<b>Council Adopted</b>
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	350,051.69	432,873.00	391,623	432,873	432,873	-	-
405-325-206-000	Discount Fees	(13,679)	(14,981)	(10,214)	(12,103)	(13,727)	(11,644)	(11,644)	0	-
405-343-120-000	SWA Recycling Income	8,324	7,571	7,719.28	8,000.00	2,162	6,700	6,700	-	-
405-363-990-000	Contributions from General Fund	-	-	-	-	-	-	-	-	-
	<b>Total Revenue</b>	<b>466,467</b>	<b>464,987</b>	<b>347,557</b>	<b>428,770</b>	<b>380,058</b>	<b>427,929</b>	<b>427,929</b>	<b>-</b>	<b>-</b>

<b>Solid Waste Fund</b>										
<b>Appropriations</b>										
	<b>Account</b>	<b>FY 10-11 UNAUDITED FINAL</b>	<b>FY 11-12 Audited</b>	<b>FY 12-13 Audited</b>	<b>FY 13-14 Budget</b>	<b>Year to Date APRIL 30, 2014</b>	<b>FY 2014-15 Proposed Budget</b>	<b>FAAC Proposed Budget</b>	<b>Council Recommend</b>	<b>Council Adopted</b>
405-534-345-000	Contractual - Waste Over	9,200	9,500	8,336.00	7,010.00	15,868	7,000	7,000	-	-
405-534-346-000	PBC Administration Fee - 1%	5,312	4,052	4,249.05	4,460.00	3,667	4,329	4,329	-	-
405-534-420-000	Postage & Freight	-	34	28.00	500.00	-	300	300	-	-
405-534-434-000	Solid Waste Contractor	439,024	413,998	451,634.40	415,800.00	223,241	415,800	415,800	-	-
405-534-436-000	Other Sanitation Service	2,400	1,333	15,250.00	-	-	-	-	-	-
405-534-490-000	Legal Advertising	700	-	-	1,000.00	700	500	500	-	-
405-534-595-000	TOLG Management Fee	12,000	279	-	-	-	-	-	-	-
	<b>Total Expenditure</b>	<b>468,636</b>	<b>429,196</b>	<b>479,497</b>	<b>428,770</b>	<b>243,476</b>	<b>427,929</b>	<b>427,929</b>	<b>-</b>	<b>-</b>

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## Solid Waste Fund

Account Number	Account Title	Detail Description	Amount	FAAC	Council Amount	Council Adopted
405-325-205-000	Solid Waste Assessments		\$432,873	\$432,873	\$0	\$0
		1,257 ERU @ \$344.37	\$432,873	\$432,873		
405-325-206-000	Discount Fees		(\$11,644)	(\$11,644)	\$0	\$0
		Early payment of tax bills @ 3.0% average discount	(\$11,644)	(\$11,644)		
405-343-120-000	SWA Recycling Income		\$6,700	\$6,700	\$0	\$0
		Recycle income sharing PBC SWA	\$6,700	\$6,700		
405-363-990-000	Contributions from General Fund		\$0	\$0	\$0	\$0
			\$0	\$0	\$0	\$0
					\$0	\$0
						\$0
		<b>TOTAL REVENUE</b>	<b>\$427,929</b>	<b>\$427,929</b>	<b>\$ -</b>	<b>\$0</b>

## Appropriations

405-534-345-000	Contractual - Waste Over		\$7,000	\$7,000	\$0	\$0
		Frank Schiola	\$7,000	\$7,000		
405-534-346-000	PBC Administration Fee - 1%		\$4,329	\$4,329	\$0	\$0
		1% for administration by PBC	\$4,329	\$4,329		
405-534-420-000	Postage & Freight		\$300	\$300	\$0	\$0
		Miscellaneous mailings	\$300	\$300		
405-534-434-000	Solid Waste Contractor		\$415,800	\$415,800	\$0	\$0
		Cost estimated using existing contract price of \$27.50/unit/month	\$415,800	\$415,800		
405-534-436-000	Other Sanitation Service		\$0	\$0	\$0	\$0
			\$0	\$0	\$0	
405-534-490-000	Legal Advertising		\$500	\$500	\$0	\$0
		Miscellaneous advertising	\$500	\$500		
		Reduced due to Assessment approval				
405-534-595-000	TOLG Management Fee		\$0	\$0	\$0	\$0
		No TOLG fee needed	\$0	\$0	\$0	



**Item 10.b.**

**NEW BUSINESS**

**Code Enforcement Administrative Cost**

# Advisory Legal Opinion - AGO 2014-04

 [Print Version](#)

Number: AGO 2014-04

Date: June 18, 2014

Subject: Municipalities -- Code Enforcement -- Costs

Ms. Heather M. Ramos  
GrayRobinson  
Post Office Box 3068  
Orlando, Florida 32802-3068

Dear Ms. Ramos:

On behalf of the Town of Windermere, you have asked for my opinion on substantially the following questions:

1. Do the provisions of section 162.07(2), Florida Statutes, permit the Town of Windermere to recover from the code violator the costs that the town pays to the special magistrate for his time for performing his services as a special magistrate?
2. Do the provisions of section 162.07(2), Florida Statutes, permit the Town of Windermere to recover from the code violator the costs that the town pays to the special magistrate's assistant for her time spent assisting the special magistrate with the performance of his services as a special magistrate?

