



Town of Loxahatchee Groves

Town Council Meeting

Tuesday, August 19, 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. Minutes for Approval: **July 1, 2014 Regular Town Council Meeting**
- b. Consideration for approval of the Criminal Justice Commission (CJC) allocation of Fiscal year 2015 (Federal Fiscal Year 2014) Justice Assistant Grant (JAG) funds. The total allocation for Fiscal year 2015 to Palm Beach County is \$341,227.

3. PUBLIC COMMENT

4. PRESENTATIONS

- a. Review of the Fiscal Year 2014/2015 Capital Improvement Fund, Transportation Fund, Fund Balance.

5. **COMMITTEE REPORTS** - *NONE*

6. **RESOLUTIONS** - *NONE*

7. **ORDINANCES** – *NONE*

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

9. **OLD BUSINESS**

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

10. **NEW BUSINESS**

- a. Administrative Policy 1-14 Reporting Policy to The Palm Beach County Inspector General

11. **CLOSING COMMENTS**

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

12. **ADJOURNMENT**

The next regular Town Council Meeting is tentatively scheduled for September 11, 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

**Minutes: July 1, 2014
Regular Town Council Meeting**



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.

MINUTES

1. OPENING

- a. Call to Order & Roll Call Mayor

Mayor Browning called the meeting to order at 7:05 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, and Town Clerk Janet K. Whipple.

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

Motion: Councilman Rockett made a motion to approve the Agenda as presented. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

1. 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).

f. Addendum #1: Consideration for water connection for the Groves Medical Plaza.

Motion: Councilman Liang made a motion to approve the Consent Agenda with the addition of Consent Agenda, f. Addendum #1. Councilman Rockett seconded the motion. Upon vote the motion passed 5/0.

3. PUBLIC COMMENT

Keith Harris, 2580 C Road, submitted a handout, concerning canals, culverts, and roadway canal replacement. He referenced the Interlocal Agreement with the Loxahatchee Groves Water Control District (LGWCD) for the funding of bridge maintenance. He provided the number of the contractor who can provide culvert replacement cheaper than what has been proposed.

Joe Hosford, 13244 Compton Road, spoke on the Compton Road resurfacing, he said it looks great. He suggested that the Town let people know the canal has been cleaned. He also suggested keeping the canal clean and in the future, painting the speed bumps.

Harold Murphy, 13245 Compton Road, stated the resurfacing for Compton Road was outstanding, and there is no more flooding. He would mark the speed bumps if the Town wanted him to. He expressed his thanks to the Town.

John Ryan, 3508 A Road, reported the Interlocal Agreement with the Loxahatchee Groves Water Control District (LGWCD), referenced by Mr. Harris, was for Town roads, and the focus was try to respond to the FEMA Flood Map. The land on the west side of the canal is cheaper than on the east side. He further explained access and water flow.

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).

Michael Sklar provided information on the 2015-2017 Community Development Block Grant, and other grants, and what the grant funds can be used for. He further explained qualifications requirements for the Urban County Program. Palm Beach County can use these federal for assistance.

Council asked questions, and expressed their concerns over the Agreement, and how it can benefit the Town.

- 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.

Sandra Semand from the Palm Beach County Sheriff's Office (PBSO) is recruiting for Citizen Patrol Unit, and would like Council to reach out to the PBSO Volunteer Unit to help patrol Loxahatchee Groves. She mentioned there was a training class coming up on July 18, 2014. She encouraged people to get involved, and hoped the Town could write a letter to encourage involvement.

It was the consensus of Council to send the letter to encourage involvement.

5. COMMITTEE REPORTS

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

Elise Ryan provided the May 2014 Financials. Mrs. Ryan stated the FAAC Board had recommended the Council approve a written policy for road improvement funds in order for the Board to recommend any road improvements. She also stated that capital improvement funds must be raised in order to cover the expenses such as the traffic light at Okeechobee Boulevard, trails, and equestrian crossings. The Board also recommended the millage rate be increased to 1.5 mills.

Elise passed out Chapter 6, Public Services from the Florida League of Cities Government Annual Report. Council discussed a few financial matters.

Motion: Councilman Rockett made a motion to accept the Financials for May 2014. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 5/0.

6. RESOLUTIONS - NONE

7. ORDINANCES

- a. ORDINANCE NO. 2014-04 2nd / 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.

Town Attorney Cirullo explained the situation with Ordinance No. 2014-04, and read the title.

Motion: Councilman Rockett made a motion to approve Ordinance No. 2014-04. Vice-Mayor Jarriel seconded the motion with discussion.

Council discussed the pros and cons of establishing this ordinance.

Virginia Standish, 15410 North Road; Lawrence Corning, 2834 E Road; Nina Corning, 2834 E Road; John Ryan 3508 A Road; Todd McLendon; and Keith Harris, 2580 C Road; all expressed their concerns why Ordinance No. 2014-04 is not beneficial to the residents of the Town.

Council discussed with Town Attorney Cirullo the ramifications of not passing Ordinance No. 2014-04 this evening, and how to address the concerns of the residents.

Jo Siciliano, 1530 B Road; Ken Johnson, 15409 Collecting Canal Road; and Christine St. John, 14220 43rd Road North; also provided their input and expressed their concerns over Ordinance No. 2014-04.

Upon Roll Call Vote, the motion to adopt Ordinance No. 2014-04 failed, 1/4 with Mayor Browning, Vice-Mayor Jarriel, Councilman Goltzené, and Councilman Liang dissenting.

Mayor Browning called for a very brief break.

8. ADMINISTRATIVE UPDATE – *Town Manager Kutney*

a. Okeechobee Boulevard

Town Manager Kutney reported on a June 16th meeting with Palm Beach County Engineer George Webb relative to the ability of the Town to take jurisdictional control over Okeechobee Boulevard and to indicate that the Town is interested in creating roundabouts at both B and F Roads. These ideas were recommend to the Town Council during a joint meeting between the Planning and Zoning Board (P&Z) and the Roadway, Equestrian Trails, Greenway Advisory Committee (RETGAC). Asking Mr. Webb his opinion and what the Town would have to go through in order to implement the ideas, Mr. Webb did not think recommending jurisdictional control over Okeechobee Boulevard for the Town was something he would not be able to recommend; however he was staying open to the matter. Mr. Webb indicated there was not really a formal process to the County relative to these types of requests, but a letter from the Town, directed either to him or County Administrator Weisman would be sufficient enough to get the ball rolling. Mr. Webb also was open to conditions and concerns of the Town, relating to the Minto Project

It was the consensus of Council to have Mr. Kutney write the letter.

Council brought up a few more concerns regarding the expansion of Okeechobee Boulevard.

Virginia Standish, 15410 North Road; and Nina Corning, 2834 E Road; spoke of their thoughts on the matter of Okeechobee Boulevard, and asking for what the Town wants. Mrs. Corning handed out maps to Council.

Motion: Council Rockett made a motion to Receive and File the maps. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

Dennis Lipp, 13402 North Road; Ken Johnson, 15409 Collecting Canal Road; and Lawrence Corning, 2834 E Road; spoke on Palm Beach County changing the integrity of the Town, especially if there are plans to extend Okeechobee Boulevard all the way to Twenty (20)

Mile Bend, working with the current County Commission in order to keep the rural character of the Town, trying to keep Okeechobee Boulevard two lanes, installing traffic calming devices, and traffic studies.

Councilman Goltzené recommended proactive measures.

b. IGC Meeting

Town Manager Kutney reported on the Intergovernmental Coordination Committee (IGC) Meeting that discussed drainage. The next meeting would be held on Friday, July 25, 2014, at 3:00 p.m.

