



Town of Loxahatchee Groves
Town Council Meeting
Tuesday, May 3, 2016 - 7:00 p.m. to 10:30 p.m.

(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)

Town Hall, 155 "F" Road
Loxahatchee Groves, Florida 33470

Mayor David Browning (Seat 4) Town Manager William F. Underwood, II
Vice Mayor Tom Goltzené (Seat 5) Town Attorney Michael D. Cirullo, Jr.
Councilman Ronald D. Jarriel (Seat 1) Town Clerk Virginia M. Walton
Councilman Ryan Liang (Seat 3)
Councilman Todd McLendon (Seat 2)

PUBLIC NOTICE/AGENDA

1. OPENING

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

MOTION	SECOND	VOTE
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2. PUBLIC COMMENTS

3. CONSENT AGENDA

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: April 19, 2016 Town Council Meeting
- b. March/April Invoices for Goren, Cherof, Doody & Ezrol, PA

MOTION	SECOND	VOTE
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4. **PRESENTATIONS –**

- a. Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2015 –
Terry Morton, Nowlen Holt & Miner

5. **COMMITTEE REPORTS**

- a. Finance Advisory and Audit Committee (FAAC) Report
Anita Kane, Chair

6. **PUBLIC HEARINGS - ORDINANCES**

- a. ORDINANCE NO. 2016-02 (Charter Amendment - First Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 7, ENTITLED “ELECTIONS,” TO AMEND SUBSECTION (5) ENTITLED “TOWN CANVASSING BOARD,” TO PROVIDE FOR THE TOWN CLERK, COUNTY SUPERVISOR OF ELECTIONS AND A CITIZEN REPRESENTATIVE, SATISFYING THE QUALIFICATIONS IN THE CHARTER, TO BE APPOINTED BY RESOLUTION OF THE TOWN COUNCIL TO SERVE AS THE TOWN’S CANVASSING BOARD, AND TO AMEND THE DUTIES OF THE CANVASSING BOARD, INCLUDING DELEGATING CERTAIN DUTIES TO THE SUPERVISOR OF ELECTIONS; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AS A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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- b. ORDINANCE NO. 2016-03 (Charter Amendment – First Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 4, ENTITLED “ADMINISTRATIVE,” TO AMEND SUBSECTION (3) ENTITLED “TOWN MANAGER” TO CLARIFY CONTRACTING WITH THE TOWN MANAGER OR TOWN MANAGEMENT FIRM, TO AMEND THE QUALIFICATIONS LANGUAGE TO PROVIDE THAT THE QUALIFICATIONS OF THE TOWN MANAGER MAY BE ESTABLISHED BY ORDINANCE, AND AMEND CERTAIN DUTIES OF THE TOWN MANAGER; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR

NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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c. ORDINANCE NO. 2016-04 (Charter Amendment – First Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, TO AMEND SECTION 6, ENTITLED “BUDGET AND APPROPRIATIONS,” TO DELETE SUBSECTION (6) ENTITLED “REVENUE BONDS; LEASE-PURCHASE CONTRACTS,” WHICH WOULD REMOVE THE REQUIREMENT THAT CERTAIN TYPES OF BORROWING THAT EXCEED A REPAYMENT TERM OF THIRTY SIX (36) MONTHS BE APPROVED BY REFERENDUM ELECTION; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AS A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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d. ORDINANCE NO. 2016-05 (Code Amendment - First Reading)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO ENACT SEXUAL OFFENDER AND PREDATOR PROHIBITIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES OR SIMILAR CRIMES IN OTHER JURISDICTIONS FROM LIVING OR WORKING WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM WORKING AT OR WITHIN SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; TO PROHIBIT RENTING OR LEASING OF ANY PLACE, STRUCTURE, OR PART THEREOF, TRAILER OR OTHER CONVEYANCE LOCATED WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES TO

SEXUAL OFFENDERS AND SEXUAL PREDATORS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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7. **MANAGER'S REPORT** – Town Manager Underwood

- a. Agenda Item Report – Updates on various activities and issues concerning the Town
- b. Palm Beach County Fire Rescue Monthly Reports for March 2016

8. **OLD BUSINESS**

- a. RESOLUTION No. 2016-21 (Site Plan) – **QUASI-JUDICIAL HEARING**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE GROVES MEDICAL PLAZA SITE PLAN AMENDMENT, FOR LAND OWNED BY GROVES MEDICAL PLAZA, LLC, CONSISTING OF 3.43 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “F” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	ROLL CALL VOTE
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9. **NEW BUSINESS**

- a. RESOLUTION NO. 2016-29 (permit extension)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE DAY PROPERTY SITE PLAN EXTENSION, FOR LAND OWNED BY WILLIE H. AND FRANKIE J. DAY, CONSISTING OF 9.3 ACRES MORE OR LESS, LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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- b. RESOLUTION NO. 2016-30 (amendment to contract)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND UNDERWOOD MANAGEMENT SERVICES; AUTHORIZING THE APPROPRIATE

TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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- c. RESOLUTION NO. 2016-31 (appoint ULDC)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, _____, _____, _____ AND _____, AS VOTING MEMBERS OF THE ULDC ADVISORY COMMITTEE, TO SERVE TERMS THAT EXPIRE ON THE SUNSET DATE OF DECEMBER 31, 2016; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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10. COUNCIL REPORTS

- a. Council Member Ron Jarriel
1. Discussion and Direction on Water Control District Perpetual Permit for Maintenance of Easements
 2. Discussion and Direction on Town Acceptance of "F" Road

11. CLOSING COMMENTS

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

13. ADJOURNMENT

The next regular Town Council Meeting is tentatively scheduled for MAY 17, 2016.

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.



Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, April 19, 2016 at 7:00 p.m.

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice Mayor Tom Goltzené and Council Members Ronald Jarriel, Ryan Liang and Todd McLendon. Also present was Town Manager Bill Underwood, Town Attorney Michael D. Cirullo, Jr., Town Planning Consultant Jim Fleischmann and Town Clerk Virginia Walton.

b. Pledge of Allegiance & Invocation – Boy Scout Troop 122 & Invocation – Mayor Browning

c. Approval of the Agenda

Addendum #1 removed item #3h from the consent agenda and moved it to Item #6h under Resolutions.

Item #3c was removed from the consent agenda and moved to discussion directly after vote on consent items.

Addendum #2 added Item #11(a) Mayor Browning – discussion and direction on letter from County Commissioner Paulette Burdick regarding “Preserve Our Agricultural Reserve”.

Attorney Report on update for item #12(b) Shade Meeting.

There was a correction to the minutes for item #2a Minutes, Council Member Goltzené seconded the motion rather than Mayor Browning as stated.

Motion: a motion to approve the agenda, as revised, including Addendum #1 and Addendum #2, was made by Council Member Liang and seconded by Council Member McLendon. Motion passed 5 – 0.

Gina Levesque, representative for Troop 122, thanked the Council for allowing the Troop to participate. They were working on an Eagle Merit Badge, which required attendance and participation in local government.

2. PUBLIC COMMENTS

Laurel Bennett, a 17 year resident of the County, announced that she was running for the House of Representative Seat for District 86, which included Loxahatchee Groves. Her platform included education, families, healthcare, veterans and the VA. She was not for common core. She had previously worked for Palm Beach Community College and had an IT Degree.

Don Borovy, Tripp Road, was unhappy with the hole repair work done on D Road.

Tracy Raflowitz, F Road, wanted to know what could be done to allow RV campers for property owners for the equestrian season.

Marge Herzog, A Road, announced the meeting of the Landowners Association.

3. CONSENT AGENDA

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: April 5, 2016 Town Council Meeting
- b. Betty Argue, Loxahatchee Groves PTO, requesting a tax deductible monetary donation of \$500.00 from the Town, as a sponsor for the Loxahatchee Groves Elementary School's Annual Spring Carnival and Silent Auction to be held May 21, 2016.
- c. Town Council Approval of Gas Tax Maps – **this item was pulled from consent agenda**
- d. RESOLUTION NO. 2016-23 (Interposol Agreement)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR THE INFORMATION SYSTEMS SERVICES DEPARTMENT (ISS) TO PROVIDE THE TOWN'S NON-AD VALOREM ASSESSMENT ROLLS FOR THE PROPERTY APPRAISER'S NOTICE OF PROPOSED PROPERTY TAXES AND THE TAX COLLECTOR'S ACTUAL PROPERTY TAX NOTICES; AND PROVIDING AN EFFECTIVE DATE.

- e. RESOLUTION NO. 2016-11 (contract)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING A CONTRACT, AWARDED THROUGH RFP NO. 2016-002, WITH WITT O'BRIEN'S LLC, TO PROVIDE DEBRIS MONITORING SERVICES FOR AN INITIAL TERM TO EXPIRE ON NOVEMBER 30, 2017, AND AUTHORIZING THE EXECUTION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

- f. RESOLUTION NO. 2016-25 (Budget Amendment)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

g. RESOLUTION NO. 2016-14 (fee schedule)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A SCHEDULE OF RATES, FEES, AND CHARGES FOR PLANNING AND ZONING, PERMITTING AND OTHER SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

h. RESOLUTION NO. 2016-26 (Amendment to Agreement) - This item was pulled from consent agenda and moved to Item #6h.

Motion: a motion to approve the consent agenda as revised was made by Council Member Jarriel and seconded by Council Member Liang. Motion passed 5 – 0.

This item was pulled from consent agenda:

d. Town Council Approval of Gas Tax Maps

Council Member McLendon had requested this item be removed from the consent agenda because he had to recuse himself on this item. He had already filed Form 8B with the Town Clerk. Manager Underwood advised that the only change this year to the list was the removal of one .24 mile road (Fortner Road) at the request of the property owner. Vice Mayor Goltzené wanted clarified that the roads they were claiming was the area bounded by easements, the easements on paper and the ditch width, or fence to fence. Council Member Jarriel thought this should be discussed at a later time. Council Member Liang stated it was a good point as the gas tax was based on lane miles. Mayor Browning agreed they needed to do this and be careful as one resident survey might show something different from another.

Marge Herzog commented on certain roads she had not seen listed; Ken Johnson commented on roads not being wide enough; and Dr. Omar asked again about the situation on his road with the gate blocking his access. Manager Underwood stated the road had been public for at least 10 years and they needed to speak to the resident about moving the gate and the pole.

Motion: a motion to approve the gas tax road list and maps provided, as clarified by comments from Vice Mayor Goltzené, was made by Council Member Jarriel and seconded by Council Member Liang. Motion passed 4 – 0, with Council Member McLendon recusing himself.

4. PRESENTATIONS

a. Presentation of American Flag from Connie Kilgore to Town Hall
(Sponsored by Mayor Dave Browning)

Connie Kilgore spoke about her husband being a Vietnam Veteran of the Air Force, then going on to own a refrigeration business, a motorcycle shop and spending 35 years at Pratt Whitney. While running all these careers, he built the house she still resides in and also found time to drive to Miami several days a week to earn a Mechanical Engineering Degree. He was a true cowboy and would be very happy to know that his flag, presented to her at his funeral, would hang at Town Hall. Mayor Brown accepted and thanked Mrs. Kilgore for the flag.

- b. Palm Beach County Ethics Commission
Mark E. Bannon - Executive Director
Gina A. Levesque – Intake and Compliance Manager

Mark Bannon stated he was the New Executive Director for the PBC Ethics Commission, after working for them for 5 ½ years. He retired after 25 years as a police officer. Mr. Bannon stated that the Ethics Commission was often confused with the Inspector General Offices because they were more visible to the residents of the County. He was changing this by assigning liaisons from his office to all municipalities; and introduced Gina Levesque, Intake Manager, who would be the liaison for Loxahatchee Groves. Mr. Bannon added that prevention was the key. Elected officials needed to adapt their behavior to comply with the code and suggested that asking before you act was the wisest course of action rather than waiting until afterwards. His office was paid for through ad valorem taxes, so there was no further cost to any municipality to make effective use of the services offered. He and his staff were always available.

5. COMMITTEE REPORTS – none scheduled

6. RESOLUTIONS

- a. RESOLUTION NO. 2016-19 (Appoint P&Z)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, _____, _____, _____, AND _____, AS REGULAR MEMBERS OF THE TOWN'S PLANNING AND ZONING BOARD TO SERVE TERMS OF ONE (1) YEAR, AND APPOINTING _____ AND _____ AS ALTERNATE MEMBERS OF THE TOWN'S PLANNING AND ZONING BOARD TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Vice Mayor Goltzené nominated Keith Harris, Council Member Jarriel nominated Grace Joyce, Mayor Browning nominated Dennis Lipp, Council Member Liang nominated Veronica Close and Council Member McLendon nominated William Hyslop. There were no nominations for alternates. Town Attorney Cirullo suggested that the alternates could be appointed at a later date by another resolution once names were brought forward. This resolution would be amended to reflect this change.

Motion: a motion to approve the resolution, as amended, and appoint the members nominated by the Council to the Planning and Zoning Board was made by Vice Mayor Goltzené and seconded by Council Member McLendon. Motion passed 5 – 0.

- b. RESOLUTION NO. 2016- 27 (revised duties for Committee)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RE-NAMING THE COMMITTEE TO “EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE: AMENDING THE DUTIES, TERM OF MEMBERS, MEETINGS AND TOWN STAFF SUPPORT FOR THE EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE;

PROVIDING FOR THE METHOD OF APPOINTMENT OF COMMITTEE MEMBERS; PROVIDING FOR COMPLIANCE WITH FLORIDA'S SUNSHINE LAW AND PUBLIC RECORDS LAW; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Goltzené stated the since the Town still did not have any control over the trails, this resolution and the resolution appointing members should be postponed. The State had existing best management practices, including water quality. Vice Mayor Goltzené felt an "Ag" Committee would be more beneficial.

Council Member Jarriel suggested some language changes to the resolution presented. Under Section 2(1)(f) regarding member attendance, instead of "shall" be removed, it should read "may" be removed, and also add if he/she has missed three "consecutive" meetings.

Council Member McLendon stated that the Comp Plan references this committee; however, the ordinance was conflicting as one section said "shall" have this committee and another section said "may" have this committee.

Nina Corning, E Road, stated the signed ordinance on the website was different than the one for the Comp Plan. Bill Louda, E, Road, felt roadways and water should be left in the name and the duties, since the roads and trails interact and banks stabilization was part of the roads and trails issue.

Town Attorney Cirullo suggested that the ordinances and comp plan should be reviewed prior to approving this resolution, and suggested the Council proceed with appointing the members to the committee as it now stands and bring this resolution back at a later date.

Motion: a motion to table this resolution until a future date was made by Council Member McLendon and seconded by Council Member Jarriel. Motion passed 5 – 0.

c. RESOLUTION NO. 2016-24 (revised duties for Committee)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR AMENDING THE DUTIES, TERM OF MEMBERS, MEETINGS AND TOWN STAFF SUPPORT FOR THE FINANCE ADVISORY AND AUDIT COMMITTEE CONSISTENT WITH SECTION 218.319, FLORIDA STATUTES; PROVIDING FOR THE METHOD OF APPOINTMENT OF THE FINANCE ADVISORY AND AUDIT COMMITTEE MEMBERS; PROVIDING FOR COMPLIANCE WITH FLORIDA'S SUNSHINE LAW AND PUBLIC RECORDS LAW; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Jarriel suggested some language changes to the resolution presented. Under Section 2(1)(b)(1) the previous resolution setting the committee's duties had five duties and the new resolution had only two. All duties should be put back in. Also, under Section 2(1)(f) regarding member attendance, instead of "shall" be removed, it should read "may" be removed, and also add if he/she has missed three "consecutive" meetings.

Council consensus was in favor of language change for attendance section. Council discussed the merits of the five original duties versus the two indicated in the new resolution. The duty referencing the committee meeting with the independent auditor was not considered a good idea based on issues that had arisen in the past from such meetings.

John Ryan, A Road, felt the committee should meet monthly, and Ken Johnson, Collecting Canal Road, stated he had been on the committee, and they had problems with a quorum at most meetings. The Council needed to appoint people that would show up on a regular basis.

Motion: a motion to adopt the resolution as presented was made by Vice Mayor Goltzené. Motion failed for lack of a second.

Motion: a motion to adopt the resolution, removing the duty of meeting with the independent auditor, but adding back in the other two duties from the original resolution, was made by Council Member Liang and seconded by Council Member McLendon.

Mayor Browning called for a short break at 8:34 PM. Council reconvened at 8:42 PM.

d. RESOLUTION NO. 2016-20 (Appoint ETRAG)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, _____, _____, AND _____, AS VOTING MEMBERS OF THE EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE (ETGAC), TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Goltzené nominated Jo Siciliano, Council Member Jarriel nominated Nina Corning, Mayor Browning nominated Bill Louda, Council Member Liang nominated Katie Davis and Council Member McLendon nominated Thais Gonzalez. Also, the third “whereas” in the resolution referencing the previous resolution that was tabled would be removed, and the name would remain as the Roadways, Equestrian Trails and Greenway Advisory Committee (RETRAG).

Motion: a motion to approve the resolution as amended, and appoint the members nominated, was made by Council Member Liang and seconded by Council Member Jarriel. Motion passed 5 – 0.

e. RESOLUTION NO. 2016-22 (Appoint FAAC)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, _____, _____, AND _____, AS VOTING MEMBERS OF THE FINANCE ADVISORY AND AUDIT COMMITTEE, TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Vice Mayor Goltzené nominated Anita Kane, Council Member Jarriel nominated Bruce Cunningham, Mayor Browning nominated Ken Johnson, Council McLendon nominated Connie Bell and Council Member Liang did not have a nomination at this time.

Motion: a motion to approve the resolution and appoint the member nominated was made by Vice Mayor Goltzené and seconded by Council Member Liang. Motion passed 5 – 0.

f. RESOLUTION NO. 2016-28 (creation and duties of Committee)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE CREATION OF THE “UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE”; PROVIDING FOR AMENDING THE DUTIES, TERM OF MEMBERS, MEETINGS AND TOWN STAFF SUPPORT FOR THE UNIFIED LAND DEVELOPMENT CODE COMMITTEE; PROVIDING FOR COMPLIANCE WITH FLORIDA’S SUNSHINE LAW AND PUBLIC RECORDS LAW; PROVIDING FOR SUNSETTING OF THE COMMITTEE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

There was Council discussion of adding review of the Comp Plan to this committee, but was felt they should be separate issues. Town Attorney Cirullo stated that the recommendations of the ULDC Committee would be reviewed by Staff for comp plan consistency and then prepared for review by P&Z Board acting as the LPA, and the for Town Council approval. Also, Council felt the meeting schedule should read at least “quarterly, or as needed” under Section 2(III)(b). This would allow for quarterly as a minimum, but the committee would probably meet more often when scheduled by Staff.

Motion: a motion to approve the resolution, as amended, was made by Council Member Liang and seconded by Council Member Jarriel. Motion passed 5 – 0.

QUASI-JUDICIAL HEARING

g. RESOLUTION NO. 2016-21 (Site Plan)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE GROVES MEDICAL PLAZA SITE PLAN AMENDMENT, FOR LAND OWNED BY GROVES MEDICAL PLAZA, LLC, CONSISTING OF 3.43 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “F” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Jim Fleischmann, Julie Campbell and Ryan Johnston were sworn in to give testimony. Presentation was made by Jr. Johnston explaining the need for the amendment allowing the uses to include professional offices in addition to medical and dental. Based on comments from the P&Z Board, Mr. Johnston and Mr. Fleischmann had created a definition of “professional offices”, which had not been included in the ULDC. Mr. Fleischmann added that the Applicant

would also be coming back to Council with a re-zoning request to “Commercial Low”. Discussion between Mr. Johnston, Mr. Fleischmann and the Council took place.

Julie Campbell, owner of the property adjacent to this site, testified that when this site was developed the existing access road by prescription was taken away, which had cut into her business by about 40%. Ms. Campbell submitted an aerial map showing the access road, the guard rail installed by the Applicant, and where the applicant wanted to now extend another cross flow road across her property to the hospital. She felt this was unfair to her.

Motion: a motion to received and file the aerial map was made by Council Member McLendon and seconded by Council Member Liang. Motion passed 5 – 0.

Mr. Fleischmann stated the Applicant was willing to work with her but the solutions were not part of his property. The guard rail was not on their property and was installed by DOT. Council felt this was a matter that should be worked out between the two property owners prior to Council approving anything.

Motion: after further Council discussion, a motion to continue this item until the May 3, 2016 agenda, for the purpose of additional information only, was made by Vice Mayor Goltzené and seconded by Council Member Jarriel. Motion passed 5 – 0.

h. RESOLUTION NO. 2016-26 (Amendment to Agreement)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE SECOND AMENDMENT TO B ROAD IMPROVEMENT AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES, LOXAHATCHEE EQUESTRIAN PARTNERS AND SOLAR SPORTSYSTEMS, INC., ATLANTIC LAND INVESTMENTS, LLC, AND PALM BEACH STATE COLLEGE; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Vice Mayor Goltzené recused himself from discussion and vote on this item, and would file Form 8B with the Town Clerk. Manager Underwood advised the Council that the Town Attorney had coordinated this minor change to the agreement with all parties. This amendment only changed the term “OGEM” in the agreement to now be interpreted as meaning “asphalt”.

Motion: a motion to approve the resolution and amendment to the agreement was made by Council Member McLendon and seconded by Council Member Jarriel. Motion passed 4 – 0, with Vice Mayor Goltzené recused.

7. ORDINANCES – none scheduled

Motion: a motion to extend the meeting for the Manager’s Report, the Town Attorney item and Mayor Browning’s item #11a, was made by Vice Mayor Goltzené and seconded by Council Member McLendon. Motion passed 5 – 0.

8. MANAGER'S REPORT – Town Manager Underwood

a. Agenda Item Report – Updates on various activities and issues concerning the Town

1. Temporary pot hole repairs have been done
2. Tree trimming has been started and a product will be put on the trimmed stumps to kill the pepper trees. There will be an additional cost for this treatment. Manager should be able to have the authority to make these changes within the procurement process and allow the hiring of an herbicide subcontractor with a license and correct equipment.

Lawrence Corning stated Brazilian pepper trees were good for bees and their pollen. Ken Johnson, Collecting Canal Road, stated he agreed with the herbicide but the Town needed to stop the speeding and improve the condition of the roads so that all the dust coming from the cars would stop coming into the homes.

Motion: a motion to approve giving the Manager authority referenced above was made by Council Member Jarriel and seconded by Council Member Liang. Motion passed 5 – 0.

3. The Attorney and Manager were still trying to set up a meeting between the College and the District.

4. Town Manager had ridden around looking at culverts. On C Road, it appeared the District had added rock and material.

5. Town Manager had heard from residents on Timberland and also Scott Place asking for assistance with culverts going under roads.

6. Regarding roads permits, the District did not want to have to comply with pre-engineering. Town Manager had responded with asking that both parties receive the same treatment and this would also be for berms for the trails. The District stated that would require a modification of the ILA.

b. Charter Amendments Ballot Question Deadlines

Town Clerk had obtained ballot language deadline dates from the SOE, who's preference was the August 30th ballot rather than the November elections. Council discussed areas of the charter that needed to be addressed, such as canvassing board, manager's duties, revenue bonds and term limits. Due to the limited timeframe for completion of the requirements for getting referendum questions on the ballot, Council consensus was to set three top priorities for Staff to proceed with: 1) Canvassing Board changes; 2) Manger's Duties and 3) revenue bonds.

Motion: a motion to approve the three priorities set by Council was made by Council Member Jarriel and seconded by Vice Mayor Goltzené. Motion passed 4 – 1, with Council Member McLendon dissenting.

9. OLD BUSINESS

a. Okeechobee Corridor Master Plan – Work Authorization Okeechobee Boulevard Planning & Zoning

Council Member McLendon stated he didn't know where the Council sits on commercial. Outdoor sales should be allowed with a low FAR. The Council needs to define what low impact non-residential means.

Council Member Jarriel stated they needed commercial low, like Mom & Pop businesses. Regarding churches, a decision needed to be made. How much of this work authorization had already been expended? Manager Underwood responded approximately \$4 – 5,000 for the Town Planning Consultant.

Council Member Liang stated he didn't really see a big demand for commercial right now on Okeechobee and the Town should focus on Southern.

Mayor Browning stated low impact non-residential could have a FAR of .05. The Town needed to look at the next seven years, not just the present.

Planning Consultant Fleischmann stated that the P&Z Board had about fifteen meetings on this item, and he felt that there had not been a fair opportunity to present a good proposal. He would be happy to meet one on one with each Council Member and explain the good points of the proposal.

Lawrence Corning suggested less control and site by site decisions. Dennis Lipp suggested added a .05 FAR to the comp plan.

Motion: a motion to approve the work authorization presented was made by Council Member McLendon and seconded by Council Member Liang. Motion passed 3 -2, with Vice Mayor Goltzené and Council Member Jarriel dissenting.

10. NEW BUSINESS

a. IGC Meeting Schedule

After discussion, the new IGC Meeting Schedule was revised as follows:

- February to May 2016 – Ron Jarriel
- May to September 2016 – Todd McLendon
- October to January 2017 – Ryan Liang
- February to May 2017 – Dave Browning

Motion: a motion to approve the new IGC was made by Council Member Jarriel and seconded by Council Member McLendon. Motion passed 5 – 0.

b. Council Appointment to the Western Communities Council

Motion: a motion to appoint Vice Mayor Goltzené as the Town's Representative for the Western Communities Council was made by Council Member Jarriel and seconded by Council Member McLendon. Motion passed 5 – 0.

11. COUNCIL REPORTS

a. Mayor Browning

1. Letter from County Commissioner Paulette Burdick regarding “Preserve Our Agricultural Reserve”

Mayor Browning discussed the letter added to the agenda in Addendum #2 and requested that the Council consider sending the requested support for Preserving Agricultural Reserve space in Palm Beach County.

Motion: a motion to authorize the Mayor to sign and send a letter in support of Preserving Our Agricultural Reserve space in Palm Beach County was made by Vice Mayor Goltzené and seconded by Council Member Jarriel. Motion passed 5 – 0.

12. CLOSING COMMENTS

a. Public

Betty Argue thanked the Council for the donation to the Annual Loxahatchee Groves Elementary School Carnival. Ms. Agrue also commented on the on-going lawsuit regarding Minto Builders and the need to protect Okeechobee Boulevard.

b. Town Attorney

1. Request pursuant to Section 286.011(8), Florida Statutes, to schedule a closed door attorney-client meeting to discuss pending litigation in the case of Professional Services Group, Inc. v. Town of Loxahatchee Groves, Palm Beach County Circuit Court Case No. 502016CA003979XXXXMB, Division AG.

Town Attorney Cirullo stated the requested closed door shade meeting would be limited to discussion on litigation and settlement issues. As an added comment, he had received an email today in response to Council’s motion from the previous meeting to offer a settlement to PSG. Their Attorney had responded with a counter settlement proposal of the full amount of invoices of \$52,948.15, which would only be good until this Friday. Town Attorney Cirullo commented that this was the second time PSG and their attorney had presented a settlement with minimal or no time for proper response.

Motion: a motion to schedule the requested shade meeting was made by Vice Mayor Goltzené and seconded by Council Member McLendon. Motion passed 5 – 0.

c. Town Council Members

Council Member McLendon asked for the status of the change orders for B Road, including the pricing for striping. Vice Mayor Goltzené stated he would need to recuse himself from this. Council Member McLendon also asked what the status of the ordinance for adopting for the remaining roads in Town, and he would also like to request a change of the name for the Okeechobee Boulevard section within town borders to “Middle Road”. Manager Underwood responded that they were waiting for the engineers for information on the first two items.