In sum:

1. The provisions of section 162.07(2), Florida Statutes, which authorize the recovery of all costs incurred by a municipality in prosecuting a violator before a code enforcement board or special magistrate do not authorize the award of compensation or fees as "costs" to the special master for his or her services incurred in such a prosecution.
2. Section 162.07(1), Florida Statutes, requires a local governmental body utilizing the services of a special magistrate as a code enforcement board, to provide clerical and administrative personnel as are reasonably required to accomplish the duties of the board. Nothing in Chapter 162, Florida Statutes, would authorize the inclusion of these administrative personnel charges within the "costs" assessed against a code violator.

According to information you have provided to this office, the Town of Windermere has created an alternate code enforcement system pursuant to subsection 162.03(2), Florida Statutes. The system gives a special magistrate designated by the town council the authority to conduct code enforcement hearings and impose and authorize the collection of fines and costs against pending or repeat violators of town codes and ordinances. The town's special magistrate has the same status as an enforcement board under Chapter 162, Florida Statutes. The special magistrate sits as an impartial hearing officer to determine, based on the evidence presented during the hearing, if a violation has occurred. The special magistrate does not initiate enforcement proceedings or inspect for code violations.

Question One

You ask whether section 162.07(2), Florida Statutes, permits the Town of Windermere to recover the funds the town pays to the special magistrate for performing the official services of a special magistrate from a code violator.

Chapter 162, Florida Statutes, establishes administrative enforcement procedures and a means of imposing administrative fines by local governmental bodies for violations of local codes and ordinances for which no criminal

penalty has been specified. This mechanism is necessary in light of the provisions of Article V, section 1, and Article I, section 18, Florida Constitution, which provide that while commissions established by law or administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices, no administrative agency shall impose a sentence of imprisonment, nor shall it impose any other penalty *except as provided by law.*[1] Thus, unless provided for in statute, no administrative penalty or fine may be imposed by an administrative agency such as a code enforcement board or a special master serving as the code enforcement board.[2]

Section 162.07(2), Florida Statutes, states:

"Each case before an enforcement board shall be presented by the local governing body attorney or by a member of the administrative staff of the local governing body. *If the local governing body prevails in prosecuting a case before the enforcement board, it shall be entitled to recover all costs incurred in prosecuting the case before the board and such costs may be included in the lien authorized under s. 162.09(3).*" (e.s.)

Thus, your question is whether the amounts paid to the special magistrate by the town for performing his services may be characterized as "costs" which are recoverable under the statute. It is my opinion that they may not as they constitute "fees" paid to a public officer for his services not "costs" incurred in prosecuting or defending an action.

Section 162.07(2), Florida Statutes, provides no definition for the term "costs" as used in that statute. However, "costs" are generally understood to be allowances to a party for the expenses incurred in prosecuting or defending a suit and are an incident to the judgment. The term "costs" is commonly understood in the legal sense to mean "[t]he charges or fees taxed by the court, such as filing fees, jury fees, courthouse fees, and reporter fees. - Also termed *court costs.*"[3] (Emphasis in original) "Costs" are distinguishable from "fees" although the two terms are frequently used interchangeably.[4] "Fees" are understood to be compensation to public officers for services rendered in the course of the case.[5] "Fees" represent a charge for labor or services, especially professional services.[6]

Therefore, it is my opinion that the provisions of section 162.07(2), Florida Statutes, which authorize the recovery of all costs incurred by a municipality in prosecuting a violator before a code enforcement board or special magistrate do not authorize the award of compensation or fees as "costs" to the special master for his or her services incurred in such a prosecution.

Question Two

Your letter also advises that the special magistrate employs an assistant or paralegal who assists in providing services related to the special magistrate position. You ask whether, pursuant to section 162.07(2), Florida Statutes, the Town may recover from a code violator the costs incurred by the town for the services of the special magistrate's assistant.

Based on the discussion above relating to the fees paid special magistrates, I believe that your second question has been answered. The compensation paid to public officers for services rendered in the course of the case are not included within the term "costs" unless the Legislature has specifically included them. I am aware of no such legislative determination in section 162.07(2), Florida Statutes, and thus, must conclude that these fees may not be included within those "costs."

As support for this conclusion, I note that this office, in Attorney General Opinion 72-60, considered the assessment of court costs in criminal cases and stated:

"Costs properly chargeable against a defendant on conviction generally do not include the general expense of maintaining the system of courts and the administration of justice, all of which is an ordinary burden of government. Under this principle the costs of jurors or other expenses in connection with jurors are not chargeable. Likewise, expenses of the trial judge are considered part of government expense and not chargeable as costs. As a general rule, fees and mileage of government witnesses are held taxable costs of prosecution against convicted defendants."