Councilman Goltzené provided a report on the horse trails and Town Manager Kutney and LGWCD Administrator Steve Yohe would be working on the maintenance of the trails and noted that the easements must be mowed more often than twice a year.

Town Manager announced that Laura Danowski was the newest member of the Roadway, Equestrian Trails and Greenway Committee (RETGAC) (*Appointed by Mayor Browning*).

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).

Town Manager Kutney provided background on the Agreement.

Town Attorney Cirullo referenced sections in the Agreement he felt should be addressed before it was signed. He also noted this was a standard Agreement that the Town passed in 2011, and that basically there were no red flags.

Motion: Councilman Liang made a motion to approve the Urban County Jurisdiction Agreement. Vice Mayor Jarriel seconded the motion for discussion.

John Ryan, 3508 A Road, expressed his concerns.

Council discussed with Town Attorney Cirullo the purpose of the Agreement.

Councilman Rockett asked about the issues Councilman Goltzené raised and when was the deadline for approval, and was told July 25, 2014.

Councilman Rockett requested to table the Agreement until the next Council Meeting.

Town Attorney Cirullo will review the Agreement with the Palm Beach County Attorney.

Motion: Councilman Liang made a motion to postpone approving the Urban County Jurisdiction Agreement. Vice-Mayor Jarriel seconded the motion. Upon vote the motion passed 5/0.

b. Discussion of Gas Tax Map with particular reference to 43rd Road North.

Town Manager Kutney had received a notice from Christine St. John, 14220 43rd Road North, concerning her road being on the Gas Tax Map and wanting it removed.

Town Attorney Cirullo stated the Council would have to take action to remove 43 Road North from the Gas Tax Map.

Council discussed the ratio of residents wanting to leave 43rd Road North on the Gas Tax Map and those that want the road removed.

Councilman Rockett abstained from voting, as he lives on 43rd Road North.

Christine St. John, 14220 43rd Road North requested a copy of the Gas Tax Map and was told by her attorney not to continue speaking on the matter.

Keith Harris, 2580 C Road, referenced the claiming of Gas Tax monies without due process, and noted he had met with Town Manager Kutney, and Town Planning Technician Braeden Garrett to discuss the situation.

Motion: Councilman Goltzené made a motion to continue with the allocation of Gas Tax Money for 43rd Road North. Vice-Mayor Jarriel seconded the motion, for discussion.

Mayor Browning explained the history of the Gas Tax Money. If the majority of the people want it then we will keep it.

Upon vote, the motion passed 3/1 with Councilman Goltzené dissenting and Councilman Rockett abstaining.

c. Phyllis Maniglia to speak on Code Enforcement matters. (*Councilman Ron Jarriel*)

Phyllis Maniglia, 359 West D Road, provided a PowerPoint Presentation that turned out not to be Code Enforcement matters per say, but a complaint against two particular Town Vendors.

Council had a hard time following the presentation, but said they would be happy to investigate and have the vendors respond.

Todd McLendon, 3481 D Road; and Lawrence Corning, 2834 E Road, expressed their opinions.

Council made a few additional comments, and wanted to know about the letter Ms. Maniglia was referring to.

Town Manager Kutney explained the situation, and stated Ms. Maniglia had already received the letter releasing her from the code violation, and felt the additional letter she requested was not necessary. Mr. Kutney will provide a report to Council, and noted if there was a problem with the vendors, the Town will investigate.

John Ryan, 3506 A Road, expressed his opinion on Code Enforcement matters.

Mayor Browning called for a break 10:01 - 10:08 p.m.

10. NEW BUSINESS

a. Transmittal of Fiscal Year 2014/2015 Budget

Town Manager Kutney requested a Town Council Meeting on July 18, 2014 at 6:00 p.m. in order to approve the non-ad valorem and Solid Waste Budget matters.

Motion: Councilman Rockett wanted to commence Budget discussion this evening as he does not like the proposed 1.5 millage increase; therefore, he made a motion to leave the millage at 1.2. Councilman Goltzené seconded the motion for discussion.

Town Manager Kutney reported that during the FAAC meeting there has been a lot of discussion, especially road items. The Committee is recommending the proposed millage of 1.5.

Upon vote the motion passed 4/1 with Vice-Mayor Jarriel dissenting.

Motion: Vice-Mayor Jarriel made a motion to schedule a Town Council Meeting on Friday July 18, 2014, from 6:00 to 9:00 p.m. Councilman Rockett seconded the motion. Upon vote the motion passed 5/0.

Council discussed, and had questions, on particular line items within the Budget.

Motion: Councilman Rockett made a motion that the Legal Counsel line item be reduced from \$120,000 to \$90,000. Also to reduce the Public Works line item from \$10,000 to \$4,000. Councilman Liang seconded the motion. Upon vote the motion passed 5/0.

b. Imposition of Code Enforcement Administrative Cost (*Councilman Tom Goltzené*)

Councilman Goltzené, in the interest of time, stated he had spoken the Town Attorney Cirullo and he would like to discuss this item at the August Town Council Meeting.

c. Request for an Investigation of a Town Vendor

Town Manager Kutney explained, and reported, that he had spoken with Town Attorney Cirullo, and others, on this matter. Town Manager Kutney provided alternatives for the investigation, one of which was to contact an outside attorney as an independent investigator.

Councilman Rockett wanted to know what the issue was between Keith Harris, 2580 C Road, and Frank Schiola, Town Vendor.

Town Manager Kutney explained there was a problem with vegetation stockpiled along C Road that looked like one large pile, when in fact it was from multiple property owners. Mr. Harris had sent word to Town Manager Kutney that no one was to enter his property, and apparently Mr. Schiola had entered during his investigation. Words were exchanged, and a complaint was filed against Mr. Schiola.

Motion: Councilman Rockett made a motion to Receive and File a book Mr. Harris had written and given to each Council Member. Councilman Liang seconded the motion. Upon vote, the motion passed 5/0.

Council discussed the situation, money being spent, and suggested not sending Mr. Schiola out for Code Enforcement violations from this point forward. Also, when one is out on an inspection, the proper procedure would be to call the owner from outside the property line.

Responding to a question from a member of the audience concerning lack of yard waste pick up, Town Manager Kutney and Council addressed the website connection to WastePro and the use of the link when complaint calls come into the Town. It was noted that Mr. Schiola was working on the problem. It was suggested that the Town can fine WastePro or fire them.

Members of the audience also came to the podium to speak on the WastePro matter.

Virginia Standish, 15410 North Road, speaking as a resident and FAAC Member reported that she would bring the violations to the Board, but would like to have documentation.

John Ryan, 3508 A Road, commented on the conversation between Keith Harris and Frank Schiola.

Frank Schiola, 13434 Marcella Boulevard, reported on the WastePro letter, stated the complaints are without merit, and that he would not object to any investigation.

Motion: Councilman Goltzené made a motion to hire an independent investigation concerning the allegations against Frank Schiola. Mayor Browning passed the gavel to Vice-Mayor Jarriel and seconded the motion for discussion.

Council discussed the cost factor of an independent investigation, the scope of Mr. Schiola's duties on any Code violation matters and to decide how his services are most beneficial.

Phyllis Maniglia continued her complaints against the Town vendors, and requested to see the letter sent to Town Manager Kutney from the Office of Inspector General, and the response.

Upon vote, the motion failed 3/2, with Vice-Mayor Jarriel, Councilman Rockett and Councilman Liang dissenting.

Council continued to discuss the Code matters concerning Mr. Schiola. It was suggested that staff handle and document any calls instead of Mr. Schiola responding, and limit his responsibility to solid waste complaints and illegal dumping.