Council Member Jarriel felt that changing the name of a portion of the road would be confusing for services such as police and fire.

Council Member Liang, Council Member Jarriel and Vice Mayor Goltzené all thanked everyone for coming.

Mayor Browning mentioned that the papers were saying the Minto/Westlake now wanted to incorporate. If this was approved, it would dilute the gas tax and franchise revenues for all the towns.

14. ADJOURNMENT

Hearing no further business, a motion to adjourn the meeting was made at 10:05 PM.

Virginia Walton, Town Clerk

David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, _____2016.

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

LOXAHATACHEE GROVES/TOWN OF
155 F Road
Loxahatchee Groves FL 33470

Page: 1
04/27/2016
ACCOUNT NO: 1574-0702400R
STATEMENT NO: 9239

Attn: William F. Underwood, II - Town Manager

General Matters

HOURS

03/29/2016	MDC	Review materials, telephone call with Counsel for PSG; review emails on B Road, review agenda items (resolutions, ILA); miscellaneous telephone call with Bill Underwood on pending items.	2.90
03/30/2016	SCW	Evaluate the status of the Floodplain issue. Draft correspondence to Steve Martin, State Floodplain Manager.	0.40
	MDC	Review Blackbaud materials, revise resolution.	0.40
03/31/2016	MDC	Continue reviewing agenda items for 4/5 meeting.	0.40
04/01/2016	SCW	Evaluate the status of the Floodplain Management information retained. Draft correspondence to Steve Martin State Floodplain Manager. Evaluate correspondence received from Steve Martin. Telephonic conference with Steve Martin.	1.00
	MDC	Review agenda materials, provide comments to Town Clerk; review resolution and agreement for agenda addendum.	1.70
04/04/2016	SCW	Evaluate correspondence received from Steve Martin. Draft correspondence to Mr. Martin regarding Leigh Chapman's assistance with ordinances pertaining to Floodplain Management.	0.20
	MDC	Phone conference with BU re: roads, PSG; review materials for 4/05 meeting.	1.00
04/05/2016	MDC	Miscellaneous telephone calls, review materials, prepare for and attend Council meeting, telephone conference with counsel for Equestrian Services.	4.80
04/06/2016	SCW	Evaluate correspondence received from Steve Martin pertaining to Leigh Chapman's contact information to assist the City with the Floodplain Ordinance. Draft correspondence to Mr. Martin.	0.20
	MDC	Review ILA letter; review emails from BU re: Agritourism; follow up re: flood plain ordinance; review materials re: sexual predator/offender ordinance.	0.60
04/07/2016	MDC	Review materials, prepare for and attend meeting with Councilman McLendon re: Town management orientation per ethics ordinance; confer with Town Clerk re: ballot access schedules; confer with BU re: PSG, Equestrian Services International; revise PSG agreement per Council directions; forward check and settlement agreement; telephone conference with PBSC counsel re: B Road agreement.	4.10

General Matters

HOURS

			HOURS
04/08/2016	MDC	Review emails on pending items; follow up on 4/5 items; miscellaneous telephone conference with BU re: culvert purchase orders, trails and roads.	1.30
04/11/2016	MDC	Review correspondence to District re: trails; review B Road Notice to Proceed; review NAV Interlocal Agreement with county, review resolution.	0.90
04/12/2016	SCW	Evaluate correspondence received from Leigh Chapman, CFM regarding the Floodplains ordinance.	0.10
	MDC	Review draft resolutions (FAAC, budget amendment); telephone conference with VW re: Advisory Board resolutions, charter; review status of B Road Amendment and Notice to Proceed; telephone conference with BU on pending items.	1.30
04/13/2016	SCW	Evaluate correspondence received from Leigh Chapman, CFM. Draft correspondence to Ms. Chapman in reference to Floodplains Ordinance. Telephonic conference with Ms. Chapman regarding Floodplain ordinance. Draft summary of information provided by Ms. Chapman in reference to the Floodplain Ordinance.	0.80
	MDC	Continue reviewing and revising agenda materials for 4/19 meeting; review amendment to B Road agreement, review B Road resolution; miscellaneous telephone calls.	1.30
04/14/2016	MDC	Continue reviewing agenda items, review annexation information.	0.80
04/15/2016	MDC	Continue reviewing materials; prepare memo to Town Council re: PSG; receive and begin reviewing agenda and backup for 4/19 meeting; telephone conference with council for Equestrian Services, review status of PBSC emails.	1.50
04/18/2016	SCW	Evaluate the status of the materials that Leigh Chapman, CFM FL DEM Contractor, advised that she would provide regarding Floodplain management. Draft correspondence to Ms. Chapman regarding the status of the materials. Evaluate correspondence received from Ms. Chapman.	0.20
	BJS	Draft Sexual Offender and Sexual Predator Prohibition Ordinance for MDC review	2.50
	MDC	Continue reviewing agenda materials and back up for 4/19 meeting; review materials, attend meeting at Town Hall with Equestrian Services property owner and their council; confer with BU on agenda items.	2.70
04/19/2016	MDC	Miscellaneous telephone calls, review materials, prepare for and attend Council meeting.	4.60
04/20/2016	MDC	Review action items from 4/19/16 meeting; review correspondence on B Road, review status of B Road easements; prepare charter amendment ordinances (Canvassing Board, Borrowing); telephone conference with BU; telephone conference with Jeff Kurtz (Mark Jackson).	2.80
04/21/2016	SCW	Telephonic conference with Leigh Chapman. Evaluate correspondence received from Ms. Chapman.	0.20
	BJS	Review and revise sexual offender prohibition ordinance with comments from	

General Matters

		HOURS	
	MDC	1.30	
	MDC Miscellaneous review of road matters, public records requests; review and revise sexual predator ordinance; review and revise charter amendment re: borrowing; review and revise charter amendment re: canvassing board, begin charter amendment re: manager; telephone conference with BU on maintenance records for Town roads.	2.40	
04/22/2016	MDC Miscellaneous telephone calls, review status of 8th Court North, continue revising charter ordinances.	0.50	
04/25/2016	SCW Evaluate correspondence received from Leigh Chapman with attachments thereto. Review materials provided by Ms. Chapman. Draft correspondence to Ms. Chapman.	0.50	
	MDC Review status of charter ordinances; revise sexual predator ordinance, review emails on draft ordinances.	0.50	
04/26/2016	MDC Revise charter amendment ordinance re: elections per comments from Clerk; review correspondence on Town Management charter amendment; revise charter amendment ordinance for management; review status of B Road documents; review emails, status of meeting with LGWCD and PBSC re: easements; revise sexual predator ordinance; telephone conference with V. Walton, telephone conference with BU; continue revising charter ordinances; review issues with Big Dog property.	3.80	
	FOR CURRENT SERVICES RENDERED	47.70	8,824.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	40.30	\$185.00	\$7,455.50
BRIAN J. SHERMAN	3.80	185.00	703.00
SHARI C. WALLEN	3.60	185.00	666.00

Photocopies	196.00
TOTAL EXPENSES	196.00
TOTAL CURRENT WORK	9,020.50
BALANCE DUE	<u>\$9,020.50</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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Telephone (954) 771-4500

TOWN OF LOXAHATCHEE GROVES
155 F Road
Loxahatchee Groves FL 33470

Page: 1
04/27/2016
ACCOUNT NO: 1574-1107598R
STATEMENT NO: 9237

Attn: William F. Underwood, II - Town Manager

Professional Services Group Billing Dispute

			HOURS	
04/13/2016	MDC	Review emails on service of Complaint; review Complaint, telephone conference with VW.	0.90	
04/19/2016	MDC	Review and revise Notice of Appearance and Motion to Quash Service, review correspondence on status of case, confer with BU.	0.50	
04/20/2016	MDC	Phone conference with opposing counsel re: status of case, service of process.	0.30	
		FOR CURRENT SERVICES RENDERED	1.70	314.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	1.70	\$185.00	\$314.50

Photocopies		32.55
TOTAL EXPENSES THRU 04/26/2016	<i>MDC</i>	32.55
TOTAL CURRENT WORK		347.05
BALANCE DUE		\$347.05

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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TOWN OF LOXAHATCHEE GROVES
155 F Road
Loxahatchee Groves FL 33470

Page: 1
04/27/2016
ACCOUNT NO: 1574-1107599R
STATEMENT NO: 9238

Attn: William F. Underwood, II - Town Manager

Groves Medical Plaza

			HOURS	
03/31/2016	MDC	Review draft notice and resolution, provide comments to JF.	0.50	
04/13/2016	MDC	Review agenda materials; resolution, agenda form, staff report, conditions; telephone conference with JF.	0.50	
		FOR CURRENT SERVICES RENDERED	1.00	<u>185.00</u>

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	1.00	\$185.00	\$185.00

TOTAL CURRENT WORK 185.00

BALANCE DUE \$185.00



**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**



Town of
LOXAHATCHEE GROVES

COMPREHENSIVE ANNUAL FINANCIAL REPORT

FOR THE FISCAL YEAR ENDED

SEPTEMBER 30, 2015

TOWN OF LOXAHATCHEE GROVES, FLORIDA
COMPREHENSIVE ANNUAL FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2015

PREPARED BY:
THE TOWN OF LOXAHATCHEE GROVES
UNDERWOOD MANAGEMENT SERVICES GROUP, LLC

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INTRODUCTORY SECTION



Town of Loxahatchee Groves

155 F Road, Loxahatchee Groves, Florida 33470 (561) 793-2418 Fax (561) 793-2420

March 31, 2016

To The Honorable Mayor and Members of the Town Council
155 F Road
Loxahatchee Groves, Florida 33470

It is our pleasure to submit the Comprehensive Annual Financial Report (CAFR) for the Town of Loxahatchee Groves, Florida, for the fiscal year ended September 30, 2013, pursuant to Section 218.39 of the Florida Statutes, Chapter 10.550 of the Rules of the Auditor General of the State of Florida, and the Town Charter. The financial statements included in this report conform to generally accepted accounting principles in the United States of America ("GAAP") as prescribed by the Governmental Accounting Standards Board ("GASB"). The responsibility for both the accuracy of the presented data and the completeness and fairness of the presentation, including all disclosures, rests with the Town. The financial statements have been audited by Nowlen, Holt & Miner, P.A., Certified Public Accountants. The independent auditor has issued an unmodified opinion that this report fairly represents the financial position of the Town in conformity with GAAP. Management's Discussion and Analysis (MD&A) immediately follows the independent auditor's report and provides a narrative introduction, overview, and analysis of the basic financial statements. MD&A complements this letter of transmittal and should be read in conjunction with it.

PROFILE OF THE GOVERNMENT

The Town of Loxahatchee Groves (the "Town") is a political subdivision of the State of Florida located in Palm Beach County (the "County") incorporated in November 2006. The Town has a population estimated at 3,180 residents living within 12.5 square miles. The Town is a rural-residential community with a limited commercial district.

The Town operates under a Council-Manager form of government in which the Town elects five council members, one of whom is the Mayor. Council members are elected for three year terms. The Town Council determines the policies that guide the Town's operations and hire a Town Manager to implement and administer these policies that guide the Town's operations and implement these policies on a full-time basis. The Town functions under the basis of "Contract Form of Government" with no employees.

The annual budget serves as the foundation for the Town's financial planning and control. All departments of the Town are required to submit proposed budgets to the Town Manager, who then makes any necessary revisions. The Town Manager then presents to the Town Council for their review, a budget estimate of the expenditures and revenues of all the Town's departments. Two public hearings are then conducted to inform taxpayers of the proposed and final budget, to receive their comments, and respond to their questions on the budget. A majority affirmative vote of the quorum is needed to adopt the budget, which is legally enacted prior to October 1st by the passage of a Resolution. The Town's budget is approved at the fund level.

The Town Council must approve all budget amendments as well as any supplemental appropriations. At

the close of each fiscal year, the unencumbered balance of each appropriation reverts to the fund from which it was appropriated and is subject to future appropriations.

ECONOMIC CONDITION AND OUTLOOK

The growth and development of the Town of Loxahatchee Groves is dependent upon the economic environment of South Florida and particularly that of Palm Beach County. The major economic influences in this area are the housing market, the regional job market, new construction, weather events and uncertainty of any future tax reform.

During 2007, the Florida Legislature passed property tax reform legislation limiting the property tax levies of local governments in the State of Florida. For the fiscal year ending September 30, 2015, the maximum tax levy allowed by a majority vote of the governing body is based on a percentage reduction applied to the prior year property tax revenue. The percentage reduction is calculated based on the annual growth rate in the per capita property taxes levied for the fiscal year ended September 30, 2014. For the fiscal year ending September 30, 2015 the Town Council adopted a rate of 1.2 mills. This millage rate results in a total tax levy of \$217,931 representing an increase of \$9,758 or 5% from the property tax levy for 2012. Future property tax growth is limited to the annual growth rate of per capita personal income, which is currently minimal, plus the value of new construction.

The impact of moderate growth and increasing property values are central influences in decisions made during the current fiscal year, as well as, in next year's budget. The combination of the current economic expansion and improvement of the housing market have resulted in improving property values and in a slight increase of tax dollars.

LONG TERM FINANCIAL PLAN

The Town adopted a Comprehensive Plan. Within this plan, the Town will examine the growth opportunities for the Town over the next 10 years. Management will continue to review revenues received from other sources to verify that, as a new government, the Town is receiving those revenues to which it is entitled. The Town will also continue to pursue new revenue streams which will have as little impact on the residents as possible. In addition, the Town will continue to contract municipal services to maintain low operational costs and the best opportunity to keep taxes as low as possible. Maintaining appropriate reserves will enable the Town to absorb the increased costs of contracted services, as well as, the decrease of the ad-valorem base due to the continued decrease in property values within the Town.

FINANCIAL INFORMATION

Town Management is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the Town are protected from loss, theft or misuse and to ensure that adequate accounting data is compiled to allow for the preparation of financial statements in conformity with generally accepted accounting principles in the United States of America. The internal control structure is designed to provide reasonable, but not absolute, assurance that these objectives are met. The concept of reasonable assurance recognizes that: (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

As a recipient of federal, state and local financial assistance, the government is also responsible for ensuring that an adequate internal control structure is in place to ensure and document compliance with applicable laws and regulations related to these programs. This internal control structure is subject to periodic evaluation by management. In addition, the Town maintains budgetary controls. The objective of these controls is to ensure compliance with legal provisions embodied in the annual appropriated budget approved by the Town Council. The level of budgetary control (i.e., the level at which expenditures cannot legally exceed the appropriated amount) is the department level.

The Town's *accounting system* is organized on a fund basis. A fund is defined as an independent fiscal and accounting entity with a self-balancing set of accounts. The type of funds used are generally determined by the Town Council upon the recommendations of the Town Manager which is based upon established and accepted accounting policies and procedures as well as the number of funds required.

INDEPENDENT AUDIT

In accordance with Florida Statutes Section 218.39, the Town has engaged the firm of Nowlen, Holt & Miner, P.A., to perform the independent audit of the Town's financial statements for the year ended September 30, 2013. The Independent Certified Public Accountants' report is presented in the financial section of this Comprehensive Annual Financial Report.

AWARDS AND ACKNOWLEDGEMENTS

The Government Finance Officers Association of the United States and Canada ("GFOA") awarded a Certificate of Achievement for Excellence in Financial Reporting to the Town of Loxahatchee Groves for its comprehensive annual financial report for the fiscal year ended September 30, 2014. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized Comprehensive Annual Financial Report. This report must satisfy both generally accepted accounting principles and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. We believe that our current Comprehensive Annual Financial Report continues to meet the Certificate of Achievement Program's requirements, and we are submitting it to the GFOA to determine its eligibility for the certificate.

The preparation of this report could not have been accomplished without the efficient and dedicated services of the entire staff of Underwood Management Services Group, LLC and the Town's audit firm, Nowlen, Holt & Miner, P.A.. We wish to express our appreciation to the staff for their interest and support in planning and conducting the financial operations of the Town in a responsible and progressive manner.

In closing, without the leadership and support of the Mayor and Town Council and the Finance and Audit Advisory Committee (FAAC), the accomplishments and anticipated future successes noted in this report would not have been possible.

Respectfully submitted,



Underwood Management Services Group, LLC
William F. Underwood, II, ICMA-CM
Town Manager



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**Town of Loxahatchee Groves
Florida**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

September 30, 2014

Executive Director/CEO

TOWN OF LOXAHATCHEE GROVES

List of Elected Town Officials

September 30, 2015

Council-Manager Form of Government

TOWN COUNCIL

David W. Browning, Mayor

Ronald D. Jarriel, Vice Mayor

Tom Goltzene, Councilmember

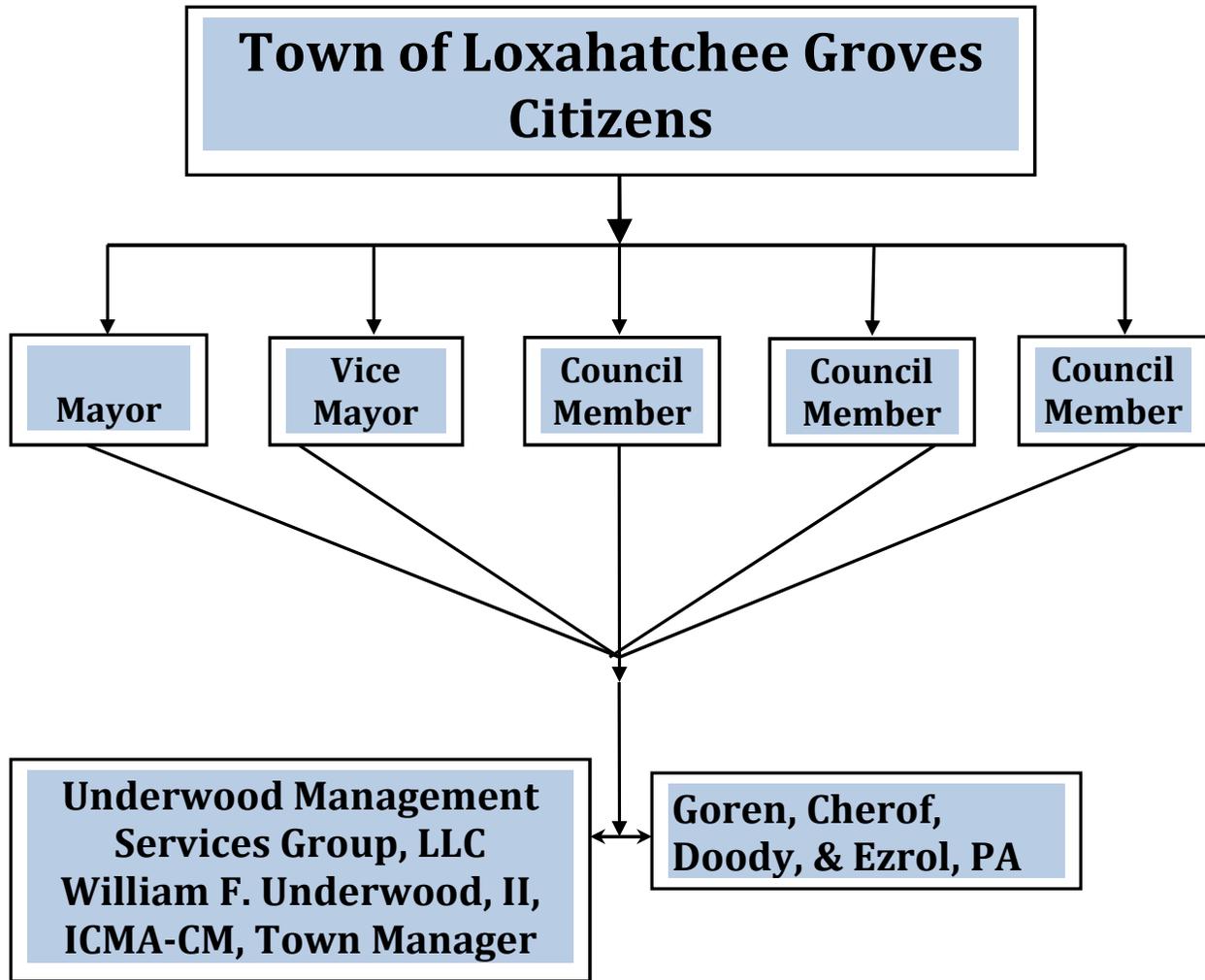
Jim Rockett, Councilmember

Ryan Liang, Councilmember

Prepared by:

Underwood Management Services Group, LLC

Town of Loxahatchee Groves Organizational Chart



FINANCIAL SECTION

INDEPENDENT AUDITOR'S REPORT



NOWLEN, HOLT & MINER, P.A.

CERTIFIED PUBLIC ACCOUNTANTS

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NORTHBRIDGE CENTRE
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WEST PALM BEACH, FLORIDA 33402-0347
TELEPHONE (561) 659-3060
FAX (561) 835-0628
WWW.NHMCOPA.COM

EVERETT B. NOWLEN (1930-1984), CPA
EDWARD T. HOLT, CPA
WILLIAM B. MINER, RETIRED, CPA
ROBERT W. HENDRIX, JR., CPA
JANET R. BARICEVICH, CPA
TERRY L. MORTON, JR., CPA
N. RONALD BENNETT, CVA, ABV, CFF, CPA
ALEXIA G. VARGA, CFE, CPA
EDWARD T. HOLT, JR., PFS, CPA
BRIAN J. BRESCIA, CFP®, CPA

KATHLEEN A. MINER, CPA
MARK J. BYMASTER, CFE, CPA
RYAN M. SHORE, CFP®, CPA
TIMOTHY H. SCHMEDES, CFP®, CPA
WEI PAN, CPA
WILLIAM C. KISKER, CPA

INDEPENDENT AUDITOR'S REPORT

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

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, and each major fund of the Town of Loxahatchee Groves, Florida as of and for the year ended September 30, 2015, and the related notes to the financial statements, which collectively comprise the Town of Loxahatchee Groves, Florida's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial

statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of the Town of Loxahatchee Groves, Florida as of September 30, 2015, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis on pages 4 through 12, and budgetary comparison information on pages 32 and 33 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town of Loxahatchee Groves, Florida's basic financial statements. The Introductory Section and Statistical Section are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The Introductory Section and Statistical Section have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated March 31, 2016, on our consideration of the Town of Loxahatchee Groves, Florida's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town of Loxahatchee Groves, Florida's internal control over financial reporting and compliance.

Nowlen, Holt & Mimes, P.A.

West Palm Beach, Florida
March 31, 2016

MANAGEMENT'S DISCUSSION AND ANALYSIS
(MD&A)

Management's Discussion and Analysis

As management of the Town of Loxahatchee Groves, we offer readers of the Town's financial statements this narrative overview and analysis of the financial activities of the Town of Loxahatchee Groves (the Town) for the fiscal year ended September 30, 2015. Readers are encouraged to consider the information presented here in conjunction with the auditors' reports, the basic financial statements, the notes to the financial statements, and the supplementary information.

Financial Highlights for Fiscal Year 2015

- At September 30, 2015, the assets of the Town of Loxahatchee Groves exceeded its liabilities by \$4,786,357 of which \$1,856,215 was invested in capital assets and \$1,266,673 was restricted by law or agreements. The Town had \$1,633,469 (*unrestricted net position*) which may be used to meet the Town's ongoing obligations to citizens and creditors.
- During the fiscal year 2015, net position increased by \$28,095.
- At September 30, 2015, the Town of Loxahatchee Groves' General Fund reported an ending fund balance of \$480,794, a decrease of \$449,554 as compared with the prior year. Of the total fund balance, \$454,232 or 95% of this total amount is available for spending at the government's discretion (*unreserved fund balance*). The unassigned fund balance represents 27% of total General Fund operating expenditures and transfers.

Overview of the Financial Statements

This annual report consists of three parts—*management's discussion and analysis* (this section), the *basic financial statements* and *required supplementary information*. The basic financial statements include two kinds of statements that present different views of the Town:

- The first two statements are *government-wide financial statements* that provide both long-term and short-term information about the Town's overall financial status.
- The remaining statements are *fund financial statements* that focus on individual parts of the Town government, reporting the Town's operations in more detail than the government-wide statements.
- The *governmental funds* statements show how general government services such as public safety were financed in the short term as well as what remains for future spending.

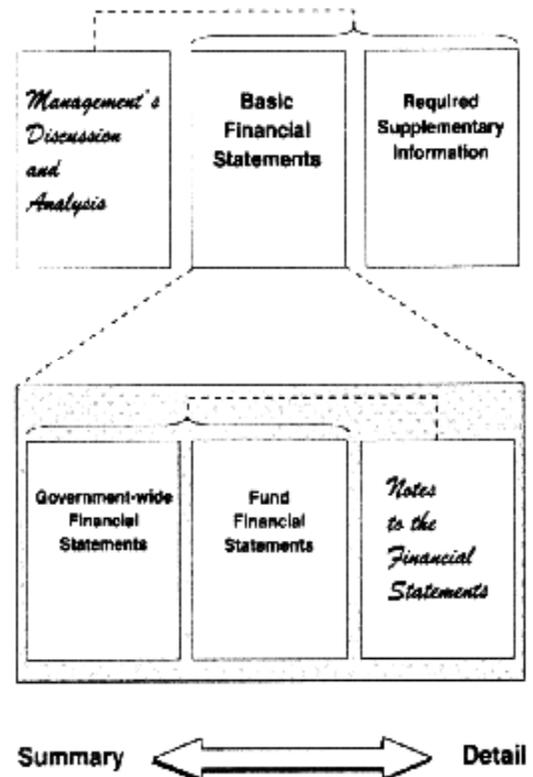
The financial statements also include *notes* that explain some of the information in the financial statements and provide more detailed data. The statements are followed by a section of *required supplementary information*, which further explains and supports the information in the financial statements. Figure A-1 shows how the required parts of this annual report are arranged and are related to one another.

Government-wide financial statements. The *government-wide financial statements* are designed to provide readers with a broad overview of the Town's finances, in a manner similar to a private-sector business.

The *statement of net position* presents information on all of the Town's assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Town is improving or deteriorating.

The *statement of activities* presents information showing how the Town's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes).

Figure A-1
Required Components of
City's Annual Financial Report



Both of the government-wide financial statements distinguish functions of the Town that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (*business-type activities*). The government activities of the Town include public works, police, and general administration services. The Town has one business-type activity for the provision of garbage and trash collection services.

The government-wide financial statements can be found on pages 13 and 14 of this report.

Fund financial statements. A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds. Most of the Town's basic services are reported in governmental funds. Governmental funds focus on how resources flow in and out, with the balances remaining at year-end that are available for spending. These funds are reported using an accounting method called the modified accrual accounting method, which measures cash and all other financial assets that can readily be converted to cash. The governmental fund statements provide a detailed short-term view of the Town's general government operations and the basic services it provides. Governmental fund information shows whether there are more or fewer financial resources that can be spent in the near future to finance the Town's programs.

The Town maintains three governmental funds; the General Fund, the Transportation Fund and the Capital Improvement Fund.

The Town adopts an annual appropriated budget for both the General Fund and the Transportation Fund. A budgetary comparison statement has been provided for the General Fund and the Transportation Fund to demonstrate compliance with the budget.

The basic governmental fund financial statements can be found on pages 15 and 16 of this report.

Enterprise funds. The Town has one enterprise fund, the Sanitation Fund, which charges customers for the services provided. These services are generally reported in proprietary funds. Proprietary funds are reported in the same way that all activities are reported in the Statement of Net Position and the Statement of Activities. The basic proprietary fund financial statements can be found on pages 17-19 of this report.