While your questions deal with quasi-judicial code enforcement procedures and not with criminal proceedings, it would appear that the same considerations would apply in determining whether the expenses of the special magistrate and his or her assistant or paralegal are chargeable as costs.

In fact, section 162.07(1), Florida Statutes, includes the following directive:

"The local governing body shall provide clerical and administrative personnel as may be reasonably required by each enforcement board for the proper performance of its duties."

Thus, it appears that the local government is made responsible for providing the clerical and administrative personnel that may be required to accomplish the duties of the code enforcement board or a special magistrate serving as the code enforcement board.

In sum, it is my opinion that the provisions of section 162.07(2), Florida Statutes, which authorize the recovery of all costs incurred by a municipality in prosecuting a violator before a code enforcement board or special magistrate do not authorize the award of compensation of fees as "costs" to the paralegal or assistant to the special master for his or her services incurred in such a prosecution.

Sincerely,

Pam Bondi  
Attorney General

PB/tgh

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[1] See generally Op. Att'y Gen. Fla. 79-109 (1979) (governing body of charter county prohibited in absence of statutory authorization from providing by ordinance for imposition of civil penalties); *Broward County v. Plantation Imports, Inc.*, 419 So. 2d 1145, 1148 (Fla. 4th DCA 1982) (holding that provisions of county ordinance authorizing assessment of penalties by county agency was unconstitutional and agreeing with conclusion in Op. Att'y Gen. Fla. 79-109).

[2] See Op. Att'y Gen. Fla. 09-29 (2009) (a local government or its governing body derives no delegated authority from Ch. 162, Fla. Stat.; further, municipalities derive no home rule power from Art. VIII, s. 2(b), Fla. Const., or s. 166.021, Fla. Stat., to regulate code enforcement boards or otherwise regulate statutorily prescribed enforcement procedure); Ops. Att'y Gen. Fla. 85-84 (1985), 79-109 (1979); *Broward County v. Plantation Imports, Inc.*, 419 So. 2d 1145 (Fla. 4th DCA 1982) (holding that the provisions of a county ordinance authorizing assessment of penalties by county agency was unconstitutional and agreeing with Op. Att'y Gen. Fla. 79-109).

[3] See Black's Law Dictionary *cost*, p. 372 (8th ed.).

[4] See 20 C.J.S. *Costs* s. 3, "Distinctions" (1990).

[5] See *Dade County v. Strauss*, 246 So. 2d 137 (Fla. 3d DCA 1971), cert. denied, 253 So. 2d 864 (Fla. 1971), cert. denied, 92 S.Ct. 1793, 406 U.S. 924, 32 L.Ed.2d 125 (1972) ("costs" and "fees" are different in their nature generally; "costs" are allowances to party of expenses incurred in successful transaction or defense of suit while "fees" are compensation to officer for services rendered in progress of cause). And see *Flood v. State*, 117 So. 385 (Fla. 1928) ("fee" is charge fixed by law for service or public officer of for use of privilege under government's control); and see 20 C.J.S. Costs s. 3, "Distinctions" (1990).

[6] See Black's Law Dictionary *fee*, p. 647 (8th ed.). Cf. Op. Att'y Gen. Fla. 09-07 (2009) (provisions of s. 162.07(2), Fla. Stat., which authorizes the recovery of all costs incurred by a municipality in prosecuting a violator before a code enforcement board would not authorize the board to award attorney's fees to the municipality for attorney's fees incurred in such a prosecution whether those fees are incurred directly or indirectly).

Number: AGO 84-55  
Date: June 7, 1984  
Subject: Fee for code violations

Mr. Herbert W.A. Thiele  
City Attorney  
City of Delray Beach  
100 N.W. 1st Avenue  
Delray Beach, Florida 33444

RE: LOCAL GOVERNMENT CODE ENFORCEMENT BOARDS--Local governing bodies may not empower or require boards to impose administrative charges or fees

Dear Mr. Thiele:

This is in response to your request for an opinion on substantially the following question:

May a municipality that has established a local government code enforcement board pursuant to Ch. 162, F.S., by ordinance require that the code enforcement board impose an administrative charge or fee on individuals, businesses or other entities found guilty by the board of violation of one or more of its technical codes?

Your letter of inquiry notes that the purpose of the proposed administrative charge or fee is to help defray the cost of processing Local Government Code Enforcement Board cases, and to pay part of the cost of inspection and reinspection necessary to ensure compliance with the city's technical codes. You also note that it would be the intent of this ordinance to specifically require that the enforcement board impose this administrative cost or fee against any person found guilty of violating the various technical codes, and that this charge or fee would be in addition to, and not in lieu of, any fine which the enforcement board could levy against a violator, and its collection would be conducted in the same manner as that for fines, if any, levied by the enforcement board. Since this administrative charge or fee is to be assessed against those alleged violators "finally found guilty by the code enforcement board," the charge in actuality is, or is in the nature of, "costs" assessed in criminal proceedings or special statutory proceedings. I note that no provision of Ch. 162, F.S., delegates any authority to the local government code enforcement boards to impose against any person costs of the prosecution of the proceedings before the enforcement boards, or the costs of processing the cases before the boards or the costs of their enforcement procedures to assure compliance with the local governments' technical codes; neither does the statute provide for a lien (for failure to pay costs) against the land of any person or for the enforcement of any such liens for such costs.