Councilman Rockett will make a motion to have Mr. Schiola limit his investigations to solid waste complaints and manure issues/problems and report back to Town Staff to be handled, and not having any personal contact with the people involved.

Town Attorney Cirullo stated Mr. Schiola performs his duties as directed by Town Manager Kutney, and Council would be limiting the scope of work. Mr. Schiola's contract expires September 30th.

Council discussed the pros and cons of hiring an independent investigator.

Keith Harris, 2580 C Road, explained his complaint towards the Town he was upset that the motion to investigate was turned down.

Town Manager Kutney noted, as a point for consideration, as it applies to the solid waste we now have an EZ Track automated system, dealing with WastePro complaints. There are some complaints when Mr. Schiola will need to go out to speak with residents to investigate a matter.

Councilman Liang does not want an investigation but suggested the dialog will have to be curtailed. He feels that Mr. Schiola understands and will not be joking around in the future.

Councilman Goltzené felt is very premature and very judgmental towards Mr. Schiola.

Motion: Councilman Rockett made a motion, and wished to restate, that where Mr. Schiola is involved in investigations, report his finding back to the Town, and the Town's response in whatever way is for appropriate action relative to WastePro. The motion was seconded by Councilman Liang. Upon vote, the motion passed 3/2, with Mayor Browning and Councilman Goltzené dissenting.

11. CLOSING COMMENTS

- a. Public

None

c. Town Attorney

Town Attorney Cirullo is working on the Captive Wildlife proposal.

c. Town Council Members

Councilman Rockett thanked everyone for coming and to have a great 4th of July.

Councilman Liang also thanked everyone for coming.

Vice-Mayor Jarriel wanted everyone to be safe going home.

Councilman Goltzené stated any jackass can build a barn and only a carpenter can fix it; basically it means, we need to live together and cooperate with each other. He thanked everyone.

Mayor Browning still felt the Town should have conducted the investigation as it would have cleared the matter.

12. ADJOURNMENT

There being no further business to come before Council, Mayor Browning adjourned the meeting at 11:37 p.m.

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.b.

Consent Agenda

FDLE Criminal Justice Commission FY 2015 Grant Funding



Criminal Justice Commission
 301 North Olive Avenue, Suite 1001
 West Palm Beach, FL 33401-4705
 (561) 355-4943
 FAX: (561) 355-4941
 www.pbcgov.com/criminaljustice

July 23, 2014

To All Palm Beach County Mayors:

The Criminal Justice Commission (CJC) seeks your approval in the allocation of FY2015 (Federal Fiscal Year 2014) Justice Assistance Grant (JAG) funds. The total FY2015 allocation to Palm Beach County is **\$341,227**.

The JAG funds provide agencies with the flexibility to prioritize and place justice funds where they are needed most. The CJC voted to support continuation of existing programs. The recommendation for the FY2015 allocation is as follows:

SUBGRANTEE	PROJECT TITLE	FEDERAL FUNDS RECOMMENDED
Palm Beach County	Palm Beach County Drug Court Treatment	181,003
Palm Beach County	County-wide Reentry Services	110,224
Palm Beach County	Law Enforcement Exchange	50,000
TOTAL		\$341,227

**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

The Florida Department of Law Enforcement (FDLE) requires that fifty-one percent (51%) of the local units of government representing at least fifty-one percent (51%) of the county's population agree on the allocation of these funds.

For your convenience, we have prepared the attached sample letter for your use. Due to the application deadline, we ask that this letter be received at the Criminal Justice Commission Office, **no later than August 11, 2014**.

*"An Equal Opportunity
 Affirmative Action Employer"*

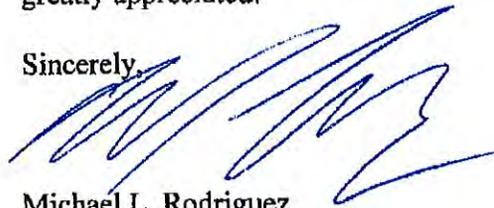
printed on recycled paper

Please send the letter to:

Palm Beach County Criminal Justice Commission
Attn: Arlene Griffiths
301 North Olive Avenue, Suite 1001
West Palm Beach, FL 33401

If you should require additional information or have any questions, please contact Michael Rodriguez at (561) 355-4943. Your immediate attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael L. Rodriguez', written over a horizontal line.

Michael L. Rodriguez
Executive Director

Cc: Mr. William Kramer, CJC Chairman
All Palm Beach County Police Chiefs



Town of Loxahatchee Groves

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

August 20, 2014

Ms. Petrina Herring, Administrator
Florida Department of Law Enforcement
Office of Criminal Justice Grants
2331 Phillips Road
Tallahassee, Florida 32308

Re: Town of Loxahatchee Groves – Justice Assistant Grant (JAG) (Federal Fiscal Year 2014 (Fiscal Year 2015)).

Dear Ms. Herring:

In compliance with the State of Florida *Rule 11D-9, F.A.C.*, the Town of Loxahatchee Groves, approves the distribution of **\$341,227** of Federal Fiscal Year 2014 (FY 2015) Edward Byrne Memorial Justice Assistance Grant (JAG) for the following projects within Palm Beach County:

SUBGRANTEE	PROJECT TITLE	FEDERAL FUNDS RECOMMENDED
Palm Beach County	Palm Beach County Drug Court Treatment	181,003
Palm Beach County	County-Wide Re-Entry Services	110,224
Palm Beach County	Law Enforcement Exchange	50,000
TOTAL		\$341,227

Sincerely,

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



Item 4.a.

PRESENTATIONS

FY 2014/2015

Capital Improvement Funds

Transportation Funds

Fund Balance



Transportation Fund

Estimate Revenues

	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 12-13 Audited	FY 13-14 Budget	Year to Date May 30, 2014	FY 2014-15 Proposed Budget	FAAC Proposed Budget	Council Recommend	Council Adopted
101-312-410-000	1st Local Option Fuel Tax (6c)	260,800	246,902	245,644	249,245	143,837	247,059	247,060	250,858	250,858
101-312-420-000	2nd Local Option Fuel Tax (5c)	122,025	116,036	114,427	117,326	69,949	117,326	117,326	117,768	117,768
101-363-990-000	Contribution from General Fund	-	48,913	-	-	-	-	-	-	-
101-399-000-000	Transfer from Fund Balance	-	-	-	856,191	-	-	-	443,685	443,685
Total Revenue		382,825	411,851	360,071	1,222,762	213,786	364,385	364,386	812,311	812,311

Transportation Fund

Appropriations

	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 12-13 Audited	FY 13-14 Budget	Year to Date May 30, 2014	FY 2014-15 Proposed Budget	FAAC Proposed Budget	Council Recommend	Council Adopted
101-541-467-000	Traffic Control Signs-6c	3,709	-	19,066	6,000	3,656	10,000	10,000	10,000	10,000
101-541-468-000	Town Roads Maint.-6c	19,765	49,975	73,667	93,245	42,245	62,059	102,059	102,059	102,059
101-541-469-000	Road Maintenance District-6c	130,629	150,305	153,755	150,000	2,915	150,000	150,000	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	60,000	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	-	-	490,252	-
101-541-990-000	Transfer to Fund Balance 5ct.	-	-	-	-	-	117,326	42,327	-	-
101-541-991-000	Transfer to Fund Balance 6ct.	-	-	-	-	-	-	-	-	-
Total Expenditure		182,589	389,787	247,389	1,222,762	63,886	364,385	364,386	812,311	322,059