Notes to the basic financial statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 20-31 of this report.

Government-wide Financial Analysis

Summary of net position. As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the Town, governmental activity assets exceeded liabilities by \$4,756,763. Business-type activity assets exceeded liabilities by \$29,594. The Town-wide total net position was \$4,786,357 at the close of the fiscal year ended September 30, 2015. The Statement of Net Position is on page 13 of this report.

The Town's investment in capital assets (e.g., land, buildings, equipment and vehicles, less any related debt used to acquire those assets that is still outstanding) was \$1,856,215 or 39% of total net position at September 30, 2015. The Town uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending.

An additional portion of the net position \$1,266,673 or 27% represents resources that are subject to external restrictions on how they may be used. The remaining balance of unrestricted net position \$1,633,875 or 34% may be used to meet the government's ongoing obligations to citizens and creditors. The following table reflects the condensed Statement of Net Position for the current year as compared to the prior year.

Table 1
Town of Loxahatchee Groves
Summary of Net Position

	Governmental Activities		Business Activities		Total	
	2015	2014	2015	2014	2015	2014
Assets:						
Current and other assets	\$ 3,022,626	\$ 3,314,860	\$ 29,594	\$ 38,959	\$ 3,052,220	\$ 3,353,819
Capital assets	1,856,215	1,492,795	-	-	1,856,215	1,492,795
Total assets	<u>4,878,841</u>	<u>4,807,655</u>	<u>29,594</u>	<u>38,959</u>	<u>4,908,435</u>	<u>4,846,614</u>
Liabilities:						
Other liabilities	122,078	88,352	-	-	122,078	88,352
Total liabilities	<u>122,078</u>	<u>88,352</u>	<u>-</u>	<u>-</u>	<u>122,078</u>	<u>88,352</u>
Net position:						
Net investment in capital assets	1,856,215	1,492,795	-	-	1,856,215	1,492,795
Restricted	1,266,673	1,076,147	-	-	1,266,673	1,076,147
Unrestricted	1,633,875	2,150,361	29,594	38,959	1,663,469	2,189,320
Total net position	<u>\$ 4,756,763</u>	<u>\$ 4,719,303</u>	<u>\$ 29,594</u>	<u>\$ 38,959</u>	<u>\$ 4,786,357</u>	<u>\$ 4,758,262</u>

Governmental Activities.

- During the fiscal year 2015, the Town's assets increased by \$28,095.

Business Activities.

- The funding for the operation is derived from an assessment placed up residential properties within the Town's jurisdiction.
- The Town assesses 1,257 residential properties \$344.37 per year for both the collection and disposal of solid waste.
- Palm Beach County Property Appraiser notifies all affected property owners of the amount, public hearing date, and location of the meeting when the Town will adopt the Tentative Assessment.
- Palm Beach County Tax Collector receives all Town ad valorem tax and assessment payments and remits the funds to the Town.

The following is a summary of the changes in net position for the years ended September 30, 2015 and 2014: Key indicators, including revenues and expenditures by category are presented herein for review:

Table 2
Town of Loxahatchee Groves
Changes in Net Position

	Governmental Activities		Business Activities		Total	
	2015	2014	2015	2014	2015	2014
Revenues:						
Program revenues:						
Charges for services	\$ 132,333	\$ 56,635	\$ 431,421	\$ 421,157	\$ 563,754	\$ 477,792
Capital grants and contributions	-	40,000	-	-	-	40,000
General revenues:						
Property taxes	229,355	208,173	-	-	229,355	208,173
Franchise fees	221,246	220,245	-	-	221,246	220,245
Utility taxes	349,103	355,879	-	-	349,103	355,879
Intergovernmental	709,241	677,061	-	-	709,241	677,061
Investment/other income	200	3,149	-	-	200	3,149
Total revenues	1,641,478	1,561,142	431,421	421,157	2,072,899	1,982,299
Expenses:						
General Government	916,445	675,546	-	-	916,445	675,546
Public safety	285,459	280,515	-	-	285,459	280,515
Physical environment	402,114	454,398	-	-	402,114	454,398
Sanitation			440,786	419,256	440,786	419,256
Total expenses	1,604,018	1,410,459	440,786	419,256	2,044,804	1,829,715
Transfers:	-	-	-	-	-	-
Increase (decrease) in net position	37,460	150,683	(9,365)	1,901	28,095	152,584
Net position, beginning	4,719,303	4,568,620	38,959	37,058	4,758,262	4,605,678
Net position, ending	\$ 4,756,763	\$ 4,719,303	\$ 29,594	\$ 38,959	\$ 4,786,357	\$ 4,758,262

Governmental Activities.

For fiscal year 2015, total revenues increased by \$80,336. Capital grants and contributions decreased by \$40,000 due to the Town not receiving additional donated public trail improvements. Franchise fee revenue increased by \$1,001 or 0.5%, and utility tax revenue decreased by \$6,776 or -1.9%.

Total expenses increased by \$193,559 or 13.7% primarily due to contracted increases in municipal services and improvements in physical assets.

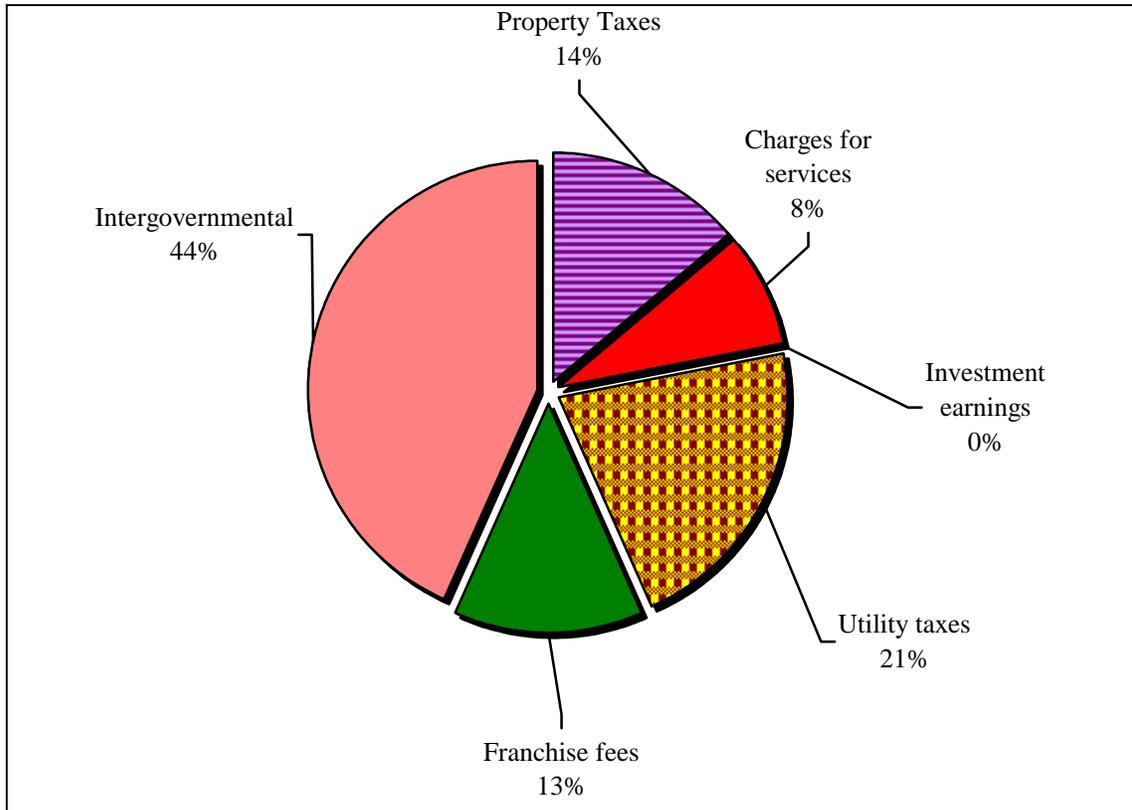
Business Activities.

Fiscal year 2015 is the fifth year the Town operated a proprietary fund as an enterprise fund within the Town's oversight. Revenue earned by business-type activities is primarily concentrated in one source, charges for services, \$431,421. This figure represents the fees assessed for the Town's enterprise fund, Sanitation. Operating revenues increased by \$10,264 or 2.4% from a year ago for the Sanitation Fund. The increase in revenues was the result of Council discontinuing the action in the prior year to supplement the operations with a transfer from General Fund.

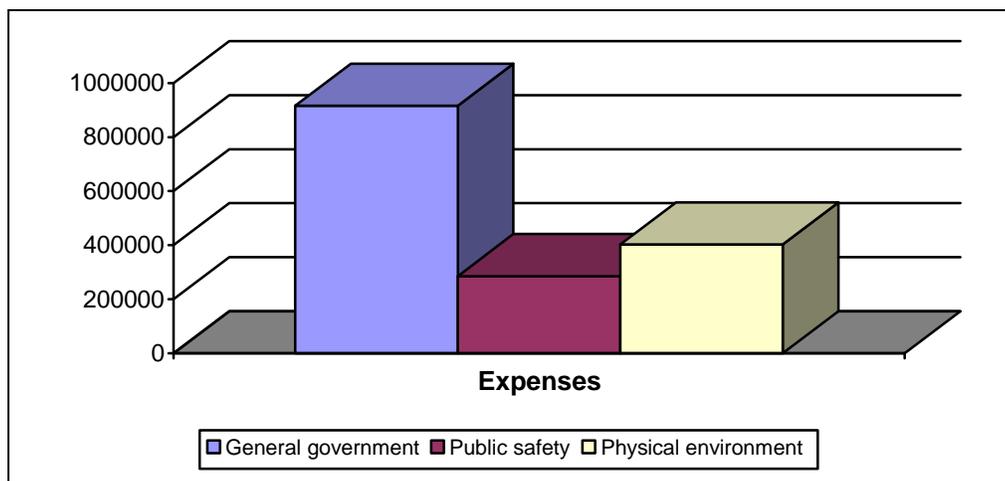
For business-type expenses, the \$440,786 represents Sanitation expenses. The increase of \$21,530 in total expense was the result of contract negotiations in costs of Sanitation operations. The Town was not able to increase its net position. Contractual costs exceed revenues by \$9,365 at the end its fifth year of solid waste operations with ending net position of \$29,594 for the business-type activities.

Figure A-2

**Town of Loxahatchee Groves
Revenues by Source – Governmental Activities
For the Fiscal Year Ended September 30, 2015**



**Figure A-2
Town of Loxahatchee Groves
Expenses – Governmental Activities
For the Fiscal Year Ended September 30, 2015**



Financial Analysis of the Government's Funds

The Town maintains three governmental funds; the General Fund, the Transportation Fund and the Capital Improvement Fund.

The Town adopts an annual appropriated budget for both the General Fund and the Transportation Fund. The General Fund provides revenues and resources for basic governmental services. Whereas the Transportation Fund is funded through a dedicated local option gas tax and can only be used for transportation related expenses such as road, street maintenance, and construction.

As noted earlier, the Town of Loxahatchee Groves uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds. The focus of the Town's *governmental funds* is to provide information on near-term inflows, outflows and balances of *spendable* resources. Such information is useful in assessing the Town's financing requirements. In particular, the *unreserved fund balance* may serve as a useful measure of the government's net resources available for spending at the end of a fiscal year.

General Fund. The General Fund is the primary operating fund of the Town. At the end of the current fiscal year, the Town's General Fund reported a fund balance of \$480,794 a decrease of \$449,554 in comparison with the prior fiscal year.

A summary of the General Fund's condensed balance sheet and statement of revenues, expenditures and changes in fund balance for September 30, 2015 and 2014 is shown below:

Table 3
Town of Loxahatchee Groves
Summary of General Fund Balance Sheet

	2015	2014	Change	% Change
Total assets	\$ 524,833	\$ 1,018,700	\$ (493,687)	(48)%
Total liabilities	44,039	88,352	(44,313)	(50)%
Nonspendable fund balance	26,562	47,425	(20,863)	(44)%
Unassigned fund balance	454,232	882,923	(428,691)	(49)%
Total fund balance	480,794	930,348	(449,554)	(48)%
Total liabilities and fund balance	\$ 524,833	\$ 1,018,700	\$ (493,867)	(48)%

During the fiscal year 2015, the General Fund assets decreased by \$493,867 or 48%. The decrease is mainly due to decreases in cash as a result of the current year's operations. Liabilities decreased by \$44,313 or 50% mainly due to decreases in accounts payable. Total fund balance decreased by \$449,554 or 48% due to expenditures and transfers exceeding revenues.

Table 4
Town of Loxahatchee Groves
Summary of General Fund Statement of Revenues,
Expenditures, and Changes in Fund Balance

	2015	2014	Change	% Change
Total revenues	\$ 1,260,693	\$ 1,195,970	\$ 64,723	5%
Total expenditures	1,710,247	958,503	(751,744)	(78)%
Excess of revenues over (under)expenditures	(449,554)	237,467	(687,021)	(289)%
Other financing uses		(40,000)	(40,000)	(100)%
Change in fund balance	(449,554)	197,467	(647,021)	(328)%
Fund balance, beginning	930,348	732,881	197,467	27%
Fund balance ending	\$ 480,794	\$ 930,348	\$ (449,554)	(48)%

The Town of Loxahatchee Groves General Fund revenues increased \$64,723 or 5%. This increase was primarily due to increased intergovernmental revenues.

Total expenditures increased \$751,744 or 78% due to the Town acquisition of land and Town Hall building from Palm Beach County.

There were no transfers from the General Fund to the Transportation Fund and Capital Improvement Fund which resulted in the decrease in other financing uses

General Fund Budgetary Highlights

The Town adopts annual budgets by fund, department and line item in compliance with Florida State Statute Section 200.065 (commonly referred to as the Truth-in Millage Legislation). The law requires municipal organizations to prepare and adopt annual operating budgets for the General, Special Revenue and Debt Service Funds following uniform time frames related to property tax levies. The balanced budgets may be revised throughout the year. The Town's code allows for intra-department level budget transfers between expenditure categories without Council approval; however, inter-department and fund total changes require Council-approved budget amendments adopted by resolution.

The estimated revenues are improving \$64,723 or 5% beyond the estimated revenue caused primarily by an increase in intergovernmental revenues. The unanticipated increase in revenue was helpful in offsetting some of the expenditure increase of \$751,744 used primarily for the purchase of assets and this activity provided an unfavorable variance in expenditures.

The Town's policy is to adopt the budget following the second public hearing of each fiscal year, held in September for an October 1st year. Budget amendments may be presented to Council at any time during the fiscal year.

Over the course of the year, the Town did amend the General Fund budget. The fiscal year final 2015 budget was \$1.26 million. Revenues exceeded budgeted amounts by approximately \$370 and expenses were approximately \$510 thousand below budgeted amounts. General government, \$509 thousand, was the most significant contributor to this variance.

Budget versus actual schedules are presented on page 32 for the General Fund.

Transportation Special Revenue Fund

The fund balance of the Transportation Special Revenue Fund increased by \$190,526, which was due to decreased expenditures.

Capital Improvement Fund

The Capital Improvement Fund had an ending fund balance of \$1,153,081, which was a decrease of \$66,932 due to the Town commencing some of the projects. The Town Council is still in the process of identifying and prioritizing projects to be funded.

Capital Assets and Long Term Debt

As of September 30, 2015, the Town's net investment in capital assets amounted to \$1,856,215 (net of accumulated depreciation). More details relating to capital assets can be found on page 29 of the footnotes.

The Town has no long term debt.

Economic Factors and Next Year's Budgets and Rates

- In setting its fiscal 2015-2016 budget, the Town adopted a millage rate of 1.4718.
- The Town of Loxahatchee Groves anticipates that the total assessed property value will increase about 10% for 2016. Accordingly, the Town's reserves will secure the Town's income flow for the upcoming fiscal years.

The State of Florida, by constitution, does not have a state personal income tax and therefore, the State operates primarily using sales, gasoline and corporate income taxes. Local governments (cities, counties and school boards) primarily rely upon property taxes and a limited array of permitted other taxes (sales, telecommunication, gasoline, utilities services, etc.) and fees (franchise, building permits, occupational license, etc.) for funding of their governmental activities. In addition, there are a limited number of state-shared revenues and recurring and non-recurring (one-time) grants from both the state and federal governments.

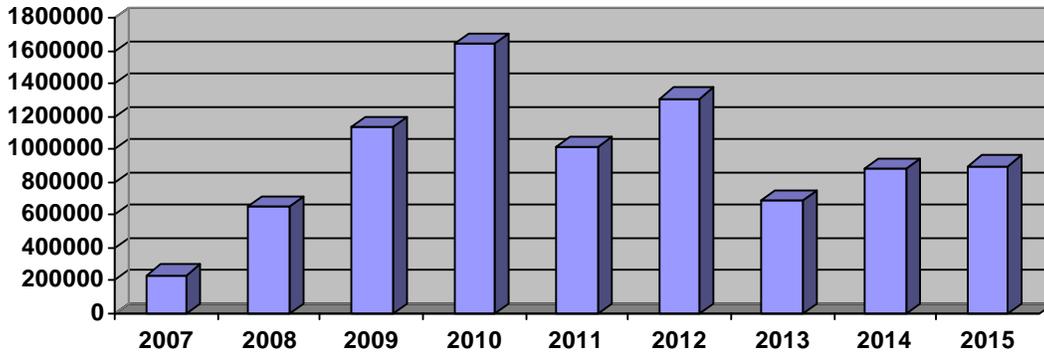
On January 29, 2008 the Florida electorate approved an amendment to the Florida Constitution relative to property taxation. This amendment (referred to as Amendment 1) was placed on the ballot by the Florida Legislature at a special session held in October 2007. With respect to homestead property, Amendment 1 increases the current \$25,000 homestead exemption by another \$25,000 (for property values between \$50,000 - \$75,000), except for school district taxes. Since the new \$25,000 homestead exemption does not apply to school district taxes, this effectively amounts to a \$15,000 increase to the existing homestead exemption. Amendment 1 also allows property owners to transfer (make portable) up to \$500,000 of their Save Our Homes benefits to their next homestead when they move. Save Our Homes became effective in 1995 and limits (caps) the annual increase in assessed value for homestead property to three percent (3%) or the percentage change in the Consumer Price Index, whichever is less.

With respect to non-homestead property, Amendment 1 limits (caps) the annual increase in assessed value for non-homestead property (businesses, industrial property, rental property, second homes, etc.) to ten percent (10%), except for school district taxes. The Amendment also provides a \$25,000 exemption for tangible personal property .

Amendment 1 became effective on October 1, 2008, with the exception of the ten percent (10%) assessment cap on non-homestead property which became effective on January 1, 2009. Additional tax relief bills are expected to be introduced at the upcoming legislative session which could, if ratified, further limit the extent to which municipalities can levy taxes.

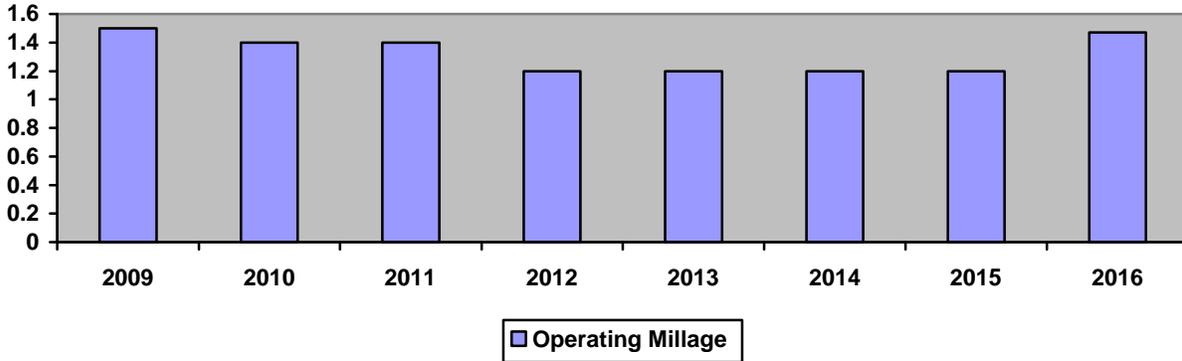
Revenues in the FY 2016 adopted General Fund budget are \$1.407 million, an increase of approximately 11.6% from the FY 2015 actual revenues of \$1.261 million. Fiscal year 2016 budgeted expenditures are expected to be consistent with actual expenses of \$1.407 million.

**General Fund Unassigned Surplus
For the Fiscal Years ended September 30, 2007-2015**



In 1995, the state of Florida limited all local governments' ability to increase property assessments of homestead property in any given year to 3 percent or cost of living, whichever is lower. The graph below shows the millage rates over the past four years. The Town, just like many cities across the country, has to face the challenge of keeping taxes and service charges as low as possible while providing residents with the level of service they have come to expect.

**Town of Loxahatchee Groves Millage
For the Fiscal Years ended September 30, 2009-2016**



The operating millage rate for tax year 2015, which is collected in fiscal year 2016, is 1.4718 or \$1.47 per thousand dollars of taxable value. Under current legislation, the Town was not required to rollback its millage rate, but to increase the rollback rate 23%. The 2016 budget achieved this objective. Historically, the rollback rate has always been lower than the existing rate. Overall, the adopted budget is an economical and prudent financial plan that will ensure quality public services and needed capital improvements for all residents, both today and in the future.

Requests for Information

This financial report is designed to provide a general overview of the Town of Loxahatchee Groves' finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Town Manager, 155 F Road, Loxahatchee Groves, Florida 33470.

BASIC FINANCIAL STATEMENTS

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Statement of Net Position
September 30, 2015

	Primary Government		
	Governmental Activities	Business-type Activities	Total
ASSETS			
Cash and cash equivalents	\$ 2,840,711	\$ 29,594	\$ 2,870,305
Receivables			
Planning and zoning	30,521		30,521
Franchise and utility taxes	69,107		69,107
Due from other governments	55,725		55,725
Prepaid items	26,562		26,562
Capital assets			
Non-depreciable	187,363		187,363
Depreciable (net of depreciation)	1,668,852		1,668,852
Total assets	4,878,841	29,594	4,908,435
LIABILITIES			
Accounts payable	94,772		94,772
Deposits for planning and zoning	27,306		27,306
Total liabilities	122,078		122,078
NET POSITION			
Net position			
Net investment in capital assets	1,856,215		1,856,215
Restricted for:			
Transportation	1,266,673		1,266,673
Unrestricted	1,633,875	29,594	1,663,469
Total net position	\$ 4,756,763	\$ 29,594	\$ 4,786,357

See notes to the financial statements

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Statement of Activities
For the Year Ended September 30, 2015

Function / Program Activities	Program Revenues				Net (Expenses) Revenues and Changes in Net Position		
	Expenses	Charges For Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Government		
					Governmental Activities	Business-type Activities	Total
Governmental activities							
General government	\$ 916,445	\$ 132,333	\$	\$	\$ (784,112)	\$	\$ (784,112)
Public safety	285,459				(285,459)		(285,459)
Physical environment	402,114				(402,114)		(402,114)
Total governmental activities	<u>1,604,018</u>	<u>132,333</u>			<u>(1,471,685)</u>		<u>(1,471,685)</u>
Business-type activities							
Sanitation	<u>440,786</u>	<u>431,421</u>				<u>(9,365)</u>	<u>(9,365)</u>
Total	<u>\$ 2,044,804</u>	<u>\$ 563,754</u>	<u>\$</u>	<u>\$</u>	<u>(1,471,685)</u>	<u>(9,365)</u>	<u>(1,481,050)</u>
		General revenues					
		Property taxes			229,355		229,355
		Franchise taxes			221,246		221,246
		Utility taxes			349,103		349,103
		Intergovernmental (unrestricted)			709,241		709,241
		Interest and other			200		200
		Total general revenues			<u>1,509,145</u>		<u>1,509,145</u>
		Change in net position			37,460	(9,365)	28,095
		Net position, beginning of year			<u>4,719,303</u>	<u>38,959</u>	<u>4,758,262</u>
		Net position, end of year			<u>\$ 4,756,763</u>	<u>\$ 29,594</u>	<u>\$ 4,786,357</u>

See notes to the financial statements

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Balance Sheet
Governmental Funds
September 30, 2015

	Major Funds			Total
	General	Transportation Special Revenue	Capital Improvement	
ASSETS				
Cash and cash equivalents	\$ 342,918	\$ 1,266,673	\$ 1,231,120	\$ 2,840,711
Receivables				
Planing and zoning	30,521			30,521
Franchise and utility taxes	69,107			69,107
Due from other governments	55,725			55,725
Prepaid items	26,562			26,562
Total assets	<u>\$ 524,833</u>	<u>\$ 1,266,673</u>	<u>\$ 1,231,120</u>	<u>\$ 3,022,626</u>
LIABILITIES AND FUND BALANCE				
Liabilities				
Accounts payable	\$ 16,733	\$	\$ 78,039	\$ 94,772
Deposits for planning and zoning	27,306			27,306
Total liabilities	<u>44,039</u>		<u>78,039</u>	<u>122,078</u>
Fund balances				
Nonspendable:				
Prepaid items	26,562			26,562
Restricted for:				
Transportation		1,266,673		1,266,673
Assigned for capital projects			1,153,081	1,153,081
Unassigned	454,232			454,232
Total fund balances	<u>480,794</u>	<u>1,266,673</u>	<u>1,153,081</u>	<u>2,900,548</u>
Total liabilities and fund balances	<u>\$ 524,833</u>	<u>\$ 1,266,673</u>	<u>\$ 1,231,120</u>	<u>\$ 3,022,626</u>

Reconciliation to the Statement of Net Position

Fund balances - governmental fund	\$ 2,900,548
Capital assets used in governmental activities are not financial resources and therefore are not reported in the governmental funds:	<u>1,856,215</u>
Net position of governmental activities	<u>\$ 4,756,763</u>

See notes to the financial statements

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Statement of Revenues, Expenditures, and Changes
in Fund Balances - Governmental Funds
For the Year Ended September 30, 2015

	Major Funds			Total
	General	Transportation Special Revenue	Capital Improvement	
Revenues				
Property taxes	\$ 229,355	\$	\$	\$ 229,355
Franchise taxes	221,246			221,246
Utility service taxes	349,103			349,103
Intergovernmental revenues	328,456	380,785		709,241
Licenses and permits	20,140			20,140
Charges for services	105,179			105,179
Fines and forfeitures	7,014			7,014
Interest and other	200			200
Total revenues	<u>1,260,693</u>	<u>380,785</u>		<u>1,641,478</u>
Expenditures				
Current				
General government	909,330			909,330
Public safety	285,459			285,459
Physical environment	736	150,259		150,995
Capital outlay	514,722		106,932	621,654
Total expenditures	<u>1,710,247</u>	<u>150,259</u>	<u>106,932</u>	<u>1,967,438</u>
Excess (deficiency) of revenues over expenditures before other financing sources (uses)	<u>(449,554)</u>	<u>230,526</u>	<u>(106,932)</u>	<u>(325,960)</u>
Other financing sources				
Transfers in			40,000	40,000
Transfers out		(40,000)		(40,000)
Total other financing sources		<u>(40,000)</u>	<u>40,000</u>	
Net change in fund balances	(449,554)	190,526	(66,932)	(325,960)
Fund balances, beginning of year	<u>930,348</u>	<u>1,076,147</u>	<u>1,220,013</u>	<u>3,226,508</u>
Fund balances, end of year	<u>\$ 480,794</u>	<u>\$ 1,266,673</u>	<u>\$ 1,153,081</u>	<u>\$ 2,900,548</u>

Reconciliation to the Statement of Activities

Net change in fund balances	\$ (325,960)
Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is depreciated over their estimated useful lives.	
Expenditures for capital assets	621,654
Less current year depreciation	<u>(258,234)</u>
	<u>363,420</u>
Change in net position	<u>\$ 37,460</u>

See notes to the financial statements

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Statement of Net Position
Proprietary Fund
September 30, 2015

	<u>Sanitation Fund</u>
ASSETS	
Cash and cash equivalents	\$ 29,594
Total assets	<u>29,594</u>
LIABILITIES AND NET POSITION	
Net Position	
Unrestricted	<u><u>\$ 29,594</u></u>

See notes to the financial statements

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Statement of Revenues, Expenses, and Changes
in Net Position
Proprietary Fund
For the Year Ended September 30, 2015

	Sanitation Fund
Operating revenues	
Charges for services	\$ 431,421
Operating expenses	
Solid waste contractor	420,146
Contractual waste oversight	12,548
Other expenses	8,092
Total operating expenses	440,786
Change in net position	(9,365)
Net position, beginning of year	38,959
Net position, end of year	\$ 29,594

See notes to the financial statements

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Statement of Cash Flows
Proprietary Fund
For the Year Ended September 30, 2015

	<u>Sanitation Fund</u>
Cash flows from operating activities:	
Receipts from customers and users	\$ 431,421
Payments to suppliers	<u>(440,786)</u>
Net cash used by operating activities	<u>(9,365)</u>
Net increase in cash and cash equivalents	(9,365)
Cash and cash equivalents, beginning of year	<u>38,959</u>
Cash and cash equivalents, end of year	<u><u>\$ 29,594</u></u>
Cash flows from operating activities	
Operating loss/Net cash used by operating activities	<u><u>\$ (9,365)</u></u>

See notes to the financial statements

NOTES TO BASIC FINANCIAL STATEMENTS

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Notes to the Financial Statements
September 30, 2015

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements of the Town of Loxahatchee Groves, Florida (the “Town”) have been prepared in conformity with generally accepted accounting principles (GAAP) as applied to government units. The Governmental Accounting Standards Board (GASB) is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The Town’s significant accounting policies are described below.