For the following reasons, your question is answered in the negative.

Chapter 162, F.S., the "Local Government Code Enforcement Boards Act," authorizes the creation by counties and municipalities, at their option, of quasi-judicial administrative boards as provided in Ch. 162 to enforce, "the technical codes in force [therein] . . . including, but not limited to, occupational license, fire, building, zoning, and sign codes." Sections 162.01 and 162.02, F.S.

Section 162.03, F.S., gives to local governing bodies the *option to create or abolish* by ordinance such code enforcement boards, as provided in Ch. 162, but no authority to regulate such boards or their members is delegated to local governments other than as specified in ss. 162.03 and 162.05. While s. 162.13 permits a local governing body to enforce its codes by means other than those prescribed in ss. 162.01 162.12, no provision of Ch. 162 delegates any power to

as the forum for resolution of technical code violations). Beyond these two forums, no other means of enforcement are available to cities or counties. See s. 1, Art. V, State Const. (vesting judicial power in a supreme court, district courts of appeal, circuit courts and county courts, and providing that no other courts may be established by the state, and political subdivisions, or any municipality). For a description of the jurisdiction of county courts, see s. 6(b) and s. 20(c)(4), Art. V (the latter section granting county courts original jurisdiction of all violations of municipal and county ordinances); see also s. 34.01(1)(b), F.S.

In view of the foregoing considerations, it would appear that the local governing bodies do not possess any home rule power over such boards or the duties and powers conferred and imposed thereon by the Legislature. Were it not for Ch. 162 and the enforcement procedures prescribed thereby, the local governments, or their administrative agencies and officers, would be without any power to enforce their various technical codes by administrative agencies or to impose the administrative fines or place the liens as provided therein by the Legislature. Rather, such technical codes would be exclusively enforced by the county courts. Therefore, in view of the fact that the Legislature has not delegated any authority to the local governing bodies in that regard, I must conclude that a local governing body, by ordinance, may not in effect amend or add any provision to Ch. 162, F.S., so as to authorize or require the local government code enforcement board to impose an administrative charge or fee on individuals or entities found guilty of violating any of the various technical codes in force in the counties and municipalities.

In summary, it is my opinion that the governing body of a county or municipality that has created a local government code enforcement board pursuant to and as provided in Ch. 162, F.S., may not by ordinance require that the local code enforcement board impose an administrative charge or fee on individuals, businesses or other entities found guilty by the board of violation of one or more of that local government's technical codes.

Sincerely,

Jim Smith  
Attorney General

Prepared by:

Anne Curtis Terry  
Assistant Attorney General

# The Florida Senate

## 2013 Florida Statutes

<p><u>Title XI</u> COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS</p>	<p><b>Chapter 162</b> <b>COUNTY OR MUNICIPAL CODE ENFORCEMENT</b></p>
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**CHAPTER 162**  
**COUNTY OR MUNICIPAL CODE ENFORCEMENT**

**PART I**  
**LOCAL GOVERNMENT CODE ENFORCEMENT BOARDS**  
(ss. 162.01-162.13)

**PART II**  
**SUPPLEMENTAL COUNTY OR MUNICIPAL CODE OR ORDINANCE ENFORCEMENT PROCEDURES**  
(ss. 162.21-162.30)

**PART I**  
**LOCAL GOVERNMENT CODE**  
**ENFORCEMENT BOARDS**

- 162.01 Short title.
- 162.02 Intent.
- 162.03 Applicability.
- 162.04 Definitions.
- 162.05 Local government code enforcement boards; organization.
- 162.06 Enforcement procedure.
- 162.07 Conduct of hearing.
- 162.08 Powers of enforcement boards.
- 162.09 Administrative fines; costs of repair; liens.
- 162.10 Duration of lien.
- 162.11 Appeals.
- 162.12 Notices.
- 162.125 Actions for money judgments under this chapter; limitation.
- 162.13 Provisions of act supplemental.

**162.01 Short title.**— Sections 162.01-162.13 may be cited as the “Local Government Code Enforcement Boards Act.”

**History.**—s. 1, ch. 80-300; s. 72, ch. 81-259; s. 1, ch. 82-37.

**Note.**— Former s. 166.051.

**162.02 Intent.**— It is the intent of this part to promote, protect, and improve the health, safety, and welfare of the citizens of the counties and municipalities of this state by authorizing the creation of administrative boards with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in counties and municipalities, where a pending or repeated violation continues to exist.

**History.**—s. 1, ch. 80-300; s. 2, ch. 82-37; s. 1, ch. 85-150; s. 1, ch. 86-201; s. 1, ch. 89-268.

**Note.**— Former s. 166.052.

**162.03 Applicability.—**

(1) Each county or municipality may, at its option, create or abolish by ordinance local government code enforcement boards as provided herein.