Transportation Func

Account Number	Account Title	Detail Description	Amount	FAAC	Council Amount	Council Adopted
Revenues						
101-312-410-000	1st Local Option Fuel Tax (6c)		\$249,245	\$249,245	\$250,858	\$250,858
		State Dept Fin Svc Estimate O&M	\$249,245	\$249,245		
		<i>Estimate based on FY14 year state revenue estimating conference projections.</i>			\$250,858	\$250,858
101-312-420-000	2nd Local Option Fuel Tax (5c)		\$117,326	\$117,326	\$117,768	\$117,768
		State Dept Fin Svc Estimate Capital	\$117,326	\$117,326		
		<i>Estimate based on FY14 year state revenue estimating conference projections.</i>			\$117,768	\$117,768
101-363-990-000	Contribution from General Fund		\$0	\$0	\$0	\$0
		Not needed for FY14	\$0	\$0	\$0	\$0
101-399-000-000	Transfer from Fund Balance		\$0	\$0	\$443,685	\$443,685
		5 cent gas tax fund balance reserve			\$233,000	\$233,000
		6 cent gas tax fund balance reserve			\$210,685	\$210,685
			\$0	\$0		
Appropriations						
101-541-467-000	Traffic Control Signs-6c		\$10,000	\$10,000	\$10,000	\$10,000
		Various traffic control signs	\$6,000	\$6,000	\$6,000	\$6,000
		Installation	\$2,000	\$2,000	\$2,000	\$2,000
		<i>Equestrian Signs</i>	\$2,000	\$2,000	\$2,000	\$2,000
101-541-468-000	Town Roads Maint.-6c		\$62,059	\$102,059	\$102,059	\$102,059
		Town road maintenance @ \$110/mile	\$25,000	\$25,000	\$25,000	\$25,000
		Base rock for Town roads @ \$12/ton	\$5,000	\$5,000	\$5,000	\$5,000
		Road repairs	\$32,059	\$32,059	\$32,059	\$32,059
		Hedging		\$40,000	\$40,000	\$40,000
		Hedging moved to special projects			\$0	\$0
101-541-469-000	Road Maintenance District-6c		\$150,000	\$150,000	\$150,000	\$150,000
		Actual cost reimbursements up to	\$150,000	\$150,000	\$150,000	\$150,000
101-541-631-000	Road and Streets -new construction-5c		\$0	\$0	\$0	\$0
101-541-632-000	Special Projects		\$25,000	\$60,000	\$60,000	\$60,000
		<i>Equestrian Crossings Okeechobee Blvd.</i>	\$25,000	\$60,000	\$60,000	\$60,000
101-541-633-000	22nd Road Ditch		\$0	\$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	\$490,252	\$490,252
		5 cent current appropriation	\$0	\$0	\$46,567	\$46,567
		5 cent gas tax fund balance reserve			\$233,000	\$233,000
		6 cent gas tax fund balance reserve			\$210,685	\$210,685
101-541-990-000	Transfer to Fund Balance 5ct.		\$117,326	\$42,327	\$0	\$0
			\$117,326	\$42,327	\$0	\$0
101-541-991-000	Transfer to Fund Balance 6ct.		\$0	\$0	\$0	\$0
			\$0	\$0	\$0	\$0

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



Capital Improvement Program										
Estimated Revenues										
	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 12-13 Audited	FY 13-14 Budget	Year to Date May 30, 2014	FY 2014-15 Proposed Budget	FAAC Proposed Budget	Council Recommend	Council Adopted
305-337-300-000	Local Govt Unit Grant - Physical Environ						40,000	40,000	40,000	-
305-363-990-000	Contributions from General Fund	-	1,000,000	-	-	-	-	-	-	-
305-363-991-000	Contributions from Transportation Fund			-	973,517	15,070	-	490,252	490,252	-
305-399-000-000	Transfer from Fund Balance			-	829,047	81,332	490,252	-	-	-
	Total Revenue	-	-	-	1,802,564	96,402	530,252	530,252	530,252	-

Capital Improvement Program										
Appropriations										
	Account	FY 10-11 UNAUDITED FINAL	FY 11-12 Audited	FY 12-13 Audited	FY 13-14 Budget	Year to Date May 30, 2014	FY 2014-15 Proposed Budget	FAAC Proposed Budget	Council Recommend	Council Adopted
305-541-610-000	Surveying Town Roads	-	-	-	100,000	9,653	90,374	90,374	90,374	-
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	290,944	290,944	-
305-541-640-000	Town Roads OGEM Projects			-	100,000	51,856	-	-	-	-
305-541-650-000	HorseTrails			-	80,000	-	120,000	120,000	120,000	-
305-541-652-000	"D" Road to Southern Blvd			-	300,000	-	-	-	-	-
305-541-654-000	Purchase roads from LGWCD	-	-	-	28,934	28,893	28,934	28,934	28,934	-
	Total Expenditure	-	-	-	1,802,564	96,402	483,308	530,252	530,252	-

Capital Improvement Fund
Estimate Revenues & Appropriations

Account Number	Account Title	Detail Description	Amount	FAAC	Council Amount	Council Adopted
Estimated Revenues						
305-337-300-000	Local Govt Unit Grant - Physical Environ		\$40,000	\$40,000	\$40,000	
		Grant from Palm Beach County through the LGWCD for trails	\$40,000	\$40,000	\$40,000	
305-363-991-000	Contributions from Transportation Fund		\$0	\$490,252	\$490,252	
		5 cent gas tax fund balance reserve		\$233,000	\$233,000	
		6 cent gas tax fund balance reserve		\$257,252	\$257,252	
305-399-000-000	Transfer from Fund Balance		\$490,252	\$0	\$0	\$0
		Transfer fund in from remaining unassigned fund balance	\$490,252	\$0	\$0	
Appropriations						
305-541-610-000	Surveying Town Roads		\$90,374	\$90,374	\$90,374	\$0
		TBD	\$90,374	\$90,374	\$90,374	
305-541-620-000	OGEM Collecting Canal Roac		\$0	\$0	\$0	
		Road and drainage improvements	\$0	\$0	\$0	
305-541-630-000	Okeechobee and D Road Traffic Light		\$244,000	\$290,944	\$290,944	\$0
		Tentative costs to implement traffic control device	\$244,000	\$290,944	\$290,944	
					\$0	
305-541-640-000	Town Roads OGEM Projects		\$0	\$0	\$0	
			\$0	\$0	\$0	
305-541-654-000	HorseTrails		\$120,000	\$120,000	\$120,000	
		Equestrian trails development as directed	\$120,000	\$120,000	\$120,000	
					\$0	
305-541-652-000	"D" Road to Southern Blvd		\$0	\$0	\$0	
		FDOT rejected traffic light			\$0	
305-541-654-000	Purchase roads from LGWCD		\$28,934	\$28,934	\$28,934	
		Amortized cost for road acquisition from LGWCD for 5 fiscal years	\$28,934	\$28,934	\$28,934	