Reporting Entity

The Town was incorporated on November 1, 2006, as a municipal corporation, in accordance with Chapter 2006-328 under the Laws of the State of Florida, and was established to conduct a government, perform municipal functions, and provide services to its citizens, as provided by the Constitution of the State of Florida. The Town operates under a Council-Manager form of government. The Town Council is responsible for legislative and fiscal control of the Town. A Town Manager is appointed by the Town Council and is responsible for the administration of all Town affairs placed in the manager's charge by charter or action of the Town Council.

As required by generally accepted accounting principles, these financial statements include the Town (the primary government) and its component units. Component units are legally separate entities for which the Town is financially accountable. The Town is financially accountable if:

- it appoints a voting majority of the organization’s governing board and (1) it is able to impose its will on the organization, or (2) there is a potential for the organization to provide specific financial benefits to or impose specific financial burdens on the Town, or
- the organization is fiscally dependent on the Town and (1) there is a potential for the organization to provide specific financial benefits to the Town or (2) impose specific financial burdens on the Town.

Organizations for which the Town is not financially accountable are also included when doing so is necessary in order to prevent the Town’s financial statements from being misleading.

Based upon application of the above criteria, the Town of Loxahatchee Groves has determined that there are no legally separate entities to consider as potential component units.

Government-wide and Fund Financial Statements

The basic financial statements include both government-wide and fund financial statements. The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the activities of the primary government.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Notes to the Financial Statements
September 30, 2015

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Government-wide and Fund Financial Statements (Continued)

For the most part, the effect of inter-fund activity has been removed from these statements, except for inter-fund services provided and used. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function. Taxes and other items not included among program revenues are reported instead as general revenues.

When both restricted and unrestricted resources are available for use, it is the Town's policy to use restricted resources first, then unrestricted resources.

Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds and the major individual enterprise fund are reported as separate columns in the fund financial statements.

Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses recorded when a liability is incurred, regardless of the timing of related cash flows. The Town does not accrue property tax revenues since the collection of these taxes coincides with the fiscal year in which levied, and since the Town consistently has no material uncollected property taxes at year end. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental Funds

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough afterwards to pay liabilities of the current period. The Town considers revenues collected within 60 days of the year end to be available to pay liabilities of the current period.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Notes to the Financial Statements
September 30, 2015

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Measurement Focus, Basis of Accounting, and Financial Statement Presentation (Continued)

Governmental Funds (Continued)

Expenditures are generally recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures relating to compensated absences and claims and judgments are recorded only when payment is due. Property taxes, franchise taxes, licenses, interest revenue, intergovernmental revenues, and charges for services associated with the current fiscal period are all considered to be susceptible to accrual and have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the Town.

The Town reports the following major governmental funds:

The General Fund is the general operating fund of the Town. It is used to account for all financial resources except those required to be accounted for in another fund.

The Transportation Fund is a special revenue fund that accounts for primarily State shared revenues that are restricted for transportation related expenditures.

The Capital Improvement Fund is a capital projects fund to account for long term capital projects of the Town.

Proprietary Fund

The Town reports one major proprietary fund the Sanitation Fund to account for the Town's garbage and trash collection services, which are financed primarily by user charges.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the Town's Sanitation Fund are charges to customers for sales and services. Operating expenses for the Enterprise Fund include the cost of sales and services, administrative expenses and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

Cash and Cash Equivalents

Cash and cash equivalents include amounts on deposit in demand accounts, money market accounts and certificate of deposits.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Notes to the Financial Statements
September 30, 2015

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Statement of Cash Flows

For purposes of the statement of cash flows, the Town considers all short-term investments that are highly liquid to be cash equivalents. Cash equivalents are readily convertible to a known amount of cash, and at the day of purchase, have a maturity date no longer than three months.

Prepaid Items

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both the government-wide and fund financial statements. Prepaid items in governmental funds are accounted for using the consumption method.

Interfund Transactions

Activity between funds that is representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either “due to” or “due from other funds”. Any residual balance outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as internal balances.

Transfers and interfund balances totally within governmental activities and those that are totally within business-type activities are eliminated and not presented in the government wide financial statements. Transfers and balances between governmental and business-type activities are presented in the government-wide financial statements.

Capital Assets

Capital assets are reported in the government-wide financial statements. Capital assets, excluding infrastructure assets, are defined by the Town as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year. Capital assets are recorded at historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

Depreciation has been provided over the useful lives using the straight line method. The estimated useful lives are as follows:

Equipment	5 to 10 years
Buildings	15 to 40 years
Infrastructure	5 to 30 years

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Notes to the Financial Statements
September 30, 2015

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Deferred Outflows and Inflows of Resources

The statement of net position includes a separate section for deferred outflows of resources. This represents the usage of net position applicable to future periods and will not be recognized as expenditures until the future period to which it applies. Currently, the Town does not have any deferred outflows.

The statement of net position also includes a separate section, listed below total liabilities, for deferred inflows of resources. This represents the acquisition of net position applicable to future periods and will not be recognized as revenue until the future period to which it applies. Currently, the Town does not have any deferred inflows.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States requires management to make estimates and assumptions that affect the amounts of assets, liabilities, disclosure of contingent liabilities, revenues, and expenditures/expenses reported in the financial statements and accompanying notes. These estimates include assessing the collectability of receivables and the useful lives of capital assets. Although those estimates are based on management's knowledge of current events and actions it may undertake in the future, they may ultimately differ from actual results.

Net Position

Net position is the residual of all other elements presented in a statement of financial position. Net position is displayed in three categories: 1) net investment in capital assets, 2) restricted, 3) unrestricted. Net position invested in capital assets consist of capital assets reduced by accumulated depreciation. Net position is reported as restricted when there are legal limitations imposed on their use by Town legislation or external restrictions by other governments, creditors, or grantors. Unrestricted net position consist of all net position that does not meet the definition of either of the other two components.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Notes to the Financial Statements
September 30, 2015

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Fund Equity

There are five possible components of fund balance:

- Nonspendable fund balance represents amounts that are not in spendable form or are legally or contractually required to be maintained intact.
- Restricted fund balance represents amounts that can be spent only for specific purposes stipulated by external providers (e.g. creditors, grantors, contributor, or laws or regulations of other governments) or imposed by law through constitutional provisions or enabling legislation.
- Committed fund balance represents amounts that can be used only for the specific purposes pursuant to constraints imposed by Town Council by the adoption of an ordinance, the Town's highest level of decision making authority. Those committed amounts cannot be used for any other purpose unless the Town removes or changes the specified use by the adoption of an ordinance.
- Assigned fund balance includes spendable fund balance amounts that are intended to be used for specific purposes that are considered neither restricted nor committed. In accordance with the Town's fund balance policy, the Town Council or Town Manager may make assignments.
- Unassigned fund balance is the residual fund balance classification for the general fund.

When both restricted and unrestricted resources are available for use, it is the Town's policy to use restricted resources first, then unrestricted resources as they are needed. The Town will first use committed fund balance, then assigned fund balance, and then unassigned fund balance when expenditures are incurred for purposes for which any of the unrestricted fund balance classifications could be used.

Unassigned Fund Balance/Unrestricted Net Position

Maintaining an adequate fund balance or net position is essential to the Town's financial health. The unassigned fund balance and unrestricted net position will be considered adequate between a minimum of 25% and a maximum of 30% of the current year's operating appropriations, including transfers, for the General Fund; and minimum of 0% and a maximum of 25% of the current year's operating appropriations, including transfers, will be considered adequate unrestricted net position for the Enterprise Funds.

In the event that sufficient unassigned fund balance/unrestricted net position targets are not met, a proposed revenue enhancement and/or service level reduction plan to achieve the target will be submitted to the Council for the subsequent year budget consideration. The replenishment to the expected minimum level shall be completed within five years.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Notes to the Financial Statements
September 30, 2015

NOTE 2 - STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY

Budgetary Data

The Town follows these procedures in establishing the budgetary data reflected in the financial statements.

1. Prior to September 1, the Town Manager submits to the Town Council a proposed operating budget for the fiscal year commencing the following October 1. The operating budget includes proposed expenditures and the means of financing them.
2. Public hearings are conducted to obtain taxpayer comments.
3. Prior to October 1, the budget is legally enacted through passage of two resolutions – one establishing a milage rate and another adopting the final budget.
4. The Town prepares and adopts budgets for the General Fund and Transportation Fund. No differences exist between the budgetary and GAAP basis of accounting. Budgeted amounts are as originally adopted, or as amended by the Town Council. If, at any time during the fiscal year, it appears probable to the Town Manager that the revenues available will be insufficient to meet the amount appropriated, the Town Manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps that should be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and, for that purpose, the council may by resolution reduce one or more appropriations accordingly. The legal level of control (level of which expenditures may not exceed the budget) is at the department level for the General Fund and at the fund level for the Transportation Fund.
5. Appropriations along with encumbrances lapse on September 30.
6. During the fiscal year ended September 30, 2015, there were four supplemental appropriations.

The Transportation Fund was over budget by \$46,002.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Notes to the Financial Statements
September 30, 2015

NOTE 2 - STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY (Continued)

Property Taxes

Under Florida law, the assessment of all properties and the collection of all county, municipal, and school board property taxes are consolidated in the offices of the County Property Appraiser and County Tax Collector. The laws of the State regulating tax assessment are also designed to assure a consistent property valuation method statewide.

The tax levy of the Town is established by the Town Council prior to October 1 of each year, and the Palm Beach County Property Appraiser incorporates the Town's millages into the total tax levy, which includes Palm Beach County and Palm Beach County School Board tax requirements. State statutes permit municipalities to levy property taxes at a rate of up to 10 mills (\$10 per \$1,000 of assessed taxable valuation). The millage rate assessed by the Town for the year ended September 30, 2013, was 1.200 mills (\$1.200 per \$1,000 of taxable assessed valuation).

All property is reassessed according to its fair market value January 1 of each year, which is also the lien date. In November 1992, a Florida constitutional amendment was approved by the voters which provides for limiting the increases in homestead property valuations for Ad Valorem tax purposes to a maximum of 3% annually and also provides for reassessment of market values upon changes in ownership. Each assessment roll is submitted to the Executive Director of the State Department of Revenue for review to determine if the rolls meet all the appropriate requirements of state statutes.

All taxes are due and payable on November 1 of each year or as soon thereafter as the assessment roll is certified and delivered to the Tax Collector. Taxes may be paid less a discount beginning November 1. Discounts are allowed for early payment at the rate of 4% in the month of November, 3% in the month of December, 2% in the month of January and 1% in the month of February. The taxes paid in March are without discount. All unpaid taxes become delinquent on April 1, following the year in which they are assessed.

On or prior, to June 1 following the tax year, certificates are sold for all delinquent taxes on real property. After the sale, tax certificates bear interest of 18% per year or any lower rate bid by the buyer. Application for a tax deed on any unredeemed tax certificates may be made by the certificate holder after a period of two years. Delinquent taxes on personal property bear interest of 18% per year until the tax is satisfied either by seizure and sale of the property or by the five year statute of limitations.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Notes to the Financial Statements
September 30, 2015

NOTE 3 - CASH AND INVESTMENTS

Deposits

As of September 30, 2015, the carrying amounts of the Town's deposits were \$2,870,305 and the bank balances totaled \$2,871,981. All cash deposits are covered by FDIC insurance or the multiple financial institution collateral pool administered by the State of Florida. The collateral pool was created pursuant to the Florida Security for Deposits Act, Chapter 280, Florida Statutes.

The collateral pool consists of assets pledged to the State Treasurer by financial institutions that comply with the requirements of Florida Statutes and have been thereby designated as "qualified public depositories". Therefore, the Town's entire bank balance \$2,871,981 is insured either by Federal depository insurance or is collateralized with securities pursuant to the Florida Security for Public Deposits Act. The Town's deposits at year end are considered insured for custodial credit risk purposes.

Investments

The Town adopted an investment policy on August 5, 2008, which is consistent with the requirements of State Statute 218.415. In accordance with Section 218.415 of the Florida Statutes, the Town is authorized to invest in obligations of the U.S. Treasury, its agencies and instrumentalities and in the Local Government Surplus Trust Funds administered by the State Board of Administration (SBA).

Interest Rate Risk

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The Town's investment policy states that interest rate risk will be minimized by:

1. Structuring the investment portfolio so that the securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
2. Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Notes to the Financial Statements
September 30, 2015

NOTE 4 - CAPITAL ASSETS

Capital asset activity for the year ended September 30, 2015, was as follows:

Primary Government

Governmental activities:	Beginning Balance	Additions	Deletions	Ending Balance
Capital assets not being depreciated:				
Land	\$ 4,211	\$ 27,414	\$	\$ 31,625
Construction in progress	48,806	106,932		155,738
Capital assets being depreciated:				
Buildings		487,308		487,308
Equipment	8,753			8,753
Infrastructure	1,796,679	146,251		1,942,930
Total	<u>1,858,449</u>	<u>767,905</u>		<u>2,626,354</u>
Less accumulated depreciation				
Buildings		(6,962)		(6,962)
Equipment	(7,756)	(153)		(7,909)
Infrastructure	(357,898)	(251,119)		(609,017)
Total	<u>(365,654)</u>	<u>(258,234)</u>		<u>(623,888)</u>
Governmental activities capital assets, net	<u>\$ 1,492,795</u>	<u>\$ 509,671</u>	<u>\$</u>	<u>\$ 1,856,215</u>

Depreciation expense of \$7,115 was charged to the general government function and \$251,119 was charged to the physical environment functions of the Town.

NOTE 5 – INTERFUND TRANSFERS

The Transportation Special Revenue Fund transferred \$40,000 to the Capital Improvement Fund to provide project funding. .

NOTE 6 - RISK MANAGEMENT

The Town is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; and natural disasters. The Town has joined with other municipalities in the State participating in the Florida League of Cities Municipal Self Insurance Program, (the Program) a public entity risk pool currently operating as a common risk management and insurance program. The inter-local agreement with the Florida League of Cities Municipal Self Insurance Program provides that the Program will be self-sustaining through member premiums and will reinsure through commercial companies.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Notes to the Financial Statements
September 30, 2015

NOTE 6 - RISK MANAGEMENT (Continued)

Florida Statutes limit the Town's maximum loss for most liability claims to \$200,000 per person and \$300,000 per occurrence under the Doctrine of Sovereign Immunity. However, under certain circumstances, a plaintiff can seek to recover damages in excess of statutory limits by introducing a claims bill to the Florida Legislature. The limits addressed in Florida Statutes do not apply to claims filed in Federal courts. There have been no significant reductions in insurance coverage in the prior year. No settlements exceeded insurance coverage for the past three years.

NOTE 7 - COMMITMENTS AND CONTINGENCIES

Professional Services Agreement- Management Services

The Town has entered into a professional service agreement for the positions of Town Manager, Town Clerk and financial reporting services. The current contract started on October 1, 2011, and expires on September 30, 2015, and calls for monthly payments of \$20,885. The contract was amended to include additional services for a total monthly payment of \$28,956. The contract may be extended for additional one year terms, with the contract payments being increased by the percentage change in the Consumer Price Index – All Urban Consumers for the South Urban Region for corresponding period. Subsequent to September 30, the Town Council approved revisions to the contract that significantly modifies certain elements, extends the contract to September 30, 2018, and eliminates the use of the Consumer Price Index in determining contract payments. Final contract approval is expected April 2016

Interlocal Agreements with Palm Beach County

In 2007, the Town entered into two interlocal agreements with Palm Beach County (the County) for zoning services and land development services within the municipal limits of the Town. The County will provide the same level of service to the Town as it provides its unincorporated areas and collect fees and surcharges from applicants for the services. Oversight of the County's performance of these public services will be performed by the Town Manager. Both agreements automatically renew each year unless either party notifies the other, in writing, of the other party's desire to terminate all or part of the agreements six months in advance, but no later than April 1 of the previous fiscal year.

Agreement with Palm Beach County for Law Enforcement Services

During 2008, the Town executed an agreement with Palm Beach County for law enforcement services within the Town's boundaries. There have been eight addendums to the agreement to amend the term and payments. The agreement currently expires on September 30, 2016, and the total cost of personnel and equipment is \$283,080 payable in monthly installments of \$23,590.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Notes to the Financial Statements
September 30, 2015

NOTE 7 - COMMITMENTS AND CONTINGENCIES (Continued)

Solid Waste and Recycling Collection Franchise Agreement

During 2013, the Town executed an agreement with Waste Pro of Florida for solid waste and recycling collection services. The term of the agreement is for the period beginning October 1, 2013 through September 30, 2018. Residential rates are set by a monthly amount per unit and commercial rates are set per cubic yard or per pull. The rates are adjusted based the Refuse Rate Index. The monthly rate for October 1, 2015, is \$35,720.

Contingencies

The Town is involved in various litigations and claims arising in the course of operations. It is the opinion of legal counsel that the likelihood of unfavorable outcome and the amounts of potential losses cannot be reasonably determined for all claims at this time.

REQUIRED SUPPLEMENTARY INFORMATION
(Other Than MD&A)

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Required Supplementary Information (RSI)
Schedule of Revenues, Expenditures and Changes in Fund Balance-Budget and Actual
General Fund
For the Year Ended September 30, 2015

	Budget Amounts		Actual Amounts	Variance
	Original	Final Revised		
Revenues				
Property taxes	\$ 217,931	\$ 229,355	\$ 229,355	\$
Franchise taxes	190,050	216,690	221,246	4,556
Utility service taxes	306,352	355,054	349,103	(5,951)
Intergovernmental revenues	334,064	338,764	328,456	(10,308)
Licenses and permits	7,000	16,400	20,140	3,740
Charges for services	39,000	84,000	105,179	21,179
Fines and forfeitures	300	7,010	7,014	4
Interest and other	1,200	13,050	200	(12,850)
Total revenues	<u>1,095,897</u>	<u>1,260,323</u>	<u>1,260,693</u>	<u>370</u>
Expenditures				
General government				
Legislative	42,685	53,898	53,828	70
Executive	294,177	328,687	322,866	5,821
Financial and administrative	33,670	25,870	24,359	1,511
Legal	90,000	90,000	89,454	546
Planning and zoning	185,702	294,452	279,686	14,766
Other general government	152,079	624,950	139,137	485,813
Total general government	<u>798,313</u>	<u>1,417,857</u>	<u>909,330</u>	<u>508,527</u>
Public safety				
Police	293,584	286,656	285,459	1,197
Physical environment				
Public works	4,000	1,000	736	264
Capital outlay				
Other general government		514,810	514,722	88
Total expenditures	<u>1,095,897</u>	<u>2,220,323</u>	<u>1,710,247</u>	<u>510,076</u>
Excess (deficiency) of revenues over (under) expenditures		<u>(960,000)</u>	<u>(449,554)</u>	<u>510,446</u>
Other financing sources				
Transfers out	(1,000,000)	(40,000)		40,000
Transfers in	1,000,000	1,000,000		(1,000,000)
Total other financing sources		<u>960,000</u>		<u>(960,000)</u>
Net change in fund balance	<u>\$</u>	<u>\$</u>	(449,554)	<u>\$ (449,554)</u>
Fund balance, beginning of year			<u>930,348</u>	
Fund balance, end of year			<u>\$ 480,794</u>	

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Required Supplementary Information (RSI)
Schedule of Revenues, Expenditures and Changes in Fund Balance-Budget and Actual
Transportation Special Revenue Fund
For the Year Ended September 30, 2015

	Budget Amounts		Actual Amounts	Variance
	Original	Final Revised		
Revenues				
Intergovernmental revenues	\$ 368,626	\$ 380,126	\$ 380,785	\$ 659
Total revenues	<u>368,626</u>	<u>380,126</u>	<u>380,785</u>	<u>659</u>
Expenditures				
Physical environment				
Roads and streets	<u>265,797</u>	<u>144,257</u>	<u>150,259</u>	<u>(6,002)</u>
Total expenditures	<u>265,797</u>	<u>144,257</u>	<u>150,259</u>	<u>(6,002)</u>
Excess (deficiency) of revenues over (under) expenditures	<u>102,829</u>	<u>235,869</u>	<u>230,526</u>	<u>(5,343)</u>
Other financing sources				
Transfers in				
Transfers out	(515,252)		(40,000)	(40,000)
Appropriated fund balance	<u>412,423</u>	<u>(235,869)</u>	<u> </u>	<u>235,869</u>
Total other financing sources	<u>(102,829)</u>	<u>(235,869)</u>	<u>(40,000)</u>	<u>195,869</u>
Net change in fund balance	<u>\$</u>	<u>\$</u>	190,526	<u>\$ 190,526</u>
Fund balance, beginning of year			<u>1,076,147</u>	
Fund balance, end of year			<u>\$ 1,266,673</u>	

TOWN OF LOXAHATCHEE GROVES, FLORIDA

Notes to the Required Supplementary Information (RSI)

September 30, 2015

Note 1 - Basis of Accounting

Budgetary comparison schedules are presented for the General Fund and Transportation Fund, as required by generally accepted accounting principles. The budgetary process is described in Note 2 to the financial statements on page 26. Budgets are adopted on a basis consistent with generally accepted accounting principles.

Note 2 - Stewardship, Compliance, and Accountability

Appropriations are legally controlled at the department level for the General Fund and at the fund level for the Transportation Fund. Expenditures may not legally exceed budgeted appropriations at that level. For the year ended September 30, 2015, no departments in the General Fund had an excess of expenditures over appropriations. The Transportation Fund was over budget by \$46,002 at the fund level. The fund level budget approved by the Town Council includes Transfers Out.

STATISTICAL SECTION

STATISTICAL SECTION

This part of the Town of Loxahatchee Groves' comprehensive annual financial report presents detailed unaudited information as a context for understanding what the information in the financial statement, note disclosures, and required supplementary information says about the Town's overall financial health.

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Financial Trends

These schedules contain trend information to help the reader understand how the Town's financial performance and well-being have changed over time. These schedules include:

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Revenue Capacity

These schedules contain information to help the reader assess the Town's most significant local revenue source, the property tax.

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Debt Capacity

These schedules present information to help the reader assess the affordability of the Town's current levels of outstanding debt and the Town's ability to issue additional debt in the future.

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Demographic and Economic Information

These schedules offer demographic and economic indicators to help the reader understand the environment within which the Town's financial activities take place.

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These schedules contain service and infrastructure data to help understand how the information in the Town's financial report relates to the services the Town provides and the activities it performs.

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Sources: Unless otherwise noted, the information in these schedules is derived from the comprehensive annual financial reports for the relevant year.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

Net Position By Component
Last Ten Fiscal Years (1)
(accrual basis of accounting)

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Governmental activities:					
Net investment in capital assets	\$ 4,369	\$ 3,480	\$ 5,100	\$ 3,656	\$ 7,600
Restricted		16,849	315,885	449,365	620,295
Unrestricted	228,241	658,888	1,133,301	1,671,555	2,045,135
Total governmental activities net position	<u>\$ 232,610</u>	<u>\$ 679,217</u>	<u>\$ 1,454,286</u>	<u>\$ 2,124,576</u>	<u>\$ 2,673,030</u>
Business-type activities					
Unrestricted	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$ (4,102)</u>
Primary government:					
Net investment in capital assets	\$ 4,369	\$ 3,480	\$ 5,100	\$ 3,656	\$ 7,600
Restricted		16,849	315,885	449,365	620,295
Unrestricted	228,241	658,888	1,133,301	1,671,555	2,041,033
Total primary government net position	<u>\$ 232,610</u>	<u>\$ 679,217</u>	<u>\$ 1,454,286</u>	<u>\$ 2,124,576</u>	<u>\$ 2,668,928</u>
	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	
Governmental activities:					
Net investment in capital assets	\$ 55,475	\$ 1,538,853	\$ 1,492,795	\$ 1,856,215	
Restricted	642,359	896,886	1,076,147	1,266,673	
Unrestricted	2,334,787	2,132,881	2,150,361	1,633,875	
Total governmental activities net position	<u>\$ 3,032,621</u>	<u>\$ 4,568,620</u>	<u>\$ 4,719,303</u>	<u>\$ 4,756,763</u>	
Business-type activities					
Unrestricted	<u>\$ 31,689</u>	<u>\$ 37,058</u>	<u>\$ 38,959</u>	<u>\$ 29,594</u>	
Primary government:					
Net investment in capital assets	\$ 55,475	\$ 1,538,853	\$ 1,492,795	\$ 1,856,215	
Restricted	642,359	896,886	1,076,147	1,266,673	
Unrestricted	2,366,476	2,169,939	2,189,320	1,663,469	
Total primary government net position	<u>\$ 3,064,310</u>	<u>\$ 4,605,678</u>	<u>\$ 4,758,262</u>	<u>\$ 4,786,357</u>	

(1) - Information for fiscal years prior to September 30, 2007 are unavailable in this format since the Town was incorporated in November 2006.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Changes in Net Position
Last Ten Fiscal Years (1)
(accrual basis of accounting)

	2007	2008	2009	2010	2011
EXPENSES					
Governmental activities:					
General government	\$ 113,836	\$ 581,459	\$ 558,728	\$ 451,305	\$ 477,173
Public safety	-	241,921	280,295	272,064	274,785
Physical environment	-	383,508	480,523	716,178	182,996
Total governmental activities	113,836	1,206,888	1,319,546	1,439,547	934,954
Business-type activities:					
Sanitation	-	-	-	-	469,761
Total primary government expenses	113,836	1,206,888	1,319,546	1,439,547	1,404,715
PROGRAM REVENUES					
Governmental activities:					
Charges for services:					
General government	14	8,119	12,496	12,743	11,948
Public safety	-	1,500	-	-	-
Physical environment	-	330,238	500,260	445,368	-
Operating grants and contributions	-	-	-	-	-
Capital grants and contributions	-	-	-	-	453
Total governmental activities program revenues	14	339,857	512,756	458,111	12,401
Business-type activities:					
Charges for services-Sanitation	-	-	-	-	464,023
Total primary government program revenues	14	339,857	512,756	458,111	476,424
Net (expense) revenue					
Governmental activities	(113,822)	(867,031)	(806,790)	(981,436)	(922,553)
Business-type activities	-	-	-	-	(5,738)
Total primary government net (expenses) revenue	(113,822)	(867,031)	(806,790)	(981,436)	(928,291)
General revenues and Other Changes in Net Position:					
Governmental activities:					
Property taxes	-	508,845	446,294	321,912	263,170
Utility taxes	154,857	205,802	268,748	481,710	345,155
Franchise fees based on gross receipts	65,729	218,236	232,172	208,158	207,153
Unrestricted intergovernmental revenue	124,459	361,896	625,617	633,171	635,465
Interest and other	1,387	18,859	9,028	6,775	20,064
Transfers	-	-	-	-	-
Total governmental activities	346,432	1,313,638	1,581,859	1,651,726	1,471,007
Business-type activities:					
Interest and other	-	-	-	-	1,636
Transfers	-	-	-	-	-
Total business-type activities	-	-	-	-	1,636
Total primary government	346,432	1,313,638	1,581,859	1,651,726	1,472,643
Change in Net Position					
Governmental activities	232,610	446,607	775,069	670,290	548,454
Business-type activities	-	-	-	-	(4,102)
Total primary government	\$ 232,610	\$ 446,607	\$ 775,069	\$ 670,290	\$ 544,352

(1) - Information for fiscal years prior to September 30, 2007 are unavailable in this format since the Town was incorporated in November 2006.