(2) A charter county, a noncharter county, or a municipality may, by ordinance, adopt an alternate code enforcement system that gives code enforcement boards or special magistrates designated by the local governing body, or both, the authority to hold hearings and assess fines against violators of the respective county or municipal codes and ordinances. A special magistrate shall have the same status as an enforcement board under this chapter. References in this chapter to an enforcement board, except in s. 162.05, shall include a special magistrate if the context permits.

**History.**—ss. 1, 2, ch. 80-300; s. 3, ch. 82-37; s. 2, ch. 86-201; s. 1, ch. 87-129; s. 2, ch. 89-268; s. 2, ch. 99-360; s. 63, ch. 2004-11.

**Note.**— Former s. 166.053.

**162.04 Definitions.—** As used in ss. 162.01-162.13, the term:

(1) "Local governing body" means the governing body of the county or municipality, however designated.

(2) "Code inspector" means any authorized agent or employee of the county or municipality whose duty it is to assure code compliance.

(3) "Local governing body attorney" means the legal counselor for the county or municipality.

(4) "Enforcement board" means a local government code enforcement board.

(5) "Repeat violation" means a violation of a provision of a code or ordinance by a person who has been previously found through a code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within 5 years prior to the violation, notwithstanding the violations occur at different locations.

**History.**—s. 1, ch. 80-300; s. 4, ch. 82-37; s. 10, ch. 83-216; s. 3, ch. 86-201; s. 3, ch. 89-268; s. 3, ch. 99-360; s. 22, ch. 2001-60.

**Note.**— Former s. 166.054.

**162.05 Local government code enforcement boards; organization.—**

(1) The local governing body may appoint one or more code enforcement boards and legal counsel for the enforcement boards. The local governing body of a county or a municipality that has a population of less than 5,000 persons may appoint five-member or seven-member code enforcement boards. The local governing body of a county or a municipality that has a population equal to or greater than 5,000 persons must appoint seven-member code enforcement boards. The local governing body may appoint up to two alternate members for each code enforcement board to serve on the board in the absence of board members.

(2) Members of the enforcement boards shall be residents of the municipality, in the case of municipal enforcement boards, or residents of the county, in the case of county enforcement boards. Appointments shall be made in accordance with applicable law and ordinances on the basis of experience or interest in the subject matter jurisdiction of the respective code enforcement board, in the sole discretion of the local governing body. The membership of each enforcement board shall, whenever possible, include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.

(3)(a) The initial appointments to a seven-member code enforcement board shall be as follows:

1. Two members appointed for a term of 1 year each.
2. Three members appointed for a term of 2 years each.
3. Two members appointed for a term of 3 years each.

(b) The initial appointments to a five-member code enforcement board shall be as follows:

1. One member appointed for a term of 1 year.
2. Two members appointed for a term of 2 years each.
3. Two members appointed for a term of 3 years each.

Thereafter, any appointment shall be made for a term of 3 years.

(c) The local governing body of a county or a municipality that has a population of less than 5,000 persons may reduce a seven-member code enforcement board to five members upon the simultaneous expiration of the terms of office of two members of the board.

(d) A member may be reappointed upon approval of the local governing body.

(e) An appointment to fill any vacancy on an enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the enforcement board shall declare the member's office vacant, and the local governing body shall promptly fill such vacancy.

(f) The members shall serve in accordance with ordinances of the local governing body and may be suspended and removed for cause as provided in such ordinances for removal of members of boards.

(4) The members of an enforcement board shall elect a chair, who shall be a voting member, from among the members of the board. The presence of four or more members shall constitute a quorum of any seven-member enforcement board, and the presence of three or more members shall constitute a quorum of any five-member enforcement board. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the local governing body or as are otherwise provided by law.

(5) The local governing body attorney shall either be counsel to an enforcement board or shall represent the municipality or county by presenting cases before the enforcement board, but in no case shall the local governing body attorney serve in both capacities.

**History.**—s. 1, ch. 80-300; s. 5, ch. 82-37; s. 4, ch. 86-201; s. 2, ch. 87-129; s. 4, ch. 89-268; s. 1, ch. 94-291; s. 1441, ch. 95-147.

**Note.**—Former s. 166.055.

#### **162.06 Enforcement procedure.—**

(1) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes; however, no member of a board shall have the power to initiate such enforcement proceedings.

(2) Except as provided in subsections (3) and (4), if a violation of the codes is found, the code inspector shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify an enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in s. 162.12 to said violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in s. 162.12. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.

(3) If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify an enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to s. 162.12. The case may be presented to the enforcement board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state. If the repeat violation has been corrected, the code enforcement board retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said costs as determined by the code enforcement board.

(4) If the code inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing.

(5) If the owner of property that is subject to an enforcement proceeding before an enforcement board, special magistrate, or court transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:

- (a) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- (b) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (c) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- (d) File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within 5 days after the date of the transfer.