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
Funding								
External Sources (Excluding Financing)								
Grant*	-		\$40,000	-	-	-	-	-
	-		-	-	-	-	-	-
Total Available Resources:**		\$1,973,517	\$1,906,008	\$1,375,756	\$1,246,822	\$1,117,888	\$1,088,954	
Internal Sources								
General Fund			\$0	\$0	\$0	\$0	\$0	\$0
Fund Balance - CIP	\$829,047	\$52,439	\$490,252	\$128,934	\$128,934	\$28,934	\$0	\$777,054
Gas Tax	\$973,517	\$15,070	\$0	\$0	\$0	\$0	\$0	-
UNFUNDED	\$0		\$0	\$0	\$0		\$0	-
Subtotal :	\$1,802,564	\$67,509	\$490,252	\$128,934	\$128,934	\$28,934	\$0	777,054
Total Revenue & Other Sources	1,802,564		\$530,252	128,934	128,934	28,934		\$817,054
Projects								
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	\$290,944	-	-	-	-	\$290,944
Town Roads OGEM Projects	\$100,000	\$51,856	\$0	\$0	-	-	-	\$0
Development of HorseTrails Directed	\$80,000	\$0	\$120,000	\$100,000	\$100,000	-	-	\$320,000
Typical Paving of "D" Road	\$300,000		\$0	\$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
Total	\$1,802,564	\$67,509	\$530,252	\$128,934	\$128,934	\$28,934		\$817,054
EOY Available	-	\$1,906,008	\$1,375,756	\$1,246,822	\$1,117,888	\$1,088,954	\$1,088,954	

* Note: Transfer from LGWCD for Trails

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

CAPITAL IMPROVEMENT PROJECT DETAIL SHEET

A. PROJECT IDENTIFICATION
PROJECT NAME: Town Road Survey

PROJECT NUMBER: 006

LOCATION: All Non-District Roads

B. PROJECT INFORMATION
DESCRIPTION/JUSTIFICATION: Tentative cost to survey all Town roads or implementation of master transportation system

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	\$90,374	\$90,374	\$0				
Land	\$0						
Site Improvements	\$0						
Construction	\$0						
Furniture & Equipment	\$0						
Total:	\$90,374	\$90,374	\$0				

D. FUNDING SOURCE/FUNDING SCHEDULE:

General Fund	\$0						
Fund Balance - CIP	\$90,374	\$90,374					
Gas Tax	\$0		\$0				
Grant	\$0						
CIP Fund Balance	\$0	\$0					
Total:	\$90,374	\$90,374	\$0				

E. LEVEL OF SERVICE:
PLANNING AREA:

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

CAPITAL IMPROVEMENT PROJECT DETAIL SHEET

A. PROJECT IDENTIFICATION							
PROJECT NAME: Collecting Canal		PROJECT NUMBER:					
LOCATION Collecting Canal Road							
B. PROJECT INFORMATION							
DESCRIPTION/JUSTIFICATION OGEM improvements to Collecting Canal Road							
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	\$0					
Site Improvements	\$0	\$0					
Construction	\$0	\$0					
Furniture & Equipment	\$0						
Total:	\$0	\$0	\$0	\$0	\$0	\$0	
D. FUNDING SOURCE/FUNDING SCHEDULE:							
General Fund	\$0	\$0					
Fund Balance - CIP	\$0	\$0					
Gas Tax	\$0	\$0					
Grant	\$0	\$0					
Unfunded	\$0	\$0					
Total:	\$0	\$0	\$0	\$0	\$0	\$0	\$0
E. LEVEL OF SERVICE:							
		PLANNING AREA:					
Plan LOS	N/A						
Actual LOS	N/A						
Added Capacity	N/A						

CAPITAL IMPROVEMENT PROJECT DETAIL SHEET

A. PROJECT IDENTIFICATION		
PROJECT NAME:	Traffic Light Okeechobee	PROJECT NUMBER:
LOCATION	Okeechobee and D Road	

B. PROJECT INFORMATION		
DESCRIPTION/JUSTIFICATION Tentative cost to implement traffic control device		
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						
Land	\$0						
Site Improvements	\$0						
Construction	\$290,944	\$290,944					
Furniture & Equipment	\$0						
Total:	\$290,944	\$290,944	\$0				

D. FUNDING SOURCE/FUNDING SCHEDULE:							
General Fund	\$0						
Fund Balance - CIP	\$290,944	\$290,944					
Gas Tax	\$0	\$0					
Grant							
Unfunded							
Total:	\$290,944	\$290,944	\$0				

E. LEVEL OF SERVICE:		PLANNING AREA:					
Plan LOS	N/A						
Actual LOS	N/A						
Added Capacity	N/A						

CAPITAL IMPROVEMENT PROJECT DETAIL SHEET

A. PROJECT IDENTIFICATION							
PROJECT NAME:	Development of HorseTrails Directed				PROJECT NUMBER:		
LOCATION:							
B. PROJECT INFORMATION							
DESCRIPTION/JUSTIFICATION:	Development of a horse trail from A Road to Folsom Road						
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	\$80,000	\$80,000	\$0				
Land	\$100,000		\$100,000				
Site Improvements	\$100,000			\$100,000			
Construction	\$40,000	\$40,000					
Furniture & Equipment	\$0						
Total:	\$320,000	\$120,000	\$100,000	\$100,000			
D. FUNDING SOURCE/FUNDING SCHEDULE:							
General Fund	\$0						
Fund Balance - CIP	\$280,000	\$80,000	\$100,000	\$100,000			
Gas Tax	\$0						
Grant	\$40,000	\$40,000					
Unfunded	\$0						
Total:	\$320,000	\$120,000	\$100,000	\$100,000			
E. LEVEL OF SERVICE:							
		PLANNING AREA:					
Plan LOS	N/A						
Actual LOS	N/A						
Added Capacity	N/A						

CAPITAL IMPROVEMENT PROJECT DETAIL SHEET

A. PROJECT IDENTIFICATION

PROJECT NAME: Typical Paving of "D" Road **PROJECT NUMBER:**
LOCATION: D Road

B. PROJECT INFORMATION

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

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	\$0						
Construction	\$0						
Furniture & Equipment	\$0						
Total:	\$0	\$0	\$0	\$0			

D. FUNDING SOURCE/FUNDING SCHEDULE:

General Fund	\$0						
Fund Balance - CIP							
Gas Tax	\$0	\$0					
Grant	\$0						
Unfunded	\$0						
Total:	\$0	\$0	\$0	\$0			

E. LEVEL OF SERVICE:

PLANNING AREA:

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

CAPITAL IMPROVEMENT PROJECT DETAIL SHEET

A. PROJECT IDENTIFICATION

PROJECT NAME: Road acquisiton 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						
Total:	\$115,736	\$28,934	\$28,934	\$28,934	\$28,934	\$0	\$0

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							
Total:	\$115,736	\$28,934	\$28,934	\$28,934	\$28,934	\$0	\$0

E. LEVEL OF SERVICE:

PLANNING AREA:

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

Town of Loxahatchee Groves, Florida

Statement of Estimated Changes in Fund Balances

General Fund

CAFR UNASSIGNED FUND BALANCE

9/30/13 Fund Balance	\$690,277
FY 2014 Estimated Change	<u>\$400,000</u>
FY 2014 Est. Total Fund Balance	\$1,090,277
FY2015 Fiscal Policy Reserve @ 25%	<u>(\$279,608)</u>
FY 2015 Est. Total Fund Balance	\$810,670

Transportation Fund

CAFR UNASSIGNED FUND BALANCE

<u>5 cent Fund Balance</u>		<u>6 cent Fund Balance</u>	
9/30/13 Fund Balance	<u>\$432,695</u>	9/30/13 Fund Balance	<u>\$464,191</u>
FY 2014 Estimated Change	<u>(\$199,360)</u>	FY 2014 Estimated Change	<u>\$0</u>
FY 2014 Est. Total Fund Balance	\$233,335	FY 2014 Est. Total Fund Balance	\$464,191
FY 2015 Appropriated (Budgeted) Fund Balance	(\$233,000)	FY 2015 Appropriated (Budgeted) Fund Balance	(\$210,685)
FY 2015 Est. Total ASSIGNED Fund Balance	\$335	FY 2015 Est. Total ASSIGNED Fund Balance	\$253,506