2012	2013	2014	2015
\$ 580,508	\$ 744,933	\$ 675,546	\$ 916,445
274,911	275,243	280,515	285,459
342,238	366,296	454,398	402,114
<u>1,197,657</u>	<u>1,386,472</u>	<u>1,410,459</u>	<u>1,604,018</u>
<u>429,196</u>	<u>479,497</u>	<u>419,256</u>	<u>440,786</u>
<u>1,626,853</u>	<u>1,865,969</u>	<u>1,829,715</u>	<u>2,044,804</u>
107,895	56,392	56,635	132,333
-	-	-	-
-	-	-	-
-	-	-	-
49,813	1,600,044	40,000	-
<u>157,708</u>	<u>1,656,436</u>	<u>96,635</u>	<u>132,333</u>
<u>464,987</u>	<u>347,557</u>	<u>421,157</u>	<u>431,421</u>
<u>622,695</u>	<u>2,003,993</u>	<u>517,792</u>	<u>563,754</u>
(1,039,949)	269,964	(1,313,824)	(1,471,685)
35,791	(131,940)	1,901	(9,365)
<u>(1,004,158)</u>	<u>138,024</u>	<u>(1,311,923)</u>	<u>(1,481,050)</u>
214,645	210,005	208,173	229,355
341,596	342,478	355,879	349,103
193,270	192,552	220,245	221,246
648,838	655,888	677,061	709,241
1,191	2,421	3,149	200
-	(137,309)	-	-
<u>1,399,540</u>	<u>1,266,035</u>	<u>1,464,507</u>	<u>1,509,145</u>
-	-	-	-
-	137,309	-	-
-	137,309	-	-
<u>1,399,540</u>	<u>1,403,344</u>	<u>1,464,507</u>	<u>1,509,145</u>
359,591	1,535,999	150,683	37,460
35,791	5,369	1,901	(9,365)
<u>\$ 395,382</u>	<u>\$ 1,541,368</u>	<u>\$ 152,584</u>	<u>\$ 28,095</u>

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Fund Balances of Governmental Funds
Last Ten Fiscal Years (1)
(modified accrual basis of accounting)

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
General Fund					
Nonspendable-prepays	\$ 5,095	\$ 20,944	\$ 27,969	\$ 28,437	\$ 28,437
Restricted for transportation			315,885		
Assigned for capital projects					1,000,000
Unassigned	<u>223,146</u>	<u>654,793</u>	<u>1,105,332</u>	<u>1,643,118</u>	<u>1,016,698</u>
Total general fund	<u>\$ 228,241</u>	<u>\$ 675,737</u>	<u>\$ 1,449,186</u>	<u>\$ 1,671,555</u>	<u>\$ 2,045,135</u>
All other governmental funds					
Restricted for transportation	\$	\$	\$	\$ 449,365	\$ 620,295
Assigned for capital projects					
Total all other governmental funds	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$ 449,365</u>	<u>\$ 620,295</u>
	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	
General Fund					
Nonspendable-prepays	\$ 22,899	\$ 42,604	\$ 47,425	\$ 26,562	
Restricted for transportation					
Assigned for capital projects					
Unassigned	<u>1,311,888</u>	<u>690,277</u>	<u>882,923</u>	<u>454,232</u>	
Total general fund	<u>\$ 1,334,787</u>	<u>\$ 732,881</u>	<u>\$ 930,348</u>	<u>\$ 480,794</u>	
All other governmental funds					
Restricted for transportation	\$ 642,359	\$ 896,886	\$ 1,076,147	\$ 1,266,673	
Assigned for capital projects	<u>1,000,000</u>	<u>1,400,000</u>	<u>1,220,013</u>	<u>1,153,081</u>	
Total all other governmental funds	<u>\$ 1,642,359</u>	<u>\$ 2,296,886</u>	<u>\$ 2,296,160</u>	<u>\$ 2,419,754</u>	

(1) - Information for fiscal years prior to September 30, 2007 are unavailable in this format since the Town was incorporated in November 2006.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Changes in Fund Balances of Governmental Funds
Last Ten Fiscal Years (1)
(modified accrual basis of accounting)

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
REVENUES					
Property taxes	\$ -	\$ 508,845	\$ 446,294	\$ 321,912	\$ 263,170
Utility taxes	154,857	205,802	268,748	481,710	345,155
Franchise fees	65,729	218,236	232,172	208,158	207,153
Intergovernmental revenue	124,459	361,896	625,617	633,171	635,465
Charge for services	-	330,238	502,035	447,379	2,352
Licenses and permits	-	8,119	10,721	10,732	9,596
Fines and forfeitures	14	1,500	-	-	-
Contributions from private sources	-	-	-	-	-
Interest and other	1,387	18,859	9,028	6,775	20,064
Total revenues	<u>346,446</u>	<u>1,653,495</u>	<u>2,094,615</u>	<u>2,109,837</u>	<u>1,482,955</u>
EXPENDITURES					
Current:					
General government	113,762	807,439	560,348	449,861	480,664
Public safety	-	241,921	280,295	272,064	274,785
Physical environment	-	156,639	480,523	716,178	182,996
Capital outlay	4,443	-	-	-	-
Total expenditures	<u>118,205</u>	<u>1,205,999</u>	<u>1,321,166</u>	<u>1,438,103</u>	<u>938,445</u>
Net change in fund balances	<u>\$ 228,241</u>	<u>\$ 447,496</u>	<u>\$ 773,449</u>	<u>\$ 671,734</u>	<u>\$ 544,510</u>
Debt service as a percentage of noncapital expenditures	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>
	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	
REVENUES					
Property taxes	\$ 214,645	\$ 210,005	\$ 208,173	\$ 229,355	
Utility taxes	341,596	342,478	355,879	349,103	
Franchise fees	193,270	192,552	220,245	221,246	
Intergovernmental revenue	648,838	655,888	677,061	709,241	
Charge for services	61,650	45,117	15,322	105,179	
Licenses and permits	10,518	9,564	31,666	20,140	
Fines and forfeitures	35,727	1,711	9,647	7,014	
Contributions	49,813	-	40,000	-	
Interest and other	1,191	2,421	3,149	200	
Total revenues	<u>1,557,248</u>	<u>1,459,736</u>	<u>1,561,142</u>	<u>1,641,478</u>	
EXPENDITURES					
Current:					
General government	578,987	744,225	675,104	909,330	
Public safety	274,911	275,243	280,515	285,459	
Physical environment	340,971	250,338	213,725	150,995	
Capital outlay	50,663	-	195,057	621,654	
Total expenditures	<u>1,245,532</u>	<u>1,269,806</u>	<u>1,364,401</u>	<u>1,967,438</u>	
OTHER FINANCING SOURCES (USES)					
Transfers in		541,844	55,070	40,000	
Transfers out		(679,153)	(55,070)	(40,000)	
		<u>(137,309)</u>	<u>-</u>	<u>-</u>	
Net change in fund balances	<u>\$ 311,716</u>	<u>\$ 52,621</u>	<u>\$ 196,741</u>	<u>\$ (325,960)</u>	
Debt service as a percentage of noncapital expenditures	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	

(1) - Information for fiscal years prior to September 30, 2007 are unavailable in this format since the Town was incorporated in November 2006.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 General Governmental Revenues by Source
 Last Ten Fiscal Years (1)
 (accrual basis of accounting)

Fiscal Year	Ad-Valorem Taxes General Purpose	Utility Tax	Intergovernmental	Franchise Tax	Charges for Service (2)
2007	\$ -	\$ 154,857	\$ 124,459	\$ 65,729	\$ -
2008	508,845	187,584	361,896	218,236	330,238
2009	446,294	268,748	625,617	232,172	502,035
2010	321,912	481,710	633,171	208,158	444,379
2011	263,170	345,155	635,465	207,153	2,352
2012	214,645	341,596	648,838	193,270	61,650
2013	210,005	342,478	655,888	192,552	45,117
2014	208,173	355,879	677,061	220,245	31,666
2015	229,355	349,103	709,241	221,246	105,179

(1) - Information for fiscal years prior to September 30, 2007 are unavailable in this format since the Town was incorporated in November 2006.

(2) Starting in 2011 sanitation revenue is recorded in the Sanitation Fund.

<u>License and Permits</u>	<u>Fines and Forfeitures</u>	<u>Contributions</u>	<u>Interest</u>	<u>Total</u>
\$ -	\$ 14	\$ -	\$ 1,387	\$ 346,446
8,119	1,500	-	18,859	1,635,277
10,721	12	-	9,016	2,094,615
10,732	-	-	6,775	2,106,837
9,596	-	-	20,064	1,482,955
10,518	35,727	49,813	1,191	1,557,248
9,564	1,711	-	2,421	1,459,736
15,322	9,647	40,000	3,149	1,561,142
20,140	7,014		200	1,641,478

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 Assessed Value and Estimated Actual Value of Taxable Property
 Last Ten Fiscal Years (1)

Fiscal Year	Real Property				Personal Property	Net Assessed Value
	Residential Property	Commercial Property	Agricultural Property	Gov't/Institutional Property		
2007	(1)	(1)	(1)	(1)	(1)	(1)
2008	\$ 245,439,224	\$ 17,618,241	\$ 72,320,220	\$ 2,222,765	\$ 12,680,070	\$ 350,280,520
2009	207,549,455	18,974,712	71,068,044		9,797,359	307,389,570
2010	146,181,111	16,932,326	54,450,995		9,823,860	227,388,292
2011	143,947,895	14,652,455	59,567,834		12,798,827	230,967,011
2012	140,860,901	13,939,039	61,640,848		12,048,183	228,488,971
2013	135,879,337	19,406,534	63,669,330		12,887,438	231,842,639
2014	115,303,596	15,012,230	57,596,934	1,343,527	8,583,515	197,839,802
2015	118,838,958	15,012,230	55,282,018	1,339,377	13,930,600	204,403,183

Note: Property in the Town is reassessed each year. State law requires the Property Appraiser to appraise property at 100% of market value. The Florida Constitution was amended, effective January 1, 1995, to limit annual increases in assessed value of property with homestead exemption to 3% per year or the amount of the Consumer Price Index, whichever is less. The increase is not automatic since no assessed value shall exceed market value. Tax rates are per \$1,000 of assessed value.

(1) The Town incorporated in November 2006 and its first year of setting its millage rate was fiscal year 2008. Therefore, information for fiscal periods prior to that are not available.

Total Direct Tax Rate	Estimated Actual Value	Net Assessed Value as a Percentage of Estimated Actual Value
(1)	(1)	(1)
1.5000	\$ 727,915,606	48.12%
1.5000	653,870,928	47.01%
1.4000	459,295,516	49.51%
1.2000	327,489,734	70.53%
1.2000	313,377,456	72.91%
1.2000	308,896,937	75.06%
1.2000	374,606,234	52.81%
1.2000	361,603,906	56.53%

TOWN OF LOXAHATCHEE GROVES, FLORIDA

Property Tax Rates

Direct and Overlapping Governments

Last Ten Fiscal Years (1)

Fiscal Year	OVERLAPPING RATES				
	Town Operating Millage	Palm Beach County School District	Palm Beach County	County Palm Beach Health Care District	Palm Beach County Library System
2007	(1)	(1)	(1)	(1)	(1)
2008	1.500	7.360	6.760	0.890	0.540
2009	1.500	7.250	6.920	1.000	0.540
2010	1.400	7.980	8.020	1.150	0.550
2011	1.200	8.010	8.450	1.150	0.610
2012	1.200	7.778	8.789	1.220	0.605
2013	1.200	7.586	8.443	1.080	0.606
2014	1.200	7.590	8.430	1.080	0.550
2015	1.200	7.594	8.431	1.080	0.602

(1) The Town incorporated in November 2006 and its first year of setting its millage rate was fiscal year 2008. Therefore, information for fiscal periods prior to that are not available.

Note: All millage rates are based on \$1 for every \$1,000 of assessed value.

Source: Town of Loxahatchee Groves Finance Department and Palm Beach Property Appraiser's Office.

OVERLAPPING RATES

South Florida Water Management District	Children's Services Council	Special Districts Florida Inland Navigation District	Total Direct and Overlapping Rates
(1)	(1)	(1)	(1)
0.620	0.580	0.030	18.280
0.620	0.600	0.040	18.470
0.620	0.690	0.040	20.450
0.620	0.748	0.035	20.823
0.620	0.730	0.035	20.977
0.411	0.702	0.035	20.063
0.380	0.670	0.030	19.930
0.384	0.675	0.035	20.001

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Principal Property Taxpayers
Last year and nine years ago

2015				2006(1)			
<u>Taxpayer</u>	<u>Assessed Valuation</u>	<u>Rank</u>	<u>Percentage Total Assessed Valuation</u>	<u>Taxpayer</u>	<u>Assessed Valuation</u>	<u>Rank</u>	<u>Percentage Total Assessed Valuation</u>
R BROKE NOW LLC	\$2,507,050	1	1.00%				
YEES CORP	1,873,410	2	0.74%				
GROVES MEDICAL PLAZA LLC	1,793,040	3	0.71%				
EVERGLADES FARM EQUIP CO	1,771,030	4	0.70%				
CONSTANTINE ZDARSKY	1,770,678	5	0.70%				
WPB DEVELOPMENT LLC	1,477,258	6	0.59%				
LANTANA HOLDINGS LLC	1,418,182	7	0.56%				
PLANTE JULIEN	1,340,927	8	0.53%				
SOUTHERN PETRO HOLDING LLC	1,275,800	9	0.51%				
SUNSPORT GARDENS	1,243,066	10	0.49%				
	<u>\$ 16,470,441</u>		<u>6.53%</u>				

(1) The Town incorporated in November 2006. Therefore, information for fiscal periods prior to that are not available.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Property Tax Levies and Collections
Last Ten Fiscal Years (1)

Fiscal Year	Total Taxes Levied for Fiscal Year	Collected Within the Fiscal Year of Levy		Collections in Subsequent Years	Total Collections to Date	
		Amount	Percent of Levy		Amount	Percent of Levy
2007	(1)	(1)	(1)	(1)	(1)	(1)
2008	543,920	508,845	93.55%	n/a	508,845	93.55%
2009	465,999	441,450	94.73%	n/a	441,450	94.73%
2010	319,175	307,800	96.44%	n/a	307,800	96.44%
2011	263,434	261,597	99.30%	n/a	261,597	99.30%
2012	219,578	214,645	97.75%	n/a	214,645	97.75%
2013	215,284	210,006	97.55%	n/a	210,006	97.55%
2014	215,752	208,173	96.49%	n/a	208,173	96.49%
2015	235,147	229,355	97.54%	n/a	229,355	97.54%

(1) The Town incorporated in November 2006 and its first year of setting its millage rate was fiscal year 2007. Therefore, information for fiscal periods prior to that are not available.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Demographic and Economic Statistics
Last Ten Fiscal Years (1)

<u>Fiscal Year</u>	<u>Population (2)</u>	<u>Personal Income (3)</u>	<u>Per Capita Personal Income (4)</u>	<u>Unemployment Rate (5)</u>
2007	3,200	n/a	\$ 59,147	4.7%
2008	3,200	n/a	n/a	7.4%
2009	3,200	n/a	n/a	11.7%
2010	3,200	n/a	n/a	12.4%
2011	3,091	n/a	n/a	12.4%
2012	3,173	n/a	n/a	8.20%
2013	3,262	n/a	n/a	7.10%
2014	3,183	n/a	n/a	5.90%
2015	3,180	n/a	n/a	7.73%

(1) Information for fiscal years prior to September 30, 2007 are unavailable in this format since the Town was incorporated in November 2006.

(2) Population estimate for 2007 as published by the University of Florida, Bureau of Economic and Business Research. Estimated population for 2006 is from Adopted Operating Budget.

(3) Personal income is the Palm Beach County per capita personal income applied to the Loxahatchee Groves population.

(4) Per Capita Personal Income is for Palm-Beach County from the U.S. Department of Commerce, Bureau of Economic Analysis. The most recent data are for fiscal 2005.

(5) Florida Agency for Workplace Innovation, Labor Force Statistics, Labor Force Summary, Annual Average Employment for Palm-Beach County.

n/a Data not available.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 Direct and Overlapping Governmental Activities Debt
 Fiscal year ended September 30, 2015

<u>Government Unit</u>	<u>Net Debt Outstanding</u>	<u>Estimated Percentage Applicable(1)</u>	<u>Amount Applicable to Town of Loxahatchee Groves</u>
Debt repaid with property taxes:			
Palm Beach County	\$ 163,630,000	0.18%	\$ 294,534
Palm Beach County School Board	809,909	0.18%	1,458
Other debt:			
Palm Beach County	811,414,000	0.18%	1,460,545
Palm Beach County School Board	21,889,000	0.18%	39,400
Town of Loxahatchee Groves direct debt	n/a	n/a	-
Total direct and overlapping debt			<u>\$ 1,795,937</u>

Sources: Data provided by the Palm Beach Country Finance Department and Palm Beach Country School Board

Note: Overlapping governments are those that coincide, at least in part, with the geographic boundaries of the Town. This schedule estimates the portion of the outstanding debt of those overlapping governments that is borne by the residents and businesses of the Town of Loxahatchee Groves. This process recognizes that, when considering the Town's ability to issue and repay long-term debt, the entire debt burden borne by the residents and businesses should be taken into account. However, this does not imply that every taxpayer is a resident, and therefore responsible for repaying the debt.

(1) For debt repaid with property taxes, the percentage of overlapping debt applicable is estimated using taxable assessed property values by taking the value that is within the Town's boundaries and dividing it by the County's and School Boards total taxable assessed value. This approach was also used for the other debt.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

Principal Employers - Palm Beach County

Last year and nine years ago

Employer	2015			2006(1)		
	<u>EMPLOYEES</u>	<u>RANK</u>	<u>Percentage of Total County Employment</u>	<u>EMPLOYEES</u>	<u>RANK</u>	<u>Percentage of Total County Employment</u>
Palm Beach County School District	21,449	1	3.31%			
Tenet Healthcare Corp.	6,100	2	0.94%			
Palm Beach County	5,330	3	0.82%			
Florida Power & Light	3,804	4	0.59%			
Wackenhut Corporation	3,000	5	0.46%			
Florida Atlantic University	2,980	6	0.46%			
Hospital Corporation of America	2,714	7	0.42%			
Veterans Health Administration	2,700	8	0.42%			
Bethesda Memorial Hospital	2,643	9	0.41%			
Boca Raton Community Hospital	2,250	10	0.35%			
	<u>52,970</u>		<u>8.18%</u>			

Source: Business Development Board of Palm Beach County

Note: The Town is not a significant area for employment but rather a residential community. Therefore, Palm Beach County statistics were used.

(1) - Information for fiscal years prior to September 30, 2007 are unavailable in this format since the Town was incorporated in November 2006.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 Full-Time Equivalent Town Government Employees by Function
 Last Ten Fiscal Years (1)

Function	2007	2008	2009	2010	2011
Legislative	(2)	(2)	(2)	(2)	(2)
Clerk	(2)	(2)	(2)	(2)	(2)
General government	(2)	(2)	(2)	(2)	(2)
Community Development	(2)	(2)	(2)	(2)	(2)
Public Works	(2)	(2)	(2)	(2)	(2)
Parks	(2)	(2)	(2)	(2)	(2)
Public Safety: Police	(3)	(3)	(3)	(3)	(3)

Function	2012	2013	2014	2015
Legislative	(2)	(2)	(2)	(2)
Clerk	(2)	(2)	(2)	(2)
General government	(2)	(2)	(2)	(2)
Community Development	(2)	(2)	(2)	(2)
Public Works	(2)	(2)	(2)	(2)
Parks	(2)	(2)	(2)	(2)
Public Safety: Police	(3)	(3)	(3)	(3)

(1) - Information for fiscal years prior to September 30, 2007 are unavailable in this format since the Town was incorporated in November 2006.

(2) - Town Manager and Town Clerk as well as other managerial services are provided by a private management company.

(3) - Police services contracted through Palm Beach County .

Source: Town of Loxahatchee Groves Finance Department

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 Operating Indicators by Function
 Last Ten Fiscal Years (1)

Function/Program	2007	2008	2009	2010	2011
Public Safety					
Police:					
Number of emergency calls for service	(2)	(2)	(2)	(2)	(2)
Number of non-emergency calls for service	(2)	(2)	(2)	(2)	(2)
Number of arrests	(2)	(2)	(2)	(2)	(2)
Number of uniformed officers	(2)	(2)	(2)	(2)	(2)
Building and Zoning:					
Number of building permits issued	(2)	(2)	(2)	(2)	(2)
Number of certificates of use issued	(2)	(2)	(2)	(2)	(2)
Number of occupational licenses issued	(2)	(2)	(2)	(2)	(2)
Culture and Recreation					
Number of parks	(3)	(3)	(3)	(3)	(3)

Function/Program	2012	2013	2014	2015
Public Safety				
Police:				
Number of emergency calls for service	(2)	(2)	(2)	(2)
Number of non-emergency calls for service	(2)	(2)	(2)	(2)
Number of arrests	(2)	(2)	(2)	(2)
Number of uniformed officers	(2)	(2)	(2)	(2)
Building and Zoning:				
Number of building permits issued	(2)	(2)	(2)	(2)
Number of certificates of use issued	(2)	(2)	(2)	(2)
Number of occupational licenses issued	(2)	(2)	(2)	(2)
Culture and Recreation				
Number of parks	(3)	(3)	(3)	(3)

(1) - Information for fiscal years prior to September 30, 2007 are unavailable in this format since the Town was incorporated in November 2006.

(2) - The County provided these services for 2007. In 2008, the Town contracted with the County for these services.

(3)- The County did not transfer any parks during 2007.

Source: Town Clerk

COMPLIANCE SECTION



NOWLEN, HOLT & MINER, P.A.

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

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TELEPHONE (561) 996-5612
FAX (561) 996-6248

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

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, and each major fund of the Town of Loxahatchee Groves, Florida, as of and for the year ended September 30, 2015, and the related notes to the financial statements, which collectively comprise the Town of Loxahatchee Groves, Florida's basic financial statements and have issued our report thereon dated March 31, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Town of Loxahatchee Groves, Florida's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town of Loxahatchee Groves, Florida's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town of Loxahatchee Groves, Florida's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented,

or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Town of Loxahatchee Groves, Florida's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Nowlen, Holt & Mims, P.A.

West Palm Beach, Florida
March 31, 2016



NOWLEN, HOLT & MINER, P.A.

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MANAGEMENT LETTER IN ACCORDANCE WITH THE RULES OF THE AUDITOR GENERAL OF THE STATE OF FLORIDA

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

Report on the Financial Statements

We have audited the financial statements of the Town of Loxahatchee Groves, Florida, as of and for the fiscal year ended September 30, 2015, and have issued our report thereon dated March 31, 2016.

Auditor's Responsibility

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and Chapter 10.550, Rules of the Florida Auditor General.

Other Reports

We have issued our Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards* and Independent Accountant's Report on an examination conducted in accordance with *AICPA Professional Standards*, Section 601, regarding compliance requirements in accordance with Chapter 10.550, Rules of the Auditor General. Disclosures in those reports, which are dated March 31, 2016, should be considered in conjunction with this management letter.

Prior Audit Findings

Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. All findings reported in the prior year were corrected.

Current Year Audit Finding

Finding: 2015-1 Excess of Expenditures Over Appropriations

Condition: As indicated on page 26 in Note 2 to the Notes to the Financial Statements, the Transportation Fund had expenditures in excess of appropriations contrary to Section 166.241(2) Florida Statutes.

Management's Response: The condition resulted from our attempt to reflect changes in expenditures and the timing of the transfer out. There was sufficient current revenue to offset expenditures; however, transactions were recognized after the final appropriation adjustment. We will provide a greater variance in adjusted appropriations in the future.

Official Title and Legal Authority

Section 10.554(1)(i)4., Rules of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in this Management Letter, unless disclosed in the notes to the financial statements. This information is disclosed in Note 1 to the financial statements.

Financial Condition

Section 10.554(1)(i)5.a. and 10.556(7), Rules of the Auditor General, require that we report the results of our determination as to whether or not the Town of Loxahatchee Groves, Florida has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and identification of the specific condition(s) met. In connection with our audit, we determined that the Town of Loxahatchee Groves, Florida did not meet any of the conditions described in Section 218.503(1), Florida Statutes, during the fiscal year ended September 30, 2015.

Pursuant to Sections 10.554(1)(i)5.c. and 10.556(8), Rules of the Auditor General, we applied financial condition assessment procedures. It is management's responsibility to monitor the Town of Loxahatchee Groves, Florida's financial condition, and our financial condition assessment was based in part on representations made by management and the review of financial information provided by same. Our assessment was done as of the fiscal year end. The results of our procedures did not disclose any matters that are required to be reported.

Annual Financial Report

Section 10.554(1)(i)5.b. and 10.556(7), Rules of the Auditor General, require that we report the results of our determination as to whether the annual financial report for the Town of Loxahatchee Groves, Florida for the fiscal year ended September 30, 2015, filed with the Florida Department of Financial Services pursuant to Section 218.32(1)(a), Florida Statutes, is in agreement with the annual financial audit report for the fiscal year ended September 30, 2015. In connection with our audit, we determined that these two reports were in agreement.

Special District Component Units

Section 10.554(1)(i)5.d., Rules of the Auditor General, requires that we determine whether or not a special district that is a component unit of a county, municipality, or special district, provided the financial information necessary for proper reporting of the component unit, within the audited financial statements of the county, municipality, or special district in accordance with Section 218.39(3)(b), Florida Statutes.