A failure to make the disclosures described in paragraphs (a), (b), and (c) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

**History.**—s. 1, ch. 80-300; s. 5, ch. 86-201; s. 1, ch. 87-391; s. 5, ch. 89-268; s. 2, ch. 94-291; s. 1442, ch. 95-147; s. 2, ch. 96-385; s. 4, ch. 99-360; s. 64, ch. 2004-11.

**Note.**—Former s. 166.056.

#### **162.07 Conduct of hearing.—**

(1) Upon request of the code inspector, or at such other times as may be necessary, the chair of an enforcement board may call a hearing of an enforcement board; a hearing also may be called by written notice signed by at least three members of a seven-member enforcement board or signed by at least two members of a five-member enforcement board. Minutes shall be kept of all hearings by each enforcement board, and all hearings and proceedings shall be open to the public. The local governing body shall provide clerical and administrative personnel as may be reasonably required by each enforcement board for the proper performance of its duties.

(2) Each case before an enforcement board shall be presented by the local governing body attorney or by a member of the administrative staff of the local governing body. If the local governing body prevails in prosecuting a case before the enforcement board, it shall be entitled to recover all costs incurred in prosecuting the case before the board and such costs may be included in the lien authorized under s. 162.09(3).

(3) An enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The enforcement board shall take testimony from the code inspector and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(4) At the conclusion of the hearing, the enforcement board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The finding shall be by motion approved by a majority of those members present and voting, except that at least four members of a seven-member enforcement board, or three members of a five-member enforcement board, must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in s. 162.09(1), the cost of repairs may be included along with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

**History.**—s. 1, ch. 80-300; s. 6, ch. 82-37; s. 44, ch. 83-217; s. 6, ch. 86-201; s. 6, ch. 89-268; s. 3, ch. 94-291; s. 1443, ch. 95-147; s. 2, ch. 95-297.

**Note.**— Former s. 166.057.

**162.08 Powers of enforcement boards.**— Each enforcement board shall have the power to:

- (1) Adopt rules for the conduct of its hearings.
- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county or police department of the municipality.
- (3) Subpoena evidence to its hearings.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

**History.**— s. 1, ch. 80-300; s. 7, ch. 82-37; s. 7, ch. 86-201; s. 7, ch. 89-268.

**Note.**— Former s. 166.058.

**162.09 Administrative fines; costs of repair; liens.**—

(1) An enforcement board, upon notification by the code inspector that an order of the enforcement board has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in s. 162.06(4), the enforcement board shall notify the local governing body, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property and does not create any liability against the local governing body for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, a code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in paragraph (2)(a).

(2)(a) A fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (1). However, if a code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000 per violation.

(b) In determining the amount of the fine, if any, the enforcement board shall consider the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violations committed by the violator.

(c) An enforcement board may reduce a fine imposed pursuant to this section.

(d) A county or a municipality having a population equal to or greater than 50,000 may adopt, by a vote of at least a majority plus one of the entire governing body of the county or municipality, an ordinance that gives code enforcement boards or special magistrates, or both, authority to impose fines in excess of the limits set forth in paragraph (a). Such fines shall not exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature. In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs pursuant to subsection (1). Any ordinance imposing such fines shall include criteria to be considered by the code enforcement board or special magistrate in determining the amount of the fines, including, but not limited to, those factors set forth in paragraph (b).

(3) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section. After 3 months from the filing of any such lien which remains unpaid, the enforcement board may authorize the local governing body attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under s. 4 (a), Art. X of the State Constitution.

**History.**—s. 1, ch. 80-300; s. 8, ch. 82-37; s. 2, ch. 85-150; s. 8, ch. 86-201; s. 2, ch. 87-391; s. 8, ch. 89-268; s. 4, ch. 94-291; s. 1, ch. 95-297; s. 5, ch. 99-360; s. 1, ch. 2000-125; s. 65, ch. 2004-11.

**Note.**— Former s. 166.059.

**162.10 Duration of lien.**— No lien provided under the Local Government Code Enforcement Boards Act shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action is commenced pursuant to s. 162.09(3) in a court of competent jurisdiction. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the action. The local governing body shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

**History.**—s. 9, ch. 82-37; s. 9, ch. 86-201; s. 9, ch. 89-268; s. 5, ch. 94-291; s. 2, ch. 2000-125.

**162.11 Appeals.**— An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

**History.**—s. 1, ch. 80-300; s. 10, ch. 82-37; s. 3, ch. 85-150; s. 10, ch. 86-201.

**Note.**— Former s. 166.061.

**162.12 Notices.**—

(1) All notices required by this part must be provided to the alleged violator by:

(a) Certified mail, return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. The local government may also provide an additional notice to any other address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described in subparagraphs (2)(b)1. and 2.;

(b) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;

(c) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(d) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(2) In addition to providing notice as set forth in subsection (1), at the option of the code enforcement board or the local government, notice may be served by publication or posting, as follows:

(a)1. Such notice shall be published once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.