Solid Waste Fund

CAFR UNASSIGNED FUND BALANCE

9/30/13 Fund Balance	\$37,058
FY 2014 Estimated Change	<u>7,000</u>
FY 2014 Est. Total Fund Balance	\$44,058
Fiscal Policy Reserve @ 10%	<u>(\$42,793)</u>
FY 2014 Est. Total Fund Balance	\$1,265
FY 2015 Appropriated (Budgeted) Fund Balance	(\$15,000)
FY 2015 Est. Total ASSIGNED Fund Balance	(\$13,735)

Capital Improvement Program

CAFR ASSIGNED FUND BALANCE

9/30/13 ASSIGNED Fund Balance	\$1,400,000
FY 2014 Estimated Change	<u>(\$400,000)</u>
FY 2014 Est. Total ASSIGNED Fund Balance	\$1,000,000
FY 2014 Est. Transfer from Trans Fund	<u>\$220,000</u>
FY 2014 Available Resources	\$1,220,000
FY 2014 Estimated Change	<u>(\$220,000)</u>
FY 2015 Appropriated (Budgeted) Fund Balance	-
FY 2015 Est. Total ASSIGNED Fund Balance	\$1,000,000



Item 5.

COMMITTEE REPORTS

None



Item 6.

RESOLUTIONS

None



Item 7.

ORDINANCES

None



Item 8.

ADMINISTRATIVE UPDATE

(No Backup)



Item 9.a.

OLD BUSINESS

Wildlife Conservation

From: Mike Cirullo [<mailto:MCirullo@cityatty.com>]
Sent: Friday, July 25, 2014 11:19 AM
To: Mark Kutney
Cc: irmijim@bellsouth.net; Jacob G. Horowitz
Subject: Florida Fish and Wildlife Commission General Counsel

Mark, as we discussed and I reported at the July 1, 2014, Council meeting, I spoke with FWC Assistant General Counsel, Carla Oglo, who authored the May 17, 2007, Memorandum. She confirmed that the guidelines set forth in the 2007 Memo would remain as guidelines for the Town to use when reviewing our ULDCs as to potential conflicts with FWC preemption. The main point of emphasis is that the Town should not single out a use that is regulated by the FWC; but at the same time any general regulations that apply across the board and do not distinguish uses regulated by the FWC should be acceptable. I have reviewed Jim Fleischman's June 30, 2014, memorandum, and agree that the recommended changes would conform the ULDCs to FWC preemption. Note that the Town's definition of aviculture does not include the retail aspect of that use. The FWC preemption of the retail aspect of aviculture is the subject of a pending Federal Court Appeal by Orange County, which is likely not to be decided until mid to late next year.

Michael D. Cirullo, Jr.
GOREN, CHEROF, DOODY & EZROL, P.A.
3099 East Commercial Boulevard, Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500 x 325 * Fax (954) 771-4923
Email: MCirullo@cityatty.com
www.cityatty.com

Offices in Fort Lauderdale and Delray Beach, Florida.

To: Mike Cirullo
From: Jim Fleischmann
Re: Review of Wildlife Regulations
Date: June 30, 2014

MEMORANDUM

Based upon the Memorandum entitled: “Local Ordinances and the Regulation of Captive Wildlife” (MEMORANDUM) _from Carla J. Oglo, Assistant General Counsel to the Florida Fish and Wildlife Conservation Commission (FFWCC), Office of the General Counsel dated May 17, 2007, local governments may:

1. Establish “residential use only” zoning which can in effect prohibit certain kinds of Class I wildlife.
2. Regulate the abatement of public nuisances such as poor sanitation or noise that may be associated with the keeping of wildlife, provided that the ordinance does not distinguish between nuisances from animals and other sources.
3. Control structural requirements of buildings and if a property owner proposes to build a structure for animals, the structure must comply with local building codes provided that the building of structures does not distinguish between structures for wildlife and those for other purposes.
4. Regulate commercial activity provided that captive wildlife is not discriminated against by the regulation.
5. Regulate the possession and discharge of firearms within municipal boundaries (FWC requests that portions of Wildlife Management Areas within municipalities be exempted from such restrictions).
6. Control the use of government-owned property and facilities and prohibit or regulate exhibitions thereon, as long as the regulation is directed to behaviors which may be addressed under local police power, and does not regulate wildlife.

7. Require persons engaged in occupations to comply with registration requirements. This might require a captive wildlife facility to disclose and describe the captive wildlife in possession.

In addition, the MEMORANDUM cites the following types of actions or ordinances which are not authorized:

1. Prohibiting the possession, breeding or sale of captive wildlife,
2. Establishing zoning classifications which expressly regulate or prohibit the possession of wildlife. Local government cannot prohibit the possession of Class I or II wildlife in zoning classifications such as mixed-use residential or commercial.
3. Regulate in the area of taking, possession, transportation or use of wildlife, even if the ordinance is more restrictive, and even if there are no FFWCC dealing with the particular issue.
4. Local governments that create their own captive wildlife permitting and regulatory system are in conflict with Article IV, Section 9 of the Florida Constitution. If the ordinance gives the locality the authority to deny a permit for the possession of captive wildlife regulated by the FFWCC, that local permitting system would be in conflict with the FFWCC's authority unless the ordinance is in effect a registration program that allows a person to possess wildlife if authorized by FFWCC.

Attached are two documents: (1) Summaries of key sections of Florida Administrative Code (FAC) Chapter 68A-6: "Wildlife as Personal Pets" and Florida Statutes Sections 379.3761: "Exhibition or Sale of Wildlife; Fees; Classifications" and 379.3762 "Personal Possession of Wildlife"; and (2) Excerpts from the Town's Unified Land Development Code (ULDC) which address the issue of wildlife.

Based upon a review of the MEMORANDUM and the two attachments, it appears that the following ULDC revisions may be necessary:

1. Revise the definition of "Wildlife Pets" in Section 10-015 to include appropriate references to Florida Statutes Sections 379.3761 and 379.3762 and FAC Chapter 68A-6.
2. Delete Section 20-010(B) (1) (f)
3. Revise Section 20-015 to delete "Permitted subject to Article 80" and replace with "Permitted".

4. Revise Section 20-015 to delete "Permitted subject to Article 80" and replace with "Permitted" in the CL District and delete "Not Permitted in the CLO District. The only available option in the CLO District may be to replace with "Permitted".
5. Delete Section 80-045.
6. Delete Section 80-050.
7. Consider deleting the word "wildlife) from Section 87-015.