Based on the application of criteria in publications cited in Section 10.553, Rules of the Auditor General, there are no special district component units of the Town of Loxahatchee Groves, Florida.

Other Matters

Section 10.554(1)(i)2., Rules of the Auditor General, requires that we address in the Management Letter any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

Section 10.554(1)(i)3., Rules of the Auditor General, requires that we address noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance. In connection with our audit, we did not have any such findings.

Single Audits

The Town expended less than \$500,000 of federal awards and less than \$500,000 of state financial assistance for the year ended September 30, 2015, and was not required to have a federal single audit or a state single audit.

Response to Management Letter

The Town of Loxahatchee Groves, Florida's response to the finding identified in our audit is presented above. The Town of Loxahatchee Groves, Florida's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

Purpose of this Letter

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, management, the audit committee, Town Council, and federal and state awarding agencies and pass-through entities, and is not intended to be and should not be used by anyone other than these specified parties.

Nowlen, Holt & Mimer, P.A.

March 31, 2016
West Palm Beach, Florida



NOWLEN, HOLT & MINER, P.A.

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**INDEPENDENT ACCOUNTANT’S REPORT
ON COMPLIANCE WITH SECTION 218.415,
FLORIDA STATUTES**

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

We have examined the Town of Loxahatchee Groves, Florida’s compliance with Section 218.415, Florida Statutes during the year ended September 30, 2015. Management is responsible for the Town of Loxahatchee Groves, Florida’s compliance with those requirements. Our responsibility is to express an opinion on the Town of Loxahatchee Groves, Florida’s compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence about the Town of Loxahatchee Groves, Florida’s compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the Town of Loxahatchee Groves, Florida’s compliance with specified requirements.

In our opinion, the Town of Loxahatchee Groves, Florida complied, in all material respects, with the aforementioned requirements for the year ended September 30, 2015.

This report is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and Florida House of Representative, the Florida Auditor General, applicable management, and the Town Council, and is not intended to be and should not be used by anyone other than these specified parties.

Nowlen, Holt & Miner, P.A.

West Palm Beach, Florida
March 31, 2016



**BUDGET VS ACTUAL
AS OF MARCH 31, 2016
50% 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	13,946	265,862	-	311,616	(45,754)	85%
	Ad Valorem Taxes Subtotal	13,946	265,862	-	311,616	(45,754)	85%
001-314-100-000	Electric Utility Tax	19,977	154,284	-	233,000	(78,716)	66%
001-315-100-000	Communications Services	7,612	52,094	-	91,919	(39,825)	57%
001-316-200-000	County Occupational License	348	4,544	-	6,000	(1,456)	76%
	Local Taxes Subtotal	27,937	210,922	-	330,919	(119,997)	64%
001-323-100-000	FPL Franchise Fee	15,983	110,362	-	200,000	(89,638)	55%
001-323-125-000	Hauler's License Fee	-	1,515	-	-	1,515	NA
001-323-300-000	PBC Water Utility Franchise	738	12,756	-	10,000	2,756	128%
001-329-100-000	Planning & Zoning Permit	2,225	7,760	-	7,000	760	111%
001-329-125-000	PDU	-	-	-	-	-	NA
	Permits, Franchise Fees & Special Subtotal	18,946	132,393	-	217,000	(84,607)	61%
001-335-120-000	State Revenue Sharing	6,694	46,861	-	90,890	(44,029)	52%
001-335-180-000	Half Cent Sales Tax	21,032	142,188	-	260,461	(118,273)	55%
	Intergovernmental Revenue Subtotal	27,726	189,048	-	351,351	(162,303)	54%
001-341-000-000	General Government Charges	760	3,550	-	3,000	550	118%
001-343-349-000	Cost Recovery Fees	6,056	47,804	-	35,000	12,804	137%
	Charges for Services Subtotal	6,816	51,354	-	38,000	13,354	135%
001-354-100-000	Code Enforcement Fines	-	-	-	1,000	(1,000)	0%
	Code Enforcement Fines Subtotal	-	-	-	1,000	(1,000)	0%
001-361-100-000	Interest	2	24	-	200	(176)	12%
001-366-100-000	Contributions and Donations Private Sources	-	-	-	7,000	-	-
001-369-000-000	Other Misc Income	-	240	-	300	(60)	80%
	Other Misc Revenue Subtotal	2	264	-	7,500	(236)	4%
001-399-000-000	Transfer from Fund Balance*	-	-	-	150,000	(150,000)	0%
	Other Non-operating Sources Subtotal	-	-	-	150,000	(150,000)	0%
	Grand Total Revenue	95,374	849,844	-	1,407,386	(550,542)	60%



TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF MARCH 31, 2016
 50% 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	-	-	-	10,400	10,400	0%
001-511-400-000	Travel	-	1,910	-	3,000	1,090	64%
001-511-410-000	Communication Services	-	-	-	6,395	6,395	0%
001-511-492-000	Other Operating Expenses	-	-	-	1,500	1,500	0%
001-511-499-000	Other Current Charges - Council Reimbursement	3,000	15,500	-	30,000	14,500	52%
001-511-500-000	Education & Training	-	450	-	1,000	550	45%
001-511-510-000	Office Supplies	-	485	-	500	15	97%
001-511-520-000	Operating Supplies	-	36	-	500	464	7%
001-511-540-000	Books, Publications & Subscriptions	-	5,765	-	2,500	(3,265)	231%
001-511-820-000	Special Events/Contributions	-	4,248	-	5,400	1,152	79%
	Legislative Total	3,000	28,393	-	61,195	32,802	46%
001-512-340-000	Other Services	22,920	137,523	-	275,045	137,522	50%
001-512-400-000	Travel	-	96	-	1,500	1,404	6%
001-512-410-000	Communication Services	-	-	-	4,399	4,399	0%
001-512-420-000	Postage & Freight	98	1,028	-	1,000	(28)	103%
001-512-490-000	Legal Advertising	655	2,838	-	500	(2,338)	568%
001-512-492-000	Other Operating Expenses	39	539	-	5,044	4,505	11%
001-512-493-000	Election Expense	2,114	10,109	-	8,010	(2,099)	126%
001-512-510-000	Office Supplies	190	8,241	-	12,000	3,759	69%
001-512-540-000	Books, Publications & Subscriptions	-	-	-	570	570	0%
	Executive Total	26,017	160,373	-	308,068	147,695	52%
001-513-320-000	Accounting and Auditing	-	-	-	18,000	18,000	0%
001-513-470-000	Printing and Binding	-	-	-	1,396	1,396	0%
001-513-490-000	Legal Advertising	-	1,845	-	2,000	155	92%
001-513-491-000	Computer Services	-	-	-	11,820	11,820	0%
	Financial & Administrative Total	-	1,845	-	33,216	31,371	6%
001-514-310-000	Professional Services	7,533	45,127	-	90,000	44,873	50%
	Legal Total	7,533	45,127	-	90,000	44,873	50%



TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF MARCH 31, 2016
 50% Elapsed
 General Fund
 Expenditures

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
001-515-310-000	Professional Services	-	10,020.00	-	40,000	29,980	25%
001-515-340-000	Other Services	6,860	41,158.02	-	82,316	41,158	50%
001-515-343-000	Planning & Zoning Contract	-	4,027.54	-	20,000	15,972	20%
001-515-347-000	Comprehensive Plan	-	-	-	15,000		
001-515-349-000	Cost Recovery Expenditure	6,056	48,129.32	-	35,000	(13,129)	138%
001-515-490-000	Legal Advertising	-	2,001.60	-	10,000	7,998	20%
	Comprehensive Planning & Zoning Total	12,916	105,336	-	202,316	81,980	52%
001-519-315-000	Special Magistrate	-	345	-	10,000	9,655	3%
001-519-340-000	Other Services	325	4,281	-	1,600	(2,681)	268%
001-519-354-000	Code Compliance	-	-	-	23,000	23,000	0%
001-519-410-000	Communications Services	477	3,928	-	11,100	7,172	35%
001-519-420-000	Utilities	411	2,577	-	10,560	7,983	24%
001-519-440-000	Rentals and Leases	454	2,445	-	10,300	7,855	24%
001-519-450-000	Insurance	7,733	24,953	-	31,000	6,047	80%
001-519-460-000	Repair & Maint - Building	1,219	4,417	-	4,200	(217)	105%
001-519-490-000	Computer Repair	85	2,324	-	5,500	3,176	42%
001-519-491-000	Computer Services	458	2,139	-	7,292	5,153	29%
001-519-494-000	Inspector General Office	-	-	-	5,300	5,300	0%
001-519-620-000	Buildings	2,568	10,145	-	21,410	11,266	47%
001-519-820-000	Loxahatchee Groves CERT	-	50	-	2,000	1,950	2%
001-519-910-000	Transfer to Sanitation Fund	-	-	-	115,583	115,583	0%
001-519-920-000	Transfer to Capital Projects	-	-	-	150,000	150,000	0%
	Other Governmental Services Total	13,730	57,603	-	408,845	351,242	14%
001-521-341-000	Professional Services-PBSO	24,062	144,373	-	288,746	144,373	50%
001-521-342-000	Contractual-ADDL PBSO	-	1,302	-	10,000	8,698	13%
	Law Enforcement Total	24,062	145,675	-	298,746	153,071	49%
001-539-340-000	Professional Services	-	-	-	5,000	5,000	0%
	Public Works Total	-	-	-	5,000	5,000	0%
	Grand Total Expenditure	87,258	544,352	-	1,407,386	848,034	39%
	Net Revenue	8,116	305,491	-	-		



TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF MARCH 31, 2016
 50% 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)	20,082	147,237	-	249,245	(102,008)	59%
101-312-420-000	2nd Local Option Fuel Tax (1 to 5 cent)	9,699	69,417	-	117,326	(47,909)	59%
101-399-000-000	Transfer from Fund Balance	-	-	-	1,000,000	(1,000,000)	0%
Total Revenue		29,780	216,654	-	1,366,571	(1,149,917)	16%
Represents consumption of fund balance. This is not true revenue by definition or reflected in GL in transactions							

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.	-	6,859	-	10,000	3,141	69%
101-541-468-000	Non-District Roads (6 ct) Maint.	80,414	202,168	-	70,507	(131,661)	287%
101-541-469-000	District Roads (6 ct) Maint.	-	-	-	93,738	93,738	0%
101-541-632-000	Special Projects (6 cent)	-	-	-	75,000	75,000	0%
101-541-920-000	Transfer to Capital Projects	-	-	-	1,000,000	1,000,000	0%
101-541-990-000	Transfer to Fund Balance 5ct.	-	-	-	117,326	117,326	0%
Total Expenditure		80,414	209,027	-	1,366,571	1,157,544	15%
Net Revenue		(50,634)	7,626		-		



TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF MARCH 31, 2016
 50% Elapsed
Capital Improvement Program
Revenues

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
305-363-990-000	Transfer In From General Fund	-	-	-	150,000	(150,000)	0%
305-363-991-000	Contributions from Transportation Fund	-	-	-	1,000,000	(1,000,000)	0%
305-366-100-000	Contributions and Donations Private Sources	-	100,000	-	1,211,741	(1,111,741)	8%
305-399-000-000	Transfer from Fund Balance	-	-	-	168,893	(168,893)	0%
	Total Revenue	-	100,000	-	2,530,634	(2,430,634)	4%

Capital Improvement Program
Expenditures

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
305-541-610-000	Surveying Town Roads	-	90,144	-	100,000	9,856	90%
305-541-620-000	OGEM Town Roads - "B" and "D" Roads	-	4,053	-	1,211,741		
305-541-640-000	Drainage	17,326	40,266	-	1,150,000	1,109,734	4%
305-541-650-000	Trails	-	-	-	40,000	40,000	0%
305-541-654-000	Purchase Roads from LGWCD	-	150,912	-	28,893	(122,019)	522%
	Total Expenditure	17,326	285,374	-	2,530,634	1,037,571	11%

Net Revenue

(17,326) (185,374)

-



TOWN OF LOXAHATCHEE GROVES
BUDGET VS ACTUAL
AS OF MARCH 31, 2016
 50% Elapsed
Solid Waste Fund
Revenues

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
405-325-205-000	Solid Waste Assessments	11,677	283,987	-	337,253	(53,266)	84%
405-325-206-000	Discount Fees	(191)	(10,794)	-	(10,118)	(676)	107%
405-343-120-000	SWA Recycling Income	-	840	-	5,500	(4,660)	15%
405-343-125-000	PDU	-	-	-	-	-	-
405-363-990-000	Contributions from General Fund	-	-	-	115,583	(115,583)	0%
	Total Revenue	11,486	274,034	-	448,218	(174,185)	61%

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
405-534-346-000	PBC Administration Fee 1	124	1,648	-	3,373	1,725	49%
405-534-420-000	Postage & Freight	-	-	-	1,078	1,078	0%
405-534-434-000	Solid Waste Contractor	35,720	248,835	-	428,645	179,810	58%
405-534-436-000	Other Sanitation Service	-	-	-	14,622	14,622	0%
405-534-490-000	Legal Advertising	-	700	-	500	(200)	140%
	Total Expenditure	35,845	251,183	-	448,218	197,035	56%
	Net Revenue	(24,359)	22,851		-		

Note: YTD Fines credited to Service Provider invoicing - \$8000.00

**TOWN OF LOXAHATCHEE GROVES
ORDINANCE NO. 2016-02**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 7, ENTITLED “ELECTIONS,” TO AMEND SUBSECTION (5) ENTITLED “TOWN CANVASSING BOARD,” TO PROVIDE FOR THE TOWN CLERK, COUNTY SUPERVISOR OF ELECTIONS AND A CITIZEN REPRESENTATIVE, SATISFYING THE QUALIFICATIONS IN THE CHARTER, TO BE APPOINTED BY RESOLUTION OF THE TOWN COUNCIL TO SERVE AS THE TOWN’S CANVASSING BOARD, AND TO AMEND THE DUTIES OF THE CANVASSING BOARD, INCLUDING DELEGATING CERTAIN DUTIES TO THE SUPERVISOR OF ELECTIONS; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AS A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the Town of Loxahatchee Groves, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the Town Council of the Town of Loxahatchee Groves, Florida, in an ordinance format; and

WHEREAS, Section 7 of the Town Charter contains provisions for the conduct of elections within the Town, and subsection (5) of Section 7 of the Town Charter specifically provides for Councilmembers who are not candidates for re-election, and the Town Clerk, to be the Town’s Canvassing Board and also provides for a description of the Canvassing Board’s duties; and,

WHEREAS, amending the Canvassing Board provision of the Town Charter will enable

the Supervisor of Elections to canvass the Town's elections as a member of the Town's Canvassing Board, and will remove the Town Councilmembers from any role as members of the Town Canvassing Board; and,

WHEREAS, the Town Council deems the proposed amendment to the Town Charter, as detailed herein, to be in the best interests of the citizens and residents of the Town.

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

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Section 7, entitled "Elections," Subsection (5) entitled "Town Canvassing Board," of the Charter of the Town of Loxahatchee Groves, Florida shall be amended as follows:

Section 7. Elections.—

(5) TOWN CANVASSING BOARD.—~~The town canvassing board shall be composed of three members: the Town Clerk, and two members appointed by the Town Council by Resolution. No member of the town canvassing board shall be an active participant in the town election for which he or she is canvassing as the term "active participant" is interpreted by the Florida Department of Elections. Where possible, the members of the town canvassing board shall be experienced as a judge or in the administration of elections. Should a vacancy occur on the canvassing board, the Town Council shall appoint a replacement member by resolution. The Town Canvassing Board shall canvass the election consistent with the requirements of Florida law and consistent with and pursuant to any agreement between the Town and the Palm Beach County Supervisor of Elections. The canvassing board shall certify the results of the election upon receipt of the certification from the Supervisor of Elections. those members of the town council who are not candidates for reelection and the town clerk, who shall act as chair. At the close of the polls of any town election, or as soon thereafter as practicable, the canvassing board shall meet at a time and place designated by the chair and shall proceed to publicly canvass the vote as shown by the returns then on file in the office of the town clerk, and then shall publicly canvass the absentee elector ballots. The canvassing board shall prepare and sign a certificate containing the total number of votes cast for each candidate or other measure voted upon. The certificate shall be placed on file with the town clerk.~~

...

Section 4. The Ballot Title shall be as follows:

AMEND TOWN CHARTER TO AMEND TOWN CANVASSING BOARD MEMBERS AND DUTIES

Section 5. At the Special Election called herein, on August 30, 2016, the following question shall be placed on the ballot for consideration by the qualified electors of the Town of Loxahatchee Groves, Florida, and shall read as follows:

Should the Town Charter be amended to remove town council members from the canvassing board; designate the town clerk, the county supervisor of elections and a citizen representative appointed by resolution as the canvassing board; provide for the filling of vacancies on the canvassing board; provide for the canvassing of elections pursuant to state law; and to permit the county supervisor of elections to perform certain election related duties on behalf of the canvassing board?

This proposed amendment has no financial impact to the Town

YES NO

Section 6. **Advertisement.** The Town Clerk of the Town of Loxahatchee Groves is hereby authorized and directed to advertise the referendum contemplated herein as required by law, including the State of Florida Election Code.

Section 7. **Referendum Election.** Pursuant to Section 166.031(1), Florida Statutes, the Town Council of the Town of Loxahatchee Groves hereby calls a special election to be conducted with the Statewide Primary Election on August 30, 2016, for the purpose of placing the referendum to a vote of the electors of the Town of Loxahatchee Groves.

Section 8. **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 Charter 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.

{00126965.1 1574-0702400 }

CODING: Words in ~~struck through~~ type are deletion from existing law; words in underlined type are additions

Section 9. **Severability.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 10. **Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 11. **Effective Date.** This Ordinance shall take effect immediately upon its adoption. The amended charter as set forth in Section 2 above shall be effective upon approval by the electorate of the Town at the August 30, 2016, election.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE FIRST READING, THIS ___ DAY OF _____, 2016.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE SECOND AND FINAL READING, THIS ___ DAY OF _____, 2016.

{00126965.1 1574-0702400 }

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**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

Virginia Walton, Town Clerk

Vice Tom Goltzene

APPROVED AS TO LEGAL FORM:

Council Member Ron Jarriel

Office of the Town Attorney

Council Member Ryan Liang

Council Member Todd McLendon

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2016-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 4, ENTITLED “ADMINISTRATIVE,” TO AMEND SUBSECTION (3) ENTITLED “TOWN MANAGER” TO CLARIFY CONTRACTING WITH THE TOWN MANAGER OR TOWN MANAGEMENT FIRM, TO AMEND THE QUALIFICATIONS LANGUAGE TO PROVIDE THAT THE QUALIFICATIONS OF THE TOWN MANAGER MAY BE ESTABLISHED BY ORDINANCE, AND AMEND CERTAIN DUTIES OF THE TOWN MANAGER; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the Town of Loxahatchee Groves, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the Town Council of the Town of Loxahatchee Groves, Florida, in an ordinance format; and

WHEREAS, Section 4 of the Town Charter contains provisions for the Administrative activities of the Town, including those of the Town Manager; and,

WHEREAS, the Town Council deems the proposed amendment to the Town Charter, as detailed herein, to be in the best interests of the citizens and residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE

TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Section 4, entitled "Administrative," Subsection (3) entitled "TOWN MANAGER" of the Charter of the Town of Loxahatchee Groves, Florida shall be amended as follows:

Section 4. Administrative.—

. . .

(3) TOWN MANAGER. The town manager shall be the chief administrative officer of the town.

(a) The town council shall appoint a town manager who shall be the administrative head of the municipal government under the direction and supervision of the town council. The town manager shall hold office at the pleasure of the town council. The town manager shall be appointed by resolution approving an employment contract or contract for services between the town and the town manager or through a town management firm, which contract shall provide for compensation to the town manager or town management firm. ~~The town manager shall receive such compensation as determined by the town council through the adoption of an appropriate resolution.~~

(b) The qualifications of the town manager may be established by ordinance. ~~The town manager shall have the minimum qualifications of a combination of a bachelor's degree in public administration, business administration, or other related fields from an accredited college or university and 3 years' public administration experience or 6 years' experience in a city manager or assistant city manager position, preferably in an International City/County Management Association recognized local government.~~

(c) ~~It is preferred that the town manager be an International City/County Management Association credentialed manager or obtain such credential within 2 years after being appointed.~~

(~~c~~d) During the absence or disability of the town manager the town council may by resolution designate some properly qualified person to temporarily execute the functions of the town manager. The person thus designated shall have the same powers and duties as the town manager and shall be known while serving as acting town manager. The town manager or acting town manager may be removed by the town council at any time.

(~~d~~e) As the chief administrative officer, the town manager shall:

{00127140.2 1574-0702400 }

CODING: Words in ~~struck through~~ type are deletion from existing law; words in underlined type are additions

1. Direct and supervise the administration of all departments, offices and agencies of the town, except the office of town attorney, and except as otherwise provided by this charter or by law.
2. Appoint, suspend, or remove any employee of the town or appointive administrative officer provided for, by, or under this charter, except the office of town attorney, and except as may otherwise be provided by law, this charter, or personnel rules adopted pursuant to the charter. The town manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
3. Ensure that all laws, provisions of this charter, and acts of the council are faithfully executed consistent with the direction of the Town Council.
4. Prepare and submit the annual budget and capital program to the council, ~~in the form prescribed by ordinance~~
5. Attend meetings of the town council.
6. Draw and sign vouchers upon depositories ~~as provided by ordinance,~~ if directed by Town Council, and keep or cause to be kept a true and accurate account of same.
7. Sign all licenses issued by the town, issue receipts for all moneys paid to the town, and deposit such moneys in the proper depositories ~~on the first banking day after receipt.~~ The town manager may delegate the responsibilities of this subparagraph to an appropriate staff member ~~town employee~~ who shall be bonded.
8. Provide administrative services in support of the official duties of the mayor and the council.
9. Keep the council advised as to the financial condition and future needs of the town and make recommendations to the council concerning the affairs of the town.
10. Submit to the council, and make available to the public, a complete report on finances and administrative activities of the town as of the end of each fiscal year.
11. Sign contracts on behalf of the town to the extent authorized by Town Council. ~~ordinance.~~
12. Perform such other duties as are specified in this charter or as may be required by the council.

...

Section 3. The Ballot Title shall be as follows:

AMEND TOWN CHARTER RELATING TO TOWN MANAGER CONTRACT,
QUALIFICATIONS, AND DUTIES

Section 4. At the Special Election called herein, on August 30, 2016, the following question shall be placed on the ballot for consideration by the qualified electors of the Town of Loxahatchee Groves, Florida, and shall read as follows:

Should the Town Charter be amended to clarify that the town manager may be engaged through an agreement with the town manager or a management firm; to amend the qualifications for the town manager to provide that the qualifications for the town manager may be established by ordinance; and, to amend certain duties of the town manager?

{00127140.2 1574-0702400 }

CODING: Words in ~~struck through~~ type are deletion from existing law; words in underlined type are additions

This proposed amendment has no financial impact to the Town

YES NO

Section 5. Advertisement. The Town Clerk of the Town of Loxahatchee Groves is hereby authorized and directed to advertise the referendum contemplated herein as required by law, including, the State of Florida Election Code.

Section 6. Referendum Election. Pursuant to Section 166.031(1), Florida Statutes, the Town Council of the Town of Loxahatchee Groves hereby calls a special election to be conducted with the Statewide Primary Election on August 30, 2016, for the purpose of placing the referendum to a vote of the electors of the Town of Loxahatchee Groves.

Section 7. 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 Town Charter 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 8. Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 9. Conflicts. All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. Effective Date. This Ordinance shall take effect immediately upon its adoption. The amended charter as set forth in Section 2 above shall be effective upon approval by

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CODING:

Words in ~~struck through~~ type are deletion from existing law; words in underlined type are additions

the electorate of the Town at the August 30, 2016, election.

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

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE SECOND AND FINAL READING, THIS ___ DAY OF _____.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

Virginia Walton
Town Clerk

Vice Tom Goltzene

APPROVED AS TO LEGAL FORM:

Council Member Ron Jarriel

Office of the Town Attorney

Council Member Ryan Liang

Council Member Todd McLendon

{00127140.2 1574-0702400 }

CODING:

Words in ~~struck through~~ type are deletion from existing law; words in underlined type are additions

**TOWN OF LOXAHATCHEE GROVES
ORDINANCE NO. 2016-04**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, TO AMEND SECTION 6, ENTITLED “BUDGET AND APPROPRIATIONS,” TO DELETE SUBSECTION (6) ENTITLED “REVENUE BONDS; LEASE-PURCHASE CONTRACTS,” WHICH WOULD REMOVE THE REQUIREMENT THAT CERTAIN TYPES OF BORROWING THAT EXCEED A REPAYMENT TERM OF THIRTY SIX (36) MONTHS BE APPROVED BY REFERENDUM ELECTION; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AS A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the Town of Loxahatchee Groves, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the Town Council of the Town of Loxahatchee Groves, Florida, in an ordinance format; and

WHEREAS, Section 6, entitled “Budget and Appropriations,” subsection 6, entitled “Revenue Bonds; Lease-Purchase Contracts,” of the Town Charter requires approval by referendum of certain borrowing where the repayment of which is in excess of thirty-six (36) months; and,

WHEREAS, removing subsection (6) of the Charter will enable the Town Council to authorize borrowing where the repayment terms of which exceeds thirty-six (36) months; provided that this change would not affect any referendum required by state law; and,

WHEREAS, the Town Council deems the proposed amendment to the Town Charter, as detailed herein, to be in the best interests of the citizens and residents of the Town.

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

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Section 6, entitled "Budget and Appropriations," subsection (6) entitled "Revenue Bonds; Lease-Purchase Contracts," of the Town Charter of the Town of Loxahatchee Groves, Florida, shall be amended as follows:

Section 6. Budget and appropriations.—

(6) REVENUE BONDS; LEASE-PURCHASE CONTRACTS -- The provisions of this subsection have been deleted by approval of the Electors of the Town at the August 30, 2016, special referendum election.

~~Unless authorized by the electors of the town at a duly held referendum election, the council shall not authorize or allow to be authorized the issuance of revenue bonds or enter into lease-purchase contracts or any other unfunded multiyear contracts for the purchase of real property or the construction of any capital improvement, the repayment of which extends in excess of 36 months, unless mandated by state or federal governing agencies.~~

Section 3.

The Ballot Title shall be as follows:

AMEND TOWN CHARTER TO DELETE REFERENDUM REQUIREMENT FOR CERTAIN DEBT

Section 4. At the Special Election called herein, on August 30, 2016, the following question shall be placed on the ballot for consideration by the qualified electors of the Town of Loxahatchee Groves, Florida, and shall read as follows:

The Town Charter currently requires approval by referendum of revenue bonds, lease purchase contracts, or any other unfunded multiyear contracts to purchase real property or construct capital improvements where the repayment term exceeds thirty-six (36) months. Deleting this provision would permit the Town to borrow funds for any lawful governmental purpose without a referendum unless a referendum is required by state law. Should the Town Charter be amended to delete this provision?

This proposed amendment has no financial impact to the Town

YES NO

Section 5. Advertisement. The Town Clerk of the Town of Loxahatchee Groves is hereby authorized and directed to advertise the referendum contemplated herein as required by law, including the State of Florida Election Code.

Section 6. Referendum Election. Pursuant to Section 166.031(1), Florida Statutes, the Town Council of the Town of Loxahatchee Groves hereby calls a special election to be conducted with the Statewide Primary Election on August 30, 2016, for the purpose of placing the referendum to a vote of the electors of the Town of Loxahatchee Groves.