2. Proof of publication shall be made as provided in ss. 50.041 and 50.051.

(b)1. In lieu of publication as described in paragraph (a), such notice may be posted at least 10 days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be, in the case of municipalities, at the primary municipal government office, and in the case of counties, at the front door of the courthouse or the main county governmental center in said county.

2. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(c) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (1).

Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (1), together with proof of publication or posting as provided in subsection (2), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

**History.**—s. 1, ch. 80-300; s. 11, ch. 86-201; s. 3, ch. 87-391; s. 10, ch. 89-268; s. 6, ch. 94-291; s. 6, ch. 99-360; s. 3, ch. 2000-125; s. 1, ch. 2012-13; s. 2, ch. 2013-193.

**Note.**—Former s. 166.062.

**162.125 Actions for money judgments under this chapter; limitation.**—Actions for money judgments under this chapter may be pursued only on fines levied after October 1, 2000.

**History.**—s. 4, ch. 2000-125.

**162.13 Provisions of act supplemental.**—It is the legislative intent of ss. 162.01-162.12 to provide an additional or supplemental means of obtaining compliance with local codes. Nothing contained in ss. 162.01-162.12 shall prohibit a local governing body from enforcing its codes by any other means.

**History.**—s. 11, ch. 82-37.

## PART II

### SUPPLEMENTAL COUNTY OR MUNICIPAL CODE OR ORDINANCE ENFORCEMENT PROCEDURES

162.21 Enforcement of county or municipal codes or ordinances; penalties.

162.22 Designation of enforcement methods and penalties for violation of municipal ordinances.

162.23 Notice to appear.

162.30 Civil actions to enforce county and municipal ordinances.

#### **162.21 Enforcement of county or municipal codes or ordinances; penalties.**—

(1) As used in this section, “code enforcement officer” means any designated employee or agent of a county or municipality whose duty it is to enforce codes and ordinances enacted by the county or municipality.

(2) A county or a municipality may designate certain of its employees or agents as code enforcement officers. The training and qualifications of the employees or agents for such designation shall be determined by the county or the municipality. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or firesafety inspectors. Designation as a

code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code enforcement officer to the provisions of ss. 943.085-943.255. Nothing in this section amends, alters, or contravenes the provisions of any state-administered retirement system or any state-supported retirement system established by general law.

(3)(a) A code enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge.

(b) Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, a code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

(c) A citation issued by a code enforcement officer shall be in a form prescribed by the county or the municipality and shall contain:

1. The date and time of issuance.
2. The name and address of the person to whom the citation is issued.
3. The date and time the civil infraction was committed.
4. The facts constituting reasonable cause.
5. The number or section of the code or ordinance violated.
6. The name and authority of the code enforcement officer.
7. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
8. The applicable civil penalty if the person elects to contest the citation.
9. The applicable civil penalty if the person elects not to contest the citation.
10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(4) After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one copy of the citation with the county court.

(5) A county or a municipality is authorized to enforce codes and ordinances under the provisions of this section and may enact an ordinance establishing procedures for the implementation of such provisions, including a schedule of violations and penalties to be assessed by code enforcement officers. If a county or municipality chooses to enforce codes or ordinances under the provisions of this section, each code or ordinance or the ordinance enacted by the county or municipality establishing procedures for implementation of this section shall provide:

- (a) That a violation of a code or an ordinance is a civil infraction.
- (b) A maximum civil penalty not to exceed \$500.
- (c) A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.

(d) For the issuance of a citation by a code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or an ordinance.

(e) For the contesting of a citation in county court.

(f) Such procedures and provisions as are necessary to provide for the enforcement of a code or an ordinance under the provisions of this section.

(6) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7) The provisions of this part shall not apply to the enforcement pursuant to ss. 553.79 and 553.80 of the Florida Building Code adopted pursuant to s. 553.73 as applied to construction, provided that a building permit is either not required or has been issued by the county or the municipality.

(8) The provisions of this section are additional and supplemental means of enforcing county or municipal codes or ordinances and may be used for the enforcement of any code or ordinance, or for the enforcement of all codes and ordinances. Nothing contained in this section shall prohibit a county or municipality from enforcing its codes or ordinances by any other means.

**History.**—s. 11, ch. 89-268; s. 7, ch. 94-291; s. 1444, ch. 95-147; s. 3, ch. 96-385; s. 4, ch. 98-287; s. 115, ch. 2000-141; s. 35, ch. 2001-186; s. 4, ch. 2001-372.

**162.22 Designation of enforcement methods and penalties for violation of municipal ordinances.**— The governing body of a municipality may designate the enforcement methods and penalties to be imposed for the violation of ordinances adopted by the municipality. These enforcement methods may include, but are not limited to, the issuance of a citation, a summons, or a notice to appear in county court or arrest for violation of municipal ordinances as provided for in chapter 901. Unless otherwise specifically authorized and provided for by law, a person convicted of violating a municipal ordinance may be sentenced to pay a fine, not to exceed \$500, and may be sentenced to a definite term of imprisonment, not to exceed 60 days, in a municipal detention facility or other facility as authorized by law.