Jim Fleischmann

Chapter 68A-6 Wildlife as Personal Pets and F.S. 379.3761 and 379.3762 (Key Provisions)

Section	Summary
68A-0011 (1)	Except as otherwise provided, no person shall possess any native or non-native wildlife in captivity except as authorized by permit in accordance with FS 379.3761 or 379.3762 and as provided in this chapter
68A-6.002(1)	Categories of Captive Wildlife: Class I – Primarily “big cats” (lions, etc.), bears, gorillas, rhinos, elephants, etc.; Class II Monkeys, bobcats, ocelots, wolves, wolverines, badgers, alligators, crocs, wild cattle, antelope, buffalo, etc.; Class III All other wildlife not listed as Class I or Class II.
68A-6.002(2)	Class I shall not be possessed for personal use; Persons possessing Class II shall obtain a permit as provided in FS 379.3761; Persons possessing Class III shall obtain a no-cost permit from the Executive Director.
68A-6.0022(1)	Permits to possess wildlife in captivity, issued pursuant to FS 379.3761 or 379.3762 and the provisions of this chapter shall authorize the keeping of captive wildlife, of the type and number specified in applications approved by the Commission. Captive wildlife maintained under permit shall, unless otherwise authorized, shall be maintained only at the facility specified in the permit application
68A-6.0022(2)	No permit shall be required to possess certain wildlife for personal use, unless the species is otherwise regulated by the Commission. (NOTE: An extensive list is provided, including: Shell parakeets, Canaries, Lovebirds, Cockatiels, Parrots, Finches, Myna Birds, Toucans, Doves; and Button Quail.
68A-6.0022(4)	No permit shall be issued to possess Class II for exhibition, sale or personal use unless such person can meet the following: 16 years or older; Satisfactory completion of a questionnaire that assesses the applicant’s knowledge of general husbandry, nutritional and behavioral characteristics; be able to provide satisfactory caging facilities, as required by FAC 68A-6.004; ensure that the conditions under which the wildlife will be held shall not constitute a threat to the public or the animal.
68A-6.0022(5)	Qualifications to possess Class I or Class II Wildlife.
68A-6.0023	General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife; and Record Keeping
68A-6.0023(2)	Caging requirements
68A-6.0023(3)(a)	Public contact and exhibition. The exhibitor shall take reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of citizens or wildlife.

Section	Summary
68A-6.0024(1)	
68A-6.0025(1)	Only a corporation that is licensed in accordance with FS Section 379.3761, and exempt from taxation under Section 501(a) of the Internal Revenue code may operate a wildlife sanctuary for captive wildlife.
68A-6.003	Facility and structural Caging Requirement for Class I, II and III Wildlife
68A-6.003(2)(c)	Facility requirements. (NOTE: The requirements seem to only affect Class I and Class II wildlife): Property must be owned or leased; Land Area – Class I – 5 acres; Class II – 2.5 acres. Buffer zones – 35 feet between caged wildlife and property line. Perimeter fencing – Generally 8 feet high.
68A-6.003(2)(f)	Facility requirements relating to land area, buffer zones and perimeter fencing shall be effective 1/1/2008, but shall not apply to facilities licensed prior to that date.
68A-6.004(1)	Standard Caging Requirements. No captive wildlife shall be confined in any cage or other enclosure which contains more individual animals, or is smaller in dimension than as specified in this section, or is not equipped as specified in this section, except as defined in FAC 68A-6.0041
68A-6.006(1)	Dealing in Exotic or Pet Birds: Records. Any person engaging in the business of breeding or the purchase and sale of exotic birds or birds customarily kept as pets shall be licensed as provided in FS 379.3761

379.3761 Exhibition or sale of wildlife; fees; classifications.

(1) In order to provide humane treatment and sanitary surroundings for wild animals kept in captivity, no person, party, firm, association, or corporation shall have, or be in possession of, in captivity for the purpose of public display with or without charge or for public sale any wildlife, specifically birds, mammals, amphibians, and reptiles, whether native to Florida or not, without having first secured a permit from the commission authorizing such person, party, firm, association, or corporation to have in its possession in captivity the species and number of wildlife specified within such permit; however, this section does not apply to any wildlife not protected by law and the rules of the commission. No person, party, firm, association, or corporation may sell any wild animal life designated by commission rule as a conditional or prohibited species, Class I or Class II wildlife, reptile of concern, or venomous reptile in this state, including a sale with delivery made in this state, regardless of the origin of the sale or the location of the initial transaction, unless authorized by the commission.

379.3762 Personal possession of wildlife.

(1) It is unlawful for any person or persons to possess any wildlife as defined in this act, whether native to Florida or not, until she or he has obtained a permit as provided by this section from the Fish and Wildlife Conservation Commission.

(2)The classifications of types of wildlife and fees to be paid for permits for the personal possession of wildlife shall be as follows:

(a)Class I—Wildlife which, because of its nature, habits, or status, shall not be possessed as a personal pet.

(b)Class II—Wildlife considered to present a real or potential threat to human safety, the sum of \$140 per annum.

(c)Class III—All other wildlife not included in Class I or Class II, for which a no-cost permit must be obtained from the commission.

(3)Any person, firm, corporation, or association exhibiting or selling wildlife and being duly permitted as provided by s. [379.304](#) shall be exempt from the fee requirement to receive a permit under this section.

(4)This section shall not apply to the possession, control, care, and maintenance of ostriches, emus, rheas, and bison domesticated and confined for commercial farming purposes, except those kept and maintained on hunting preserves or game farms or primarily for exhibition purposes in zoos, carnivals, circuses, and other such establishments where such species are kept primarily for display to the public.

Section 10-015. - Definitions.

Aviary. A place for keeping birds confined.

Aviculture. The raising and care of birds in captivity but not including small birds (e.g., parakeets) located in the home as pets.

Wildlife pets. Shall include only those animals that have been designated as endangered species, threatened species, or species of special concern by the State of Florida or federal government, and are permitted in private ownership by the Florida Fish and **Wildlife** Conservation Commission. This definition shall not include any dangerous or poisonous animal of the reptile or amphibian species.

Section 20-010. - General provisions.

The following requirements shall apply to the Agricultural Residential (AR) Zoning District.

(B) *Animals and livestock.* The breeding raising, and/or keeping of animals and livestock as an accessory use to a permanent dwelling shall be subject to the following standards:

(1) *Number.* The number of animals and livestock permitted shall be based on parcel size as follows.

f. **Wildlife pets.** Ten **wildlife** pets are permitted on properties of five acres or greater provided that the **wildlife** pets are permitted and licensed by the State of Florida.

(2) *Fences.* All animals shall be kept within a fence to prevent the animals from accessing streets or adjacent properties. It shall be the responsibility of each animal owner to ensure that the fence is maintained in a state of good repair and that the animal is confined to the property.

(3) *[Setback.]* All structures, including pens, cages or enclosures, but excluding fences, that house or restrain animals of any type shall be setback a minimum of 50 feet from all property lines.

(4) *Exceptions.* Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.

Section 20-015. - Permitted uses.

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

Principal Uses	Agricultural Residential (AR)
Aviculture	Permitted subject to Article 80

Section 25-015. - Permitted uses.

Plots located in the Commercial Low and Commercial Low Office zoning districts may be used for one or more of the following uses.

Principal Uses	Commercial Low (CL)	Commercial Low Office (CLO)
Exhibition of Wildlife Pets	Permitted subject to Article 80	Not Permitted

Section 40-015. - Permitted uses.

Plots located in the Conservation zoning district may be used for one or more of the following specified uses.

Principal Uses	Parks and Recreation
Wildlife Observation	Permitted

Section 80-045. - Exhibition of Class I and Class II Wildlife.

Individuals providing care and permanent habitat for Class I and Class II **Wildlife** that have been abused, neglected or otherwise need sanctuary may request a license from the Town to allow limited exhibition of said **wildlife**, subject to the provisions of this section.

(A) For purposes of this section only, exhibition of **wildlife** shall be defined as a public or private showing of Class I and Class II **wildlife** for financial or other consideration.

(B) For purposes of this section, Class I and Class II **wildlife** are defined pursuant to Chapter 68-A6, F.A.C., as amended.

(C) The property on which the animals are kept shall have a minimum plot size of five acres and a minimum plot width and length of 300 feet and must conform with all of the minimum requirements established in the Florida Administrative Code.

(D) No **wildlife** exhibition license may be issued for a location that is within 1,000 feet of another licensed **wildlife** exhibitor.

(E) Signage is not permitted.