Section 7. 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 Charter 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 8. Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 9. Conflicts. All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. Effective Date. This Ordinance shall take effect immediately upon its adoption. The amended charter as set forth in Section 2 above shall be effective upon approval by the electorate of the Town at the August 30, 2016, election.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE FIRST READING, THIS ___ DAY OF MAY, 2016.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE SECOND AND FINAL READING, THIS ___ DAY OF _____, 2016.

**TOWN OF LOXAHATCHEE
GROVES, FLORIDA**

ATTEST:

Mayor David Browning

Virginia Walton, Town Clerk

Vice-Mayor Tom Goltzené

Council Member Ron Jarriel

APPROVED AS TO LEGAL FORM:

Council Member Ryan Liang

Office of the Town Attorney

Council Member Todd McLendon

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2016-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO ENACT SEXUAL OFFENDER AND PREDATOR PROHIBITIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES OR SIMILAR CRIMES IN OTHER JURISDICTIONS FROM LIVING OR WORKING WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR A PROHIBITION FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM WORKING AT OR WITHIN SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES; TO PROHIBIT RENTING OR LEASING OF ANY PLACE, STRUCTURE, OR PART THEREOF, TRAILER OR OTHER CONVEYANCE LOCATED WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF LOXAHATCHEE GROVES TO SEXUAL OFFENDERS AND SEXUAL PREDATORS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council desires to provide for the maximum protection of the lives and persons in the Town of Loxahatchee Groves; and,

WHEREAS, the Town Council has the authority, pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Section 166.021, Florida Statutes, to adopt such provisions in order to protect the health, safety, and welfare of its residents; and,

WHEREAS, the Third District Court of Appeal of Florida, in *Calderon v. State*, 93 So. 3d 439, 440 (Fla. 3d DCA 2012), upheld a local ordinance which prohibited sexual offenders from residing within 2,500 feet of places where children congregate; and,

WHEREAS, the Fifth District Court of Appeal of Florida, in *Doe v. City of Palm Bay*, 169 So. 3d 1211 (Fla. 5th DCA 2015), upheld a local ordinance which prohibited sexual offenders from entering into or upon any residence, including the curtilage thereof, any designated private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, dwelling, domicile, or other place where children or vulnerable adults reside or regularly congregate, to make deliveries or perform work.

WHEREAS, the Town Council finds that the creation of a Sexual Offender and Sexual Predator Prohibitions in its Town Code to prohibit sex offenders convicted of crimes under certain Florida Statutes, or other similar laws, from living within two thousand five hundred feet (2500') of specified locations, to prevent property owners or managers from knowingly renting or providing house to sexual offenders and predators within two thousand five hundred feet (2500') of

specified locations, and to prohibit sexual offender or predators from making deliveries, performing work and entering into or upon any residence, including the curtilage thereof, any designated private or public school facilities or grounds, including school bus stops, any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, dwelling, domicile, or other place where children or vulnerable adults reside or regularly congregate, is in the best interests of the citizens and residents of the Town to prohibit sexual offenders and sexual predators.

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

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. Purpose and Intent.

Sexual offenders, who use physical violence, and sexual offenders who prey on children or vulnerable adults, are sexual predators who present an extreme threat to the public safety. It is the intent of this ordinance to serve the Town's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Town by creating areas around locations where children or vulnerable adults regularly congregate wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence, or making deliveries or performing work.

Section 3. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Permanent residence" means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.

(b) "Temporary residence" means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

(c) "Park" means all public and private property specifically designated as being used for recreational purposes, usually consisting of grass, trees, paths, equestrian and recreational trails, sports fields, playgrounds, picnic areas and/or other features for amusement, activities, and relaxation.

(d) "Employer" means any person or entity who conducts business within the Town limits of the Town of Loxahatchee Groves.

(e) “Vulnerable Adult” means any adult who lacks the capacity to give consent or is physically or mentally restricted, incapacitated, or restrained to the extent as to require periodic or constant supervision by another person.

(f) “Work” means any and all repairs, labor, services or any other activity requested by the property owner or lawful occupant of a property.

(g) “Sexual offender,” for purposes of this chapter, shall be defined as provided by Section 943.0435(a), Florida Statutes, as may be amended from time to time.

(h) “Sexual predator,” for purposes of this chapter, shall be defined as a repeat sexual offender, a sexual offender who uses physical violence, a sexual offender who preys on children or as otherwise defined by Section 775.21, Florida Statutes, also known as “The Florida Sexual Predators Act,” as may be amended from time to time.

Section 4. Sexual Offender and Sexual Predator Residency Prohibitions; Exceptions.

(a) It is unlawful for any person who has been convicted of a violation of §§794.011, 800.04, 827.071, or 847.0145, Fla. Stat., or similar crime in another jurisdiction, regardless of whether adjudication has been withheld, in which the victim of the offense was less than sixteen (16) years of age, to establish a permanent residence or temporary residence within two thousand five hundred (2500) feet of any private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, or other place where children or vulnerable adults reside or regularly congregate.

(b) It is unlawful for any person who is required to register as a sexual offender or sexual predator under the laws of the State of Florida, to establish a permanent residence or temporary residence within two thousand five hundred (2,500) feet of private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, or other place where children or vulnerable adults reside or regularly congregate.

(c) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of any private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, or other place where children or vulnerable adults reside or regularly congregate.

(d) *Exceptions.* A person does not commit a violation of this Ordinance if any of the following apply:

(i) The person established the permanent residence prior to May 1, 2016.

(ii) The person was a minor when he/she committed the offense and was not convicted as an adult.

(iii) The person is a minor and is not emancipated.

(iv) The school, or any private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice

facility, nursing home, adult day-care center, or other place where children or vulnerable adults reside or regularly congregate, within two thousand five hundred (2500) feet of the persons permanent residence was opened after the person established the permanent residence.

Section 5. Sexual Offender and Sexual Predator Employment Prohibitions.

(a) It is unlawful for any business owner, manager, supervisor or employer to allow, direct, dispatch, or instruct a known sexual predator and/or sexual offender who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation of a sex-related crime, or a violation or attempted violation of a similar law of another jurisdiction, when the victim of the offense was a minor or vulnerable adult, to enter into or upon any residence, including the curtilage thereof, any designated private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, dwelling, domicile, or other place where children or vulnerable adults reside or regularly congregate, to make deliveries or perform work.

(b) It is unlawful for any person who is a registered sexual predator or a registered sexual offender to enter into or upon any residence, including the curtilage thereof, any designated private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, dwelling, domicile, or other place where children or vulnerable adults reside or regularly congregate, to make deliveries or perform work.

Section 6. Property Owners and Property Managers Prohibited from Renting Real Property to Certain Sexual Offenders and Sexual Predators.

(a) It is unlawful for any property owner or property manager or his or her agent or assignee to knowingly let, rent, or allow to be occupied free of charge any place, structure, or part thereof, trailer, recreational vehicle, or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to any provision of this Code, if such place, structure, or part thereof, trailer, recreational vehicle, or other conveyance, is located within two thousand five hundred (2,500) feet of any private or public school facilities or grounds, including school bus stops, or any day-care center, library, after-care center, park, playground, hospital, hospice facility, nursing home, adult day-care center, or other place where children or vulnerable adults reside or regularly congregate.

(b) A property owner or property manager shall be in violation of this code section if they knew or should have known that an occupant of property under their control was in violation of this code.

Section 7. Penalties.

A person who violates this ordinance shall be subject to one or more of the following penalties:

(i) A person or entity who violates this Ordinance shall be guilty of a misdemeanor of the second degree punishable as provided in Fla. Stat. §§ 775.082 and 775.083.

(ii) For a second or subsequent conviction of a violation of this Ordinance, such person shall be guilty of a misdemeanor of the first degree punishable as provided in Fla. Stat. §§ 775.082 and 775.083.

(iii) A person or entity who violates this Ordinance is subject to the code enforcement provisions, procedures, and penalties as provided in the Town Code and Florida Statutes.

(iv.) These penalties are in addition to any violation of probation or other offenses specified by statute or ordinance.

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

Section 9. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 10. 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 11. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ____ DAY OF _____, 2016.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2016.

ATTEST:

Virginia Walton, Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

Mayor David Browning

Vice Mayor Tom Goltzené

Council Member Ron Jarriel

Council Member Ryan Liang

Council Member Todd McLendon

Council Member Todd McLendon

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT AGENDA
MANAGER’S REPORT ITEM NO. 7a
MEETING DATE: 05/03/2016

Traffic: Staff is working with Minto to draft an agreement between Minto and the Town for the

April 27, 2016	No activity
April 13, 2016	No activity on this item
March 29, 2016	No activity on this item
February 24, 2016	No activity on this item
February 10, 2016	No activity on this item
January 26, 2016	No activity on this item
January 12, 2016	No activity on this item
December 29, 2015	No activity on this item
November 25, 2015	Will be setting a teleconference the week of 11/30/2015
November 13, 2015	Emailed bullets and report to G. Webb
October 29, 2015	Provided J. Easton copy of bullet points and report
October 27, 2015	No activity on this item
October 13, 2015	Telephone call to Mr. George Webb, County engineer, and left a message for a return call.
October 8, 2015	Simmons & White submitted an analysis of the traffic light cost (attached) based on the Minto Proposal.
September 29, 2015	The town's traffic engineer should finish the costing during this week and can be available on the agenda of 10/20/2015.
September 1, 2015	Town traffic engineer determining cost for items not included in the Minto proposal. This is needed in order to determine amount of Town funding needed.
August 25, 2015	Received email and will look to analyzing potential cost to implement light at D Road and Okeechobee. Transmitted information to Town Engineer for very preliminary estimates of cost.
August 12, 2015	No activity on this item
July 15, 2015	No activity on this item
June 30, 2015	No activity on this item
May 11, 2015	No activity on this item
April 15, 2015	This office met with representatives from Minto. Discussion points were covered regarding the proposed funding of the traffic control appurtenances for D Road and Okeechobee. Staff will review the information and report progress at the June 16 Town Council meeting.
April 1, 2015	No activity on this item

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT AGENDA
MANAGER'S REPORT ITEM NO. 7a
MEETING DATE: 05/03/2016

March 1, 2015	This office has received communication and we are trying to establish a date and time during the week of March 9 th .
February 10, 2015	No activity on this item
January 26, 2015	No activity on this item
January 14, 2015	No activity on this item
December 29, 2014	A discussion with Minto's attorney indicated Palm Beach County would agree for the Town and Minto to enter into a funding agreement which may exclude the County.

Trails: Permit to all non-motorized trails

April 27, 2016	LGWCD has declined to meet with the Palm Beach State College stating they believe the issue is with the Town and potential trail on the property. We have provided a letter from the College's attorney and email on the subject under Councilman Jarriel's reports on 5/3/2016.
April 13, 2016	No activity on this item
March 29, 2016	No activity on this item. Based on discussion at the last IGC meeting, the perpetual permit offered by the LGWCD is not offered in segments. In other words, the Town accepts all the berms for trails or none.
February 24, 2016	No activity
February 10, 2016	No activity on this item
February 8, 2016	Town Council removed trails agenda item and staff requested the LGWCD provide better detail information to Exhibit A of the trail permit

Trails: 6th Court North, Red Clover Nursery

April 27, 2016	No activity
April 13, 2016	No activity on this item
March 29, 2016	No activity
February 24, 2016	No activity
February 10, 2016	No activity on this item
January 26, 2016	No activity on this item
January 12, 2016	No activity on this item
December 29, 2015	No activity on this item
October 12, 2015	Preparing scope of project to survey needed property for trails on 6th Court North
October 29, 2015	No activity on this item

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT AGENDA
MANAGER'S REPORT ITEM NO. 7a
MEETING DATE: 05/03/2016

September 17, 2015 Met with owners, Denise & Marcel Bosse, of Red Clover Nursery to discuss potential of expanding the trail easement along the northern boundary of their

Roads/Culvert Replacement: Attended a meeting at West C Road and Timberlane to meet the District

April 27, 2016 No activity

April 13, 2016 No activity on this item

March 29, 2016 No activity on this item

February 24, 2016 No activity

February 10, 2016 No activity

About March present to Town Council.

Roads: Bergeron Land Development has begun road tree trimming

April 27, 2016

As of 4/25/2016, the Town has trimmed in excess of 6 miles of roadway. The Town is using the per hour rate versus the per linear foot rate for this first phase of tree trimming. The Town has trimmed 32,125.63 linear feet at a cost of \$42,550. If the Town paid by the linear foot rate, the cost would have been \$53,007.93. The hourly rate methodology the Town is using has **saved** on this phase, **\$10,457.93**. Thusfar, we have received one issue regarding a trimmed plant on North A Road. There is currently no activity on this matter.

Roads: Professional Services Group, LLC (PSG) has begun road improvements

April 27, 2016 A Shade session is set for 6:00 P. M. on May 3, 2016

April 13, 2016

Town was served with a lawsuit due to a breach of contract. Town Council is being requested to have a **shade session**, which is closed to the public, soon to discuss the matter.

March 29, 2016

After further discussion with PSG, the firm agreed to accept \$37,000; however the offer would not be held until the April 5 meeting date of Council consideration. As a result, currently, the Town Attorney is working with the attorney for PSG to resolve the matter.

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT AGENDA
MANAGER'S REPORT ITEM NO. 7a
MEETING DATE: 05/03/2016

February 24, 2016 At the 2/16/16 Town Council meeting, Council instructed staff to return to the vendor for further negotiations. Based on a 2/22/2016 teleconference, PSG has agreed to settle all claims including a new \$6,000+ claim for additional work. The agreed upon settlement represents a reduction of \$21,661.70. Applied to speed hump this reduces the cost to \$18,439.63 or about \$384 per location. Less than the cost for two other vendors providing this service.

February 10, 2016 Received agreement for mutual termination of services.

January 26, 2016 Safety as a priority, PSG started to provide pavement markings on speed humps. As of this date PSG has completed Town OGEM roads (North A, North C, and South C) for approximately 54 speed humps . Additionally, they have installed about 34 of 60 street signs; everything from turn, stop, speed limit, and other signs. Pavement markings on speed humps on North Road, North D, and F Road will begin in the next week. Finally, PSG will begin a Pilot Program using Asphalt Millings in the next week, weather permitting, on about 1.2 miles of Town Roads which includes road leveling and spreading. Costs for use of asphalt millings including the costs for leveling will not exceed the costs for the per ton charge for road material and labor (\$18.00/ton) currently used on Town Roads.

January 22, 2016 Staff received a complaint regarding speed limit sign as being too fast for her road. She stated that her neighbors wanted her to speak to the Town about removing the sign and possibly replacing it with a 15 or 20 MPH limit.

Dec-2015 PSG began working on town roads by grading and shaping

Roads: This office has received and will receive requests to perform specific road related tasks, such as
 April 13, 2016 Town Council should provide an approved policy by which the Town staff and contractor(s) can undertake additional road specific work.

Roads: This office met with Angela Hendrichsen Sandoval, P. E., PMP, Section Leader, and Ken Mudd,
 April 27, 2016 No activity on this item

April 13, 2016 No activity

March 29, 2016 No activity on this item

February 24, 2016 No activity on this item

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT AGENDA
MANAGER’S REPORT ITEM NO. 7a
MEETING DATE: 05/03/2016

February 10, 2016	No activity on this item
January 26, 2016	No activity on this item
January 12, 2016	No activity on this item
December 29, 2015	No activity on this item
November 25, 2015	No response as of this date to request for meeting.
November 13, 2015	Email to SFWMD staff to set a meeting.
October 29, 2015	No activity on this item
October 14, 2015	Staff was unable to contact SFWMD to set a meeting to review letter to property owners on 43rd
September 30, 2015	No activity on this item. Staff will reach out to the SFWMD during the week of October 5.
September 7, 2015	No activity on this item
August 12, 2015	No activity on this item
July 15, 2015	No meeting has been set by SFWMD and the Town to discuss the contents of the letter.
June 30, 2015	No meeting has been set by SFWMD and the Town to discuss the contents of the letter.
June 11, 2015	Staff received a proposed letter from SFWMD to the property owners on 43rd
May 27, 2015	Received a telephone call from Ken Mudd regarding a draft letter that will be sent and establishing a meeting date. It is believed the draft letter will be forthcoming in the next week or two.
May 11, 2015	No activity.
April 14, 2015	No activity on this item.
April 1, 2015	No activity.
February 23, 2015	Ms. Hendrichsen Sandoval stated that this office will be notified in advance of a letter will be drafted informing residents of a meeting to discuss the matter.
February 11, 2015	No activity. This office received communication from SFWMD regarding their internal work to plan their path forward. Upon completing their planning effort, they will be in touch with staff.
January 15, 2015	
January 14, 2015	No activity from SFWMD representative
December 16, 2015	No activity

IGC Meeting:

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT AGENDA
MANAGER'S REPORT ITEM NO. 7a
MEETING DATE: 05/03/2016

April 27, 2016

No activity on this item

Purchasing: Request for Proposals for Code Enforcement Services.

April 27, 2016

Pursuant to Town Council direction, this agenda includes an amendment to the management agreement for the provision of code enforcement services.

April 13, 2016

No activity

March 29, 2016

No activity on this item

February 24, 2016

Met with another entity and looking forward to responses

February 10, 2016

Teleconference with an individual whom may be interested. Setting a meeting for sometime next week.

February 9, 2016

Met with an entity to discuss submittal of a proposal. Waiting for a proposal to be submitted.

January 26, 2016

At the 1/19/2016 Council meeting, Town Council authorized this office to continue its search for code enforcement providers. We have received at least one new name to contact.

January 12, 2016

Contacting some individuals that have expressed an interest and FACE.

December 29, 2015

We are searching for individuals or other sources for this service.

December 21, 2015

NO RESPONSES were received for this service.

November 20, 2015

Prepared RFP for code enforcement services. Responses are due December 21, 2015 no later than 2pm.

Water Utility: Work to avoid Town residents from paying an extra 10% for potable water service to

April 13, 2016

No activity

March 29, 2016

No activity on this item

February 24, 2016

No activity on this item

February 10, 2016

No activity on this item

February 10, 2016

No activity on this item

January 26, 2016

No activity on this item

January 12, 2016

No activity on this item

December 29, 2015

No activity on this item

November 25, 2015

No activity on this item

November 13, 2015

Teleconference with Ed Lowrey; teleconference with Shannon LaRoque RE: funding and large user agreement.

October 29, 2015

Met with Jim Stiles, PBC Utility Director for preliminary discussions.

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT AGENDA
MANAGER'S REPORT ITEM NO. 7a
MEETING DATE: 05/03/2016

October 14, 2015 No activity as of this date. Will work to contact PBC utility before the 10/20/15 Town Council meeting.

Building: Big Dog Ranch Rescue

Met with PB County Building Department, Doug Wise, and Bradford Brown regarding processing commercial applications in the Town. Near the end of the meeting, we discussed activity occurring in Town at the Big Dog Ranch Rescue site at D Road and Okeechobee Blvd. We were provided a copy of an application and site plan that reflected two (2) temporary office trailers (construction trailers), and a house all located in the southwest quadrant of the property. The copies we received had neither approval on the application nor the site plan. We have asked Lauren Simmons, to please submit the approved documents for our inspection. As of 4/28/2016, the this office has not received confirmation. Electrical services were provided without authorization from the Town. Pursuant to 20-010 (D) CONSTRUCTION TRAILERS. One construction trailer may be placed on the site for up to one year after

Additionally, I was advised by Ms. Simmons that one trailer was for medical/veterinary clinic, one trailer was for adoptions, and another for administrative purposes. Additionally, a house is included on the site plan and is being used for another purpose.

Dogs are being processed and housed through the site.

Financial Software Implementation: Financial Edge software implementation

April 27, 2016 **Waiting for Blackbaud contract execution and return**

Due to delays in the implementation beyond the staff control, Blackbaud has requested a change order in methodology of payment. For specific implementation tasks being completed. The changes orders are being presented at the April 5, 2016 meeting.

March 29, 2016

February 24, 2016 Staff continues to push the project forward; however, there have been months of inactivity due to Town Council actions. The attached report reflects tasks and items completed or yet to be completed before full implementation can occur

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT AGENDA
MANAGER'S REPORT ITEM NO. 7a
MEETING DATE: 05/03/2016

Unauthorized living structures: Pursuant to Town Council instruction, staff initiated action against

April 27, 2016	No activity on this item
April 13, 2016	No activity
March 29, 2016	No activity on this item
February 24, 2016	No activity on this item
February 10, 2016	Staff has contact the Health Department again regarding this location
January 26, 2016	Staff reported to the Health Department that several RV's are located on the property and the Department should investigate.
January 12, 2016	No activity on this item
December 29, 2015	No activity on this item
November 25, 2015	No activity on this item
October 29, 2015	No activity on this item
October 14, 2015	No activity
July 29, 2015	His legal counsel has been advised that documents he requested copies of are available. We have had no response.
July 15, 2015	A lien has been filed on this property.
June 30, 2015	Attorney for Mr. Cherney reviewed documents; however, he continues to request additional time and information
May 29, 2015	Attorney for Mr. Cherney reviewed documents; however, he was unable to finish his review
May 11, 2015	Staff is working to complete a public records request relative to this case as of May 11, 2015.
May 5, 2015	Staff began the survey and will finish and work to prepare a report for either the April 21, or May 5, 2015, agenda. Additionally, staff has proceeded with various actions on other properties initiated by individuals.

Roads: B Road Improvement

April 27, 2016	Hardrives has been notified to submit contract documentation for contract award by Town Council
April 13, 2016	Town received and place on the 4/19/2016 agenda a modification to the original four -party agreement for the B Road improvement project to allow the Town to substitute paving for OGEM. Upon Council approval, the Town staff will move forward with contract execution after all elements are in place.

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT AGENDA
MANAGER'S REPORT ITEM NO. 7a
MEETING DATE: 05/03/2016

June 9, 2015

The modification relates to funding of the paved portion of B Road. A final agreement will be forthcoming within 4 to 8 weeks. The modification does **NOT** impact the Town of Loxahatchee Groves.

3. ATTACHMENTS

Financial Software Project Plan

4. FINANCIAL IMPACT

Not applicable.

5. RECOMMENDED ACTION

Motion to receive and file report.

Draft Preliminary Budget Calendar

Date	Com Mtg	Event
April 4, 2016		Preliminary budget development begins
June 1, 2016		Preliminary property tax base available
June 7, 2016		Town Council Meeting CANCELLED
June 20, 2016		Draft Budget to FAAC
June 21, 2016	X	Preliminary Council discussion Revenue and expenditure draft estimates
July 1, 2016		Tentative Property Value submitted by Property Appraiser
July 5, 2016		Town Council Meeting CANCELLED
July 19, 2016	X	Town Council Meeting Adoption of Preliminary Millage and Tentative Solid Waste Assessment Rate
July 22, 2016		Millage and assessment rates provided to County
August 2, 2016		Town Council Meeting CANCELLED
August 17, 2016		Mail and Advertise solid waste assessment hearings scheduled for September 8, 2016
September 6, 2016		Palm Beach County First Public Hearing
September 7, 2016		Palm Beach County School Board
September 8, 2016	X	Rescheduled Town Council Meeting of 09/6/2016 Hearing/Adoption of Tentative Millage and FY 2017 Budget and Final Solid Waste Assessment
September 15, 2016		Advertise Final Millage and Budget Hearings - September 20, 2016
September 18, 2016		TENTATIVE Millage rate to County
September 19, 2016		Palm Beach County Second Public Hearing
September 20, 2016	X	Town Council Meeting TENTATIVE: FINAL BUDGET AND MILLAGE ADOPTION
September 23, 2016		Resolution adopting Final Millage to County and DOR (DR422)
September 30, 2016		TRIM Compliance package to County and DOR



Fire Rescue

Chief Jeffrey P. Collins
405 Pike Road
West Palm Beach, FL 33411
(561) 616-7000
www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

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

County Administrator

Verdenia C. Baker

April 15, 2016

William F. Underwood, II, Town Manager
Town of Loxahatchee Groves
155 F Road
Loxahatchee, FL 33470

Dear Mr. Underwood:

Enclosed is the Response Time Report for the Town of Loxahatchee Groves for the month of March 2016. If you have any questions or concerns, please contact me at 561-308 4103.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Arena".