**History.**—s. 1, ch. 94-255.

**162.23 Notice to appear.**—

(1) Notwithstanding s. 34.07, a code enforcement officer, designated pursuant to s. 162.21(1) and (2), may issue a notice to appear at any hearing conducted by a county court if the officer, based upon personal investigation, has reasonable cause to believe that the person has violated a code or ordinance. A notice to appear means a written order issued by a code enforcement officer in lieu of physical arrest requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time. If a person issued a notice to appear under this section refuses to sign such notice, the code enforcement officer has no authority to arrest such person.

(2) Prior to issuing a notice to appear, a code enforcement officer shall provide written notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no fewer than 5 days and no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the prescribed time period, a code enforcement officer may issue a notice to appear to the person who has committed the violation. A code enforcement officer is not required to provide the person with a reasonable time period to correct the violation prior to issuing a notice to appear and may immediately issue a notice to appear if a repeat violation is found, or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare or that the violator is engaged in violations of an itinerant or transient nature, as defined by local code or ordinance within the jurisdiction, or if the violation is irreparable or irreversible.

**History.**—s. 1, ch. 96-385; s. 7, ch. 99-360.

**162.30 Civil actions to enforce county and municipal ordinances.**— In addition to other provisions of law authorizing the enforcement of county and municipal codes and ordinances, a county or municipality may enforce any violation of a county or municipal code or ordinance by filing a civil action in the same manner as instituting a civil action. The action shall be brought in county or circuit court, whichever is appropriate depending upon the relief sought. Counties and municipalities are authorized and required to pay any counsel appointed by the court to represent a private party in such action if the provision of counsel at public expense is required by the Constitution of the United States or the Constitution of the State of Florida and if the party is indigent as established pursuant to s.

27.52. The county or municipality shall bear all court fees and costs of any such action, and may, if it prevails, recover the court fees and costs and expense of the court-appointed counsel as part of its judgment. The state shall bear no expense of actions brought under this section except those that it would bear in an ordinary civil action between private parties in county court.

**History.**—s. 87, ch. 2003-402.

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**TOWN OF LOXAHATACHEE GROVES**

**ORDINANCE NO. 2011-009**

**AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR A TOWN ORDINANCE RELATING TO CODE ENFORCEMENT AUTHORITY AND PROCEDURES WITHIN THE TOWN PURSUANT TO CHAPTER 162, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Section 10(5) of the Charter of the Town of Loxahatchee Groves provides that all applicable county ordinances in place at the time of the referendum approving incorporation shall apply within the Town until rescinded by action of the Town Council; and,

WHEREAS, pursuant to the Charter, the Town had been using County ordinances for its land development code and code enforcement, as well as other matters, except as in those instances where the Town Council has adopted ordinances to be in effect in the Town on a specific subject matter; and,

WHEREAS, on November 16, 2010, the Town Council adopted the Town's Unified Land Development Code (ULDC), which provides the Town's own ordinances for land use and zoning matters; and,

WHEREAS, the ULDC will be codified into a Code of Ordinances for the Town; and,

WHEREAS, as the primary use of code enforcement within the Town is likely to be enforcement of the Town's ULDC, the Town Attorney recommends that the Town provide for its own ordinance to confirm the Town's use of Chapter 162, Florida Statutes, for code enforcement within the Town.

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

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

**Section 5: Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

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

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 15th DAY OF February, 2011.**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 1st DAY OF March, 2011.**

**TOWN OF LOXAHATCHEE GROVES, FLORIDA**

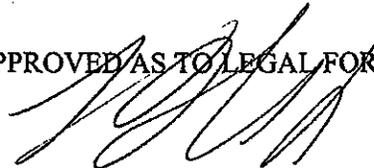
ATTEST:

  
\_\_\_\_\_  
Ann Harper, Town Clerk

  
\_\_\_\_\_  
Mayor David Browning

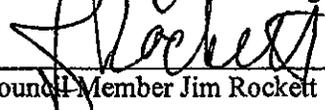
  
\_\_\_\_\_  
Vice-Mayor Dennis C. Nap

APPROVED AS TO LEGAL FORM:

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

  
\_\_\_\_\_  
Council Member Ron Jarriel

  
\_\_\_\_\_  
Council Member Ryan Liang

  
\_\_\_\_\_  
Council Member Jim Rockett

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**Item 10.c.**

**NEW BUSINESS**

**Investigation of Town Vendor**



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:** June 25, 2014

**SUBJECT:** Request for an Investigation of a Town Vendor

As you are aware, Town Management has received several complaints from Keith Harris requesting that Frank Schiola be terminated from his position with the Town of Loxahatchee Groves. Mr. Harris has also filed a complaint with the Palm Beach Sheriff's Office (PBSO) related to incident regarding the conversation that occurred on the property of Mr. Harris between both gentlemen regarding code enforcement and other issues.

The Town Attorney and I have reviewed the matter and will be prepared to discuss the various options that Town Council may exercise regarding this issue. Should you have any questions prior to the July 1st meeting, please feel free to contact me.