(F) The owner of the animals must hold a USDA, Animal Welfare Act, Class C Exhibitor License and a Florida Fish and Game Conservation Commission Class I or II (as applicable) License, and must live on the property on a permanent basis.

(G) The owner of the animals shall maintain 501(C)(3) non-profit status for the specific purpose of caring and providing habitat for the wild animals.

(H) All **wildlife** habitat areas shall be surrounded by a minimum of a six foot high barrier/fence to prevent unauthorized access. The **wildlife** habitat areas shall also be fully screened from all property lines to a height of six feet through the use of landscape materials or opaque fence materials.

(I) Public premises liability coverage in the amount of \$1,000,000.00 shall be maintained at all times. The policy must name the Town as an additional insured and must be issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The Town Attorney must approve the policy.

(J) The number of wild animals on the property shall be limited to three per acre.

(K) At no time shall the property be unattended and without the presence of someone licensed to handle wild animals, or with at least six months experience working under the jurisdiction of the licensee's Federal and State licenses when the owner of the animal(s) is away from the premises.

(L) All parking shall be accommodated on-site, and shall be screened from view along all property lines adjoining any private or public street, or residential plot. Parking areas shall be set back at least 25 feet from any residential plot line. Parking areas need not be paved.

(M) Public admission shall be by appointment only, and shall be limited to 40 people on the property at any given time, except that groups from educational institutions arriving by bus shall be limited to 100 people, and that special events with attendance greater than that provided for herein may be held up to 12 times per year, provided the owner notifies the Town Clerk's Office in writing at least five days prior to the event. The notification shall state the date and hours, nature of the event, and maximum number of people expected.

(N) Noise levels, including noises resulting from public admission, shall not exceed the limits set forth in Section 50-010, " Excessive Noise."

(O) Noise abatement. **Wildlife** habitat areas shall be designed, constructed and located using noise abatement measures (e.g., locating **wildlife** which excessively screech, howl, or make loud noises away from property lines; maintaining a thick, vegetated buffer along property lines) to help ensure that noise levels do not exceed the limits set forth in Section 50-010, " Excessive Noise."

(P) Upon determination that an application for an exhibition of Class I and Class II **wildlife** license satisfies the criteria of this section, the Town shall notice property owners within 1,000 feet of the subject property, by certified mail, that an application for a wild animal habitat license will be administratively approved and issued ten days from the mailing date indicated on the notice, unless a written objection is received by the Town Clerk within the ten day period.

(Q) Upon satisfying all of the conditions for licensure, a license under this section shall be issued administratively unless the Town receives written objection from a noticed property owner within the ten day response period. In the case of a timely objection, the application for licensure shall be scheduled for the next available Town Council agenda as an advertised public hearing. After hearing the testimony of affected property owners, the Town Council may approve, approve with conditions, or deny the application for licensure based upon consideration of the following criteria:

(1) That the use is compatible with the existing natural environment and other properties in the vicinity;

(2) That there will be adequate provision for safe traffic movement, both vehicular and pedestrian, in the area which will serve the use;

(3) That there are adequate setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust and other potential nuisances; and,

(4) That the land area is sufficient, appropriate and adequate for the use as proposed. Conditions placed upon the license by Town Council may supplement the requirements of this section contained in provisions (A) through (O).

(R) Licenses are valid only to the person named on the license and shall not be transferable.

(S) Upon a second violation of any one or more provisions of this section within a 24 month period, as determined pursuant to the Town's code enforcement procedures, the Town shall notify the licensee, by certified mail, of its intent to revoke the license. The licensee or designee may initiate an appeal of the revocation by filing written notice of intent to appeal with the Town Clerk's Office no later than 15 days from receipt of the Town's notice of intent to revoke the license. The license will be administratively revoked should the licensee not file an appeal within the allotted time. The Town Clerk shall schedule the appeal for the next available Town Council meeting. In determining the existence of extenuating factors contributing to the code violation(s), Council may uphold the revocation or continue the license with any conditions Council may deem appropriate to protect the public health, safety and welfare.

(T) Nothing within this section shall be construed to prevent the Town Council from revoking the license at any time, provided that after conducting an advertised public hearing on the matter, a supermajority of council members make a determination that the licensed activity no longer satisfies the criteria for licensure.

(U) All exhibition of Class I and Class II **wildlife** shall occur on a parcel that has a land use designation of Commercial Low.

Section 80-050. - Aviculture.

Permits for aviculture, as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" may be issued in the Agricultural Residential (AR) zoning district subject to the following:

(A) Minimum plot size requirements.

(1) Two acres for 40 to 200 birds.

(2) Five acres for 201 or more birds.

(B) Breeder.

(1) The minimum plot size shall be two acres; and

(2) Shelters, cages and accessory structures shall be set back a minimum of 50 feet from all property lines; and

(3) Outdoor shelters and cages shall be contained to specific areas of the plot and completely screened from view from adjacent properties with a visual

barrier. Such barriers may include natural vegetation, landscaping, fencing or other opaque structures; and

(4) The breeder shall locate birds that excessively screech, chirp, crow or make loud noises away from residential properties to the maximum extent possible; and

(5) The care, licensing, registration and inspections shall be as required by applicable regulations; and

(6) Any avicultural endeavor shall comply with Article 50, "Public Nuisances," of this Code.

Section 87-015. - Permitted, exempt and prohibited activities.

(A) *General permit.* A general permit is required for upland land clearing that does not qualify for an exemption under this article. Prior to applying for a permit from the Town, the applicant must obtain all required permits and authorizations from external agencies having jurisdiction for the proposed work. The Town will maintain a general list of permits that may be required

(B) *Vegetative permit.* A residential landowner may apply for a vegetative permit for clearing and control of invasive exotic plant species and the selective relocation of native plant material within the property. A tree survey is not required

(C) *Exempt activities.* The following activities do not require a permit under this article.

(5)

Alteration of vegetation pursuant to an adopted management plan for government maintained parks, recreation areas, **wildlife** management areas, conservation areas and preserves, excluding new construction or parcel improvement.



Item 10.a.

NEW BUSINESS

Administrative Policy 1-14

SUBJECT: Administrative Policy 1-14 Reporting Policy to The Palm Beach County Inspector General

PURPOSE: To provide a policy relating to the reporting of certain specified acts or omissions to the Palm Beach County Office of the Inspector General (OIG).

BACKGROUND: Pursuant to Article XII. Inspector General, Sec. 2-423 the County Administrator, and each municipal manager or administrator, or mayor where the mayor serves as Chief Executive Officer, shall promptly notify the Inspector General of possible mismanagement of a contract (misuse or loss exceeding \$5,000 in public funds), fraud, theft, bribery, or other violation of law which appears to fall within the jurisdiction of the Inspector General, and may notify the Inspector General of any other conduct which may fall within the Inspector General's jurisdiction. **The County Administrator and each municipal manager or administrator or mayor where the mayor serves as Chief Executive Officer shall coordinate with the inspector general to develop reporting procedures for notification to the Inspector General.**

POLICY:

1. Town Management Employees and Town vendors shall promptly notify the Office of Inspector General and/or the Town Manager of possible: a) mismanagement of contract (misuse or loss exceeding \$5,000 in public funds), b) fraud, c) theft, d) bribery, or e) any other violation of law which appears to fall within the jurisdiction of the Inspector General.
2. Upon receiving any report from a management employee or vendor, the Town Manager shall promptly report the information/concern.
3. The management employee/vendor may choose whichever option they think is appropriate in reporting the matter.

4. All management employees/vendors are expected to fully cooperate with the OIG in the exercise of the OIG's functions and authority. Such cooperation shall include but not be limited to providing statements, documents, records and other information.