Michael Arena, Battalion Chief
Palm Beach County Fire-Rescue

*"An Equal Opportunity
Affirmative Action Employer"*



4/15/2016

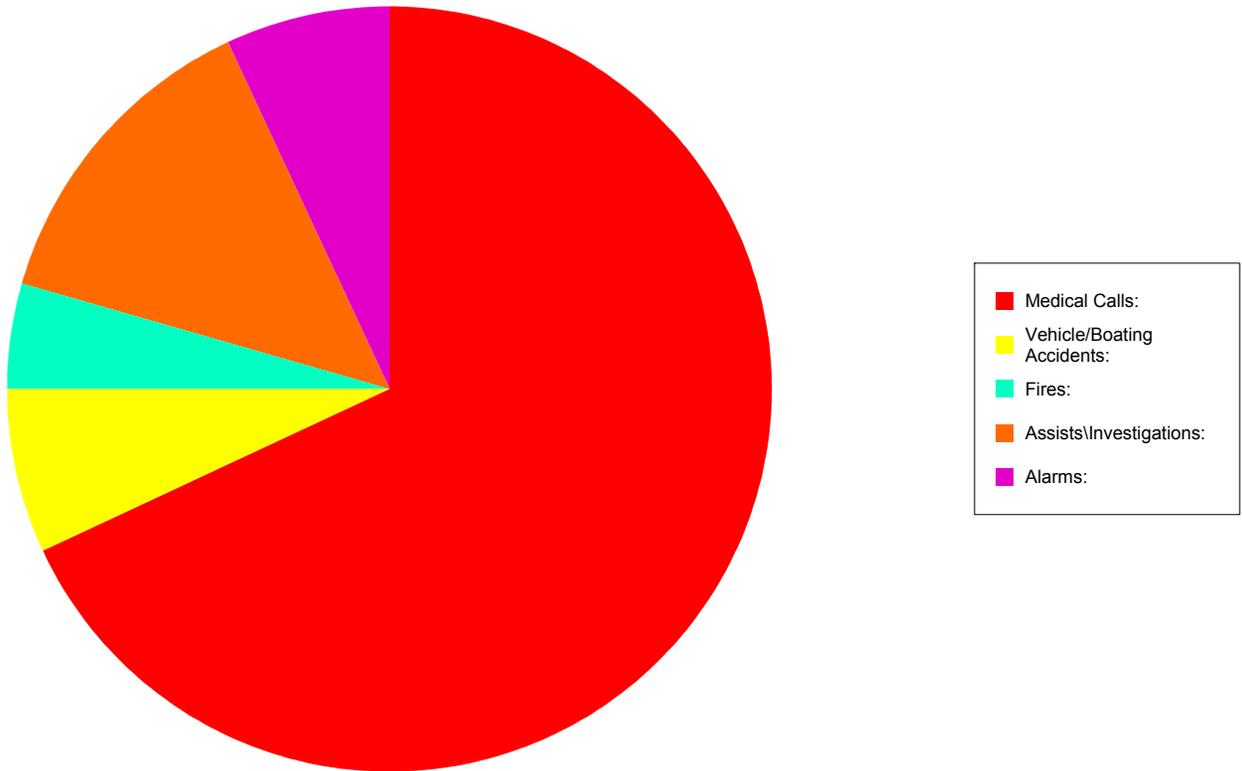
Palm Beach County Fire Rescue

Loxahatchee Groves - # of Calls by Type

20160301 to 20160331

<u>Type - Situation Dispatched</u>	<u># of Incidents</u>
Medical Calls:	30
Vehicle/Boating Accidents:	3
Fires:	2
Assists\Investigations:	6
Alarms:	3
Total number of Events:	44

Calls by Situation Dispatched





4/15/2016

Palm Beach County Fire Rescue

Loxahatchee Groves Response Time Report

20160301 to 20160331

Event #	Station	Location of Event	Date	Received	Entered	Dispatch	Enroute	Onscene	Close	Disp Hand	Turnout	Travel	Resp Time*
Emergency Calls:													
F16037803	26	NORTH RD LOX	03/02/2016		04:37:29	04:37:38	04:40:01	04:46:47	05:18:08	0:00:34	0:02:23	0:06:46	0:09:43
F16037897	21	147TH AVE N LOX	03/02/2016		09:27:58	09:28:05	09:28:33	09:37:56	10:29:35	0:00:32	0:00:28	0:09:23	0:10:23
F16037939	21	24TH CIR N LOX	03/02/2016	10:40:16	10:40:32	10:40:48	10:41:11	10:46:52	11:36:17	0:00:32	0:00:23	0:05:41	0:06:36
F16038451	21	SOUTHERN BLVD PBC	03/03/2016	07:05:12	07:05:48	07:05:55	07:06:21	07:11:54	07:13:39	0:00:43	0:00:26	0:05:33	0:06:42
F16039934	21	SOUTHERN BLVD LOX	03/05/2016		13:20:40	13:20:49	13:21:14	13:25:43	13:57:19	0:00:34	0:00:25	0:04:29	0:05:28
F16040471	21	FOX TRL LOX	03/06/2016	10:52:57	10:53:33	10:53:47	10:54:24	10:59:43	12:04:21	0:00:50	0:00:37	0:05:19	0:06:46
F16041021	21	SAN DIEGO DR LOX	03/07/2016	09:40:26	09:40:40	09:40:53	09:41:39	09:48:19	10:30:22	0:00:27	0:00:46	0:06:40	0:07:53
F16041433	21	42ND ST N LOX	03/07/2016	21:01:46	21:02:17	21:02:30	21:03:00	21:12:54	21:45:22	0:00:44	0:00:30	0:09:54	0:11:08
F16041893	21	SAN DIEGO DR LOX	03/08/2016	15:58:00	15:58:34	15:58:46	15:59:50	16:07:08	17:12:11	0:00:46	0:01:04	0:07:18	0:09:08
F16042077	21	FOX TRL LOX	03/08/2016	21:04:29	21:04:50	21:04:59	21:05:44	21:10:08	21:54:55	0:00:30	0:00:45	0:04:24	0:05:39
F16042573	21	COMPTON RD LOX	03/09/2016		17:15:33	17:15:38	17:16:07	17:19:37	18:27:27	0:00:30	0:00:29	0:03:30	0:04:29
F16042898	21	OKEECHOBEE BLVD LOX	03/10/2016	08:50:00	08:50:17	08:50:24	08:51:11	08:54:58	09:31:41	0:00:24	0:00:47	0:03:47	0:04:58
F16043714	21	24TH CT N LOX	03/11/2016	13:48:06	13:48:17	13:48:29	13:49:08	13:52:29	14:26:24	0:00:23	0:00:39	0:03:21	0:04:23
F16043759	21	OKEECHOBEE BLVD/C RD LOX	03/11/2016	15:31:41	15:32:21	15:32:32	15:33:10	15:36:37	16:06:19	0:00:51	0:00:38	0:03:27	0:04:56
F16044326	20	SOUTHERN BLVD PBC	03/12/2016		12:51:36	12:51:43	12:52:12	12:58:48	13:48:45	0:00:32	0:00:29	0:06:36	0:07:37
F16045803	21	24TH CT N LOX	03/14/2016		18:55:02	18:55:09	18:55:39	19:00:20	20:15:30	0:00:32	0:00:30	0:04:41	0:05:43
F16046058	26	NORTH RD LOX	03/15/2016		07:52:53	07:53:03	07:53:50	07:59:47	08:46:43	0:00:35	0:00:47	0:05:57	0:07:19
F16046532	21	D RD LOX	03/15/2016		19:53:15	19:53:22	19:54:11	20:03:56	20:15:45	0:00:32	0:00:49	0:09:45	0:11:06
F16046755	21	42ND ST N LOX	03/16/2016	08:36:49	08:37:13	08:37:27	08:38:01	08:47:19	09:21:04	0:00:38	0:00:34	0:09:18	0:10:30
F16047225	21	42ND ST N LOX	03/16/2016	23:09:03	23:09:22	23:09:26	23:10:40	23:20:05	23:46:10	0:00:23	0:01:14	0:09:25	0:11:02
F16047662	21	F RD LOX	03/17/2016		17:38:13	17:38:19	17:39:07	17:42:54	17:47:33	0:00:31	0:00:48	0:03:47	0:05:06
F16048578	21	SOUTHERN BLVD LOX	03/19/2016	00:07:19	00:07:35	00:07:41	00:09:57	00:14:44	01:09:06	0:00:22	0:02:16	0:04:47	0:07:25
F16049640	21	OKEECHOBEE BLVD/B RD LOX	03/20/2016	17:04:30	17:04:44	17:04:51	17:05:30	17:09:50	17:34:46	0:00:21	0:00:39	0:04:20	0:05:20
F16050484	21	OKEECHOBEE BLVD/F RD LOX	03/22/2016		03:17:08	03:17:13	03:18:14	03:23:13	03:29:14	0:00:30	0:01:01	0:04:59	0:06:30
F16050734	21	D RD LOX	03/22/2016	13:49:45	13:50:18	13:50:36	13:50:54	13:58:16	14:24:12	0:00:51	0:00:18	0:07:22	0:08:31
F16051144	21	F RD LOX	03/23/2016	08:06:40	08:07:05	08:07:12	08:07:46	08:11:23	08:37:43	0:00:32	0:00:34	0:03:37	0:04:43
F16051782	26	NORTH RD LOX	03/24/2016		10:21:14	10:21:19	10:22:23	10:28:34	11:13:24	0:00:30	0:01:04	0:06:11	0:07:45
F16052727	21	GRUBER LN LOX	03/25/2016		18:03:10	18:03:18	18:03:51	18:07:44	18:52:15	0:00:33	0:00:33	0:03:53	0:04:59
F16053969	20	STATE ROAD 80 LOX	03/27/2016	16:13:05	16:13:33	16:13:42	16:14:37	16:18:48	16:50:49	0:00:37	0:00:55	0:04:11	0:05:43



4/15/2016

Palm Beach County Fire Rescue

Loxahatchee Groves Response Time Report

20160301 to 20160331

Event #	Station	Location of Event	Date	Received	Entered	Dispatch	Enroute	Onscene	Close	Disp Hand	Turnout	Travel	Resp Time*
F16054260	21	C RD LOX	03/28/2016	06:06:27	06:06:42	06:06:49	06:07:45	06:16:12	07:36:19	0:00:22	0:00:56	0:08:27	0:09:45
F16054317	21	C RD LOX	03/28/2016		08:27:23	08:27:41	08:28:50	08:36:17	09:04:15	0:00:43	0:01:09	0:07:27	0:09:19
F16054465	21	42ND ST N LOX	03/28/2016	12:50:22	12:51:02	12:51:10	12:52:00	13:01:45	13:52:34	0:00:48	0:00:50	0:09:45	0:11:23
F16055784	21	COLLECTING CANAL RD LOX	03/30/2016		14:03:27	14:03:34	14:04:27	14:10:48	14:51:23	0:00:32	0:00:53	0:06:21	0:07:46
F16056145	21	MARCELLA BLVD LOX	03/31/2016	04:28:24	04:28:53	04:29:01	04:30:00	04:39:23	05:05:28	0:00:37	0:00:59	0:09:23	0:10:59

Average Response Times: **0:00:34** **0:00:49** **0:06:10** **0:07:33**

Non Emergency Calls:

F16037357	21	NORTH RD/E RD LOX	03/01/2016		10:58:50	10:58:58	11:01:07	11:18:21	11:25:18	0:00:33	0:02:09	0:17:14	0:19:56
F16041179	21	F RD LOX	03/07/2016		13:17:45	13:17:54	13:19:52	13:25:20	13:31:28	0:00:34	0:01:58	0:05:28	0:08:00
F16044910	26	NORTH RD LOX	03/13/2016	12:36:45	12:37:07	12:37:12	12:38:03	12:46:35	12:53:53	0:00:27	0:00:51	0:08:32	0:09:50
F16048291	21	22ND CT N LOX	03/18/2016		16:40:30	16:40:39	16:41:52	16:49:32	17:02:11	0:00:34	0:01:13	0:07:40	0:09:27
F16048756	21	COLLECTING CANAL RD LOX	03/19/2016		09:14:41	09:14:48	09:16:54	09:23:50	09:31:08	0:00:32	0:02:06	0:06:56	0:09:34
F16055377	21	8TH PL N LOX	03/29/2016		20:05:53	20:06:00	20:06:40	20:14:03	21:35:57	0:00:32	0:00:40	0:07:23	0:08:35
F16055817	21	OKEECHOBEE BLVD LOX	03/30/2016		14:42:15	14:42:37	14:43:41	14:45:49	14:48:04	0:00:47	0:01:04	0:02:08	0:03:59
F16055840	21	OKEECHOBEE BLVD LOX	03/30/2016		15:35:11	15:35:21	15:36:13	15:39:22	15:56:53	0:00:35	0:00:52	0:03:09	0:04:36
F16056450	21	COMPTON RD LOX	03/31/2016		14:54:47	14:54:56	14:55:07	14:58:05	14:59:22	0:00:34	0:00:11	0:02:58	0:03:43

Corrupt Data:

F16052503	21	OKEECHOBEE BLVD LOX	03/25/2016		12:04:51	12:05:10	12:05:29	12:05:12	12:35:09	Enroute Time is greater than Onscene Time			
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Total number of Events: 44

*Represents call received to arrival. If there is no received time, the County annual average call received to call entered time is used.



4/15/2016

Palm Beach County Fire Rescue

Loxahatchee Groves - # of Calls by Situation Disp

20160301 to 20160331

<u>Situation Dispatched</u>	<u># of Events</u>
Sick Person:	6
Difficulty Breathing:	4
Fire Alarms:	3
Illegal Burn:	3
Investigation:	3
Vehicle Accidents:	3
Chest Pain:	3
Cardiac/Respiratory Arrest:	2
Unconscious:	2
Overdose/Intoxication:	2
Structure Fires:	1
Other Fires:	1
Seizure:	1
Fall:	1
Heat/Cold Exposure:	1
Assault:	1
Unknown Medical:	1
Stroke:	1
141	1
160	1
201	1
605	1
910	1
Total number of Events:	44

Town of Loxahatchee Groves, FLORIDA TOWN COUNCIL AGENDA ITEM REPORT

AGENDA ITEM NO. 8a

PREPARED BY: Jim Fleischmann

SUBJECT: Groves Medical Plaza Site Plan Amendment Application SP(A) 2016-02

1.BACKGROUND/HISTORY

Problem Statement: The Town Council should review and consider approval of the proposed Site Plan Amendment SP(A) 2016-02 (i.e. Resolution 2016-21).

Problem Solution: Approval, approval with conditions or denial of Resolution 2016-21 relating to Groves Medical Plaza Site Plan Amendment SP(A) 2016-21.

Groves Medical Plaza was granted zoning and Class A Conditional Use approvals by Palm Beach County on January 26, 2006 (Resolution R-2006-0157). The Class A Conditional Use approval limits occupancy to 22,342 sq. ft. of medical and/or dental office uses. The Applicant has requested revisions to Palm Beach County Resolution 2006-0157 and the approved Grove Medical Plaza Site Plan dated April 26, 2006 to allow non-medical professional office tenants, as well as medical office tenants, within the approved space. The proposed amendments will allow the greatest flexibility in leasing the built space. No increase in the approved amount of space (22,342 sq. ft.) is proposed.

2.CURRENT ACTIVITY

The PZB at its meeting on March 17, 2016 recommended approval of Application SP(A) 2016-02 subject to providing a more specific definition of the non-medical professional office tenants to be allowed in the building. A specific list of potential tenants has been incorporated within the Staff recommendation and Conditions of Approval proposed Resolution 2016-21. The Town Council continued the item at its April 19, 2016 meeting for the purpose of further investigating the cross-access issue with the property to the east (Farmer's Daughter).

Additional information provided by the Applicant documents the following:

1. Engineering Condition 3 of Resolution 2006-0157 requires the property owner to convey a 40 foot public access easement from "F" Road to the project's east property line.
2. A 40-foot access easement road running east from "F" Road east to the east property line is indicated on the current site plan and has been constructed.
3. A cross-access easement for the required public access easement was filed in 2006.
4. E-Mail correspondence from FDOT confirms that FDOT installed the guardrail on Southern Boulevard for public safety reasons.
5. A May 23, 2012 Construction Field Report prepared by Simmons & White summarizing a

discussion with FDOT. Among the items discussed was the need for closure of the existing illegal dirt road running from the property line of the subject property to the east west to F”F” Road within the FDOT right-of-way. FDOT indicated that a permanent means to secure the right-of-way from illegal vehicular use needed to be established and that FDOT would attempt to have their maintenance department extend the existing guardrail from the current eastern terminus to the shared property corner of the subject site and the adjacent property to the e

ATTACHMENTS

1. Staff Summary: Groves Medical Plaza Site Plan Amendment Application SP(A) 2016-02
2. Resolution 2016-21
3. Final Site Plan and County Resolution R-2006-0157, Recorded Cross Access Easement, E-Mail correspondence between Johnston Group and FDOT, and Simmons & White Construction Field Observation Report.

4.FINANCIAL IMPACT

SP(A) Application 2016-02 is funded by the Applicant through the Town’s Cost Recovery System.

5.RECOMMENDED ACTION

Approval of Resolution 2016-21 subject to the Conditions of Approval presented in Exhibit C of the Resolution.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2016-21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE GROVES MEDICAL PLAZA SITE PLAN AMENDMENT, FOR LAND OWNED BY GROVES MEDICAL PLAZA, LLC, CONSISTING OF 3.43 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “F” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the site was granted a Class A Conditional Use approval by the Palm Beach County Board of County Commissioners on January 26, 2006 (Resolution R-2006-0157) to allow a medical or dental office in the Limited Office Commercial Zoning District; and

WHEREAS, the Class A Conditional Use approval limits occupancy to 22,342 sq. ft. of medical and/or dental office uses (Ref: Attachment A: Resolution 2006-0157 and Grove Medical Plaza Site Plan dated April 26, 2006); and

WHEREAS, Section 10 (Transition Schedule), Paragraph 5 (Transitional Ordinances and Resolutions) of the Town Charter directs that Palm Beach County approval resolutions for the subject property remain in effect until such time that they are altered, changed, rescinded or added to by the Town Council; and

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to site plans and amendments to site plans for development on property within the Town; and

WHEREAS, the Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny site plans and site plan amendments; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board), at its meeting of March 17, 2016 recommended approval of the Groves Medical Plaza Site Plan Amendment Application SP(A) 2016-02; and

WHEREAS, the Loxahatchee Groves Commons Site Plan Amendment Application SP(A) 2016-02, was presented to the Town Council at a quasi-judicial public hearing conducted on April 19, 2016; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of Town staff and Town P&Z Board; and

WHEREAS, this approval is subject to Section 05-050 (Conformance with approved site plan required) of the Town of Loxahatchee Groves Unified Land Development Code (Town ULDC) and other provisions requiring that development comply with Town approvals, rules and regulations.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

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

Section 2. The Town Council has considered the findings in the Staff Summary Report dated April 1, 2016 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. Site Plan SP(A) 2016-02 is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including standards for building and structural intensities and intensities of use.
3. Site Plan SP(A) 2016-02 as presented in Exhibit B hereto, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations. This Site Plan, along with conditions of approval, as adopted and presented in Exhibit C hereto, complies with standards imposed on it by all other applicable provisions of the Town ULDC. The Town Council finds the conditions, as presented in Exhibit C hereto, to be reasonable, and rationally related to the proposed development, and consistent with the Town’s character.
3. Site Plan SP(A) 2016-02, as presented in Exhibit B hereto, and conditions of approval, as adopted and presented in Exhibit C hereto, are compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted and presented in Exhibit C hereto, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. Site Plan SP(A) 2016-02, as presented in Exhibit B hereto, and conditions of approval, as adopted and presented in Exhibit C hereto, minimize environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.

6. Site Plan SP(A) 2016-02, as presented in Exhibit B hereto, and conditions of approval, as adopted and presented in Exhibit C hereto, will result in logical, timely and orderly development patterns.

Section 3. The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Groves Medical Plaza Site Plan Amendment SP(A) 2016-02 for the parcel of land legally described in Exhibit A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit A, attached hereto and made a part hereof. A copy of the Amended Site Plan, subject to the approved conditions presented in Exhibit C hereto, is attached hereto as Exhibit B and made a part hereof.

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

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective upon adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this ____ day of _____, 2016.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor David Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Tom Goltzene

Town Attorney

Council Member Ron Jarriel

Council Member Ryan Liang

Council Member Todd McLendon

EXHIBIT A

LEGAL DESCRIPTION AND LOCATION MAP

The following Legal Description is applicable to Resolution 2016-21:

Parcel Control Number: 41-41-43-33-05-001-0000 (13475 Southern Boulevard)

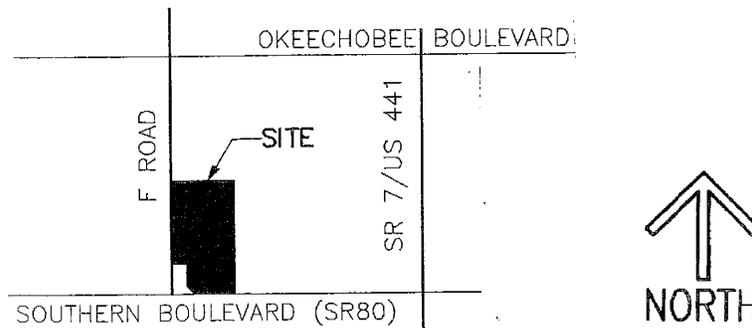
TRACT "A", GROVES MEDICAL PLAZA ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 114, PAGES 98 THROUGH 100 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LAND SITUATE IN THE TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

CONTAINING 149,427 SQUARE FEET OR 3.43 ACRES, MORE OR LESS.

LOCATION MAP



Not to Scale

**EXHIBIT C
GROVES MEDICAL PLAZA: SP(A) 2016-02
AMENDED FINAL SITE PLAN CONDITIONS OF APPROVAL**

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Conditions of approval assigned in Exhibit C (Conditions of Approval) of Palm Beach County Resolution 2006-0157 approving a Class A Conditional Use are adopted by reference and incorporated herein and shall remain in effect unless they are altered, changed, rescinded or added to by the Town Council with the following revisions (NOTE: text additions are indicated by underline and text deletions are indicated by ~~strikethrough~~):

PLANNING

1. The site shall be limited to business or professional and/or medical office uses only (ONGOING: MONITORING – Planning)

USE LIMITATIONS

1. Development and use of the site is limited to a business or professional, medical and/or dental office uses and shall not be modified unless approved by the ~~BCC~~ Town Council. Business or professional office means an establishment providing executive, management and professional services to the public, including but not limited to the following: advertising services, business offices of private companies, business offices of utility companies, public or nonprofit agencies, trade associations, and employment offices (excluding day labor and labor pool services); professional or consulting offices for accounting, architecture, computer technology, design, engineering, landscape architecture, law, urban planning, and similar professions; property and financial management, real estate; secretarial and telecommunications services; and travel agencies. This definition does not include offices for the treatment of animals on the premises. (ONGOING: ZONING – Zoning)
3. The Owner shall apply for a rezoning of the property from Palm Beach County Limited Office Commercial (LOC) Zoning District to Town of Loxahatchee Groves Commercial Low Office (CLO) Zoning district within 60 days of the approval of Resolution 2016-21 by the Town Council.

TOWN OF LOXAHATCHEE GROVES
Town Council Meeting
April 19, 2016

RESOLUTION 2016-21 STAFF SUMMARY:

1. Site Plan Amendment Application SP (A) 2016-2 Groves Medical Plaza

Project Name: Groves Medical Plaza Site Plan Amendment.

Agent: Ryan Johnston/Johnston Group Group, Inc.

Applicant: Groves Medical Plaza, LLC/Michael Porter.

Owner: Groves Medical Plaza, LLC/Michael Porter.

Parcel Control Numbers (PCN): 41-41-43-33-05-001-0000.

Project Location: 13475 Southern Boulevard; Northeast corner of Southern Boulevard and "F" Road.

Size of Property: 3.43 acres.

FLU Map Designation: Commercial Low Office (Loxahatchee Groves designation)

Zoning Map Designation: Limited Office Commercial (Palm Beach County designation) with a Class A Conditional Use approval.

Existing Use: 22,342 sq. ft. medical office facility.

Maximum Development Potential: 22,342 sq. ft. medical office facility sq. ft. per Palm Beach County Resolution R-2006-0157; 0.14 F.A.R.

2. Approval History

The subject site was granted zoning and Class A Conditional Use approvals by Palm Beach County on January 26, 2006 (Resolutions R-2006-0157). The Class A Conditional Use approval limits occupancy to 22,342 sq. ft. of medical and/or dental office uses (Ref: Attachment A: Resolution 2006-0157 and Grove Medical Plaza Site Plan dated 4/26/2006).

Exhibit C of Resolution 2006-0157 contains Conditions of Approval, including the following:

- “PLANNING
 1. The site shall be limited to medical office uses only (ONGOING: MONITORING – Planning).”; and
- “USE LIMITATIONS
 1. Development and use of the site is limited to a medical or dental office and shall not be modified unless approved by the BCC (ONGOING: ZONING – Zoning).”

The previously approved site plan, including Conditions of Approval, is grandfathered under Paragraph (5) *Transitional Ordinances and Resolutions* of Section 10 *Transition Schedule* of the Town Charter. Section 10 directs that Palm Beach County approval resolutions for the subject property remain in effect until such time that they are rescinded by the Town Council.

As a result, the approved site plan titled “Grove Medical Plaza” dated April 26, 2006 and Conditions of Approval in Resolution 2006-0157 are vested until they are rescinded or amended by the Town Council.

The final certified site plan contains a single 2-story 22,342 sq. ft. medical office building at a floor-area-ratio (F.A.R.) of 0.14. The approved F.A.R. complies with the Town’s Commercial Low Office (CL-O) District which allows a maximum F.A.R. of 0.20.

3. Application Summary

The Applicant has requested revisions to Palm Beach County Resolution 2006-0157 and the approved Grove Medical Plaza Site Plan dated April 26, 2006 to allow non-medical professional office tenants within the approved space. The proposed amendments will allow the greatest flexibility in leasing the built space. The Site Plan and Conditions of Approval currently limit tenants to medical and dental businesses. No increase in the approved amount of space (22,342 sq. ft.) is proposed. The Application states the following in support of the proposed amendments:

1. “Section 95-010(B) of the Town’s Unified Land Development Code (ULDC) provides the minimum parking space requirements for Commercial uses. Offices (e.g. business, professional, medical) require one parking space per 250 square feet. The corresponding parking requirement for the 22, 342 SF Groves Medical Plaza is 90 spaces. The project as constructed provides for a total of 112 parking spaces. Accordingly, ample parking is provided for both professional and medical office uses pursuant to the Town’s requirements.”

2. “Likewise, traffic trip generation for medical office uses is higher than that of professional office uses. The proposed change to allow professional and/or medical office use would not result in an increase in traffic generation generated by the project.”

4. Submitted Support Documents

Item	Content
Submittal Letter (2/1/2016)	Request for Site Plan Amendment approval. Revised Conditions of Approval and Site Plan – Groves Medical Plaza
Resolution No. R-2006-0157	Approval of Class A Conditional Use for Grove Medical Plaza
Existing Certified Final Site Plan	Site Plan as of most recent revision date – 4/26/2006. Approval of 22,342 sq. ft. of 2-story medical office space
Proposed Revised Site Plan dated 1/14/2016	Revised Site Plan indicating approval of a two-story 22,342 sq. ft. professional/medical office building.
Proposed Amended Site Plan dated 1/24/2016	Revised Site Plan indicating a two-story 22,342 sq. ft. professional/medical office building. No increase in previously approved square footage or site design.

5. Staff Finding and Recommendation

Staff finds the Applicant’s request consistent with the Town’s Comprehensive Plan and previously approved Site Plan and recommends approval of Site Plan Amendment Application SP(A) 2016-02, as follows:

1. Approval of the following two amendments to the Conditions of Approval of Resolution 2006-0157 as follows (text additions are indicated by underline and text deletions are indicated by ~~strikethrough~~):

- **“PLANNING**

“1. The site shall be limited to business, professional and/or medical office uses only (ONGOING: MONITORING – Planning).”; and

- **“USE LIMITATIONS**

“1. Development and use of the site is limited to a business or professional, medical and/or dental office uses and shall not be modified unless approved by the BGG Town Council. Business or professional office means an establishment providing executive, management and professional services to the public, including but not limited to the following: advertising services, business offices of private companies, business offices of utility companies, public or nonprofit agencies, trade associations, and employment offices (excluding day labor and labor pool services); professional or consulting offices for accounting, architecture, computer technology, design, engineering, landscape architecture, law, urban planning, and similar professions; property and financial management, real estate; secretarial and telecommunications services; and travel agencies. This definition does not include offices for the

treatment of animals on the premises nor does it include medical or dental offices. (ONGOING: ZONING – Zoning).”

2. Addition of the following Condition of Approval:

The Owner shall apply for a rezoning of the property from Palm Beach County Limited Office Commercial (LOC) Zoning District to Town of Loxahatchee Groves Commercial Low Office (CLO) Zoning district within 60 days of the approval of Resolution 2016-21 by the Town Council.

3. Approval of Grove Medical Plaza Site Plan Amendment (SP 1 of 2) dated January 14, 2016.

6. Planning and Zoning Board (PZB) Recommendation

At its March 17, 2016 meeting, PZB voted to recommend approve Site Plan Amendment SP(A) 2016-02 by a 3 – 0 vote provided that Staff prepare a list of specific list of appropriate business or professional tenants to be included in the Conditions of Approval. The following list has been incorporated within the Conditions of Approval of Resolution 2016-21:

“Business or professional office means an establishment providing executive, management and professional services to the public, including but not limited to the following: advertising services, business offices of private companies, business offices of utility companies, public or nonprofit agencies, trade associations, and employment offices (excluding day labor and labor pool services); professional or consulting offices for accounting, architecture, computer technology, design, engineering, landscape architecture, law, urban planning, and similar professions; property and financial management, real estate; secretarial and telecommunications services; and travel agencies. This definition does not include offices for the treatment of animals on the premises.”

7. Staff Report Summary

a. Infrastructure Impacts

Infrastructure Service	Summary
Water/wastewater	NA - PBCWUD is the potable water and wastewater provider for the property.
Surface Water Management	NA - Drainage system in place
Solid Waste Disposal	NA - Applicant has a contract with private hauler for collection.
Transportation	NA - Applicant concludes that the proposed change to allow professional and/or medical office use would not result in an increase in traffic generation by the project. The Town’s Traffic Consultant (Simmons and White) has confirmed this conclusion.

b. Environmental Impacts – Not Applicable

c. Comprehensive Plan Consistency

The subject property currently is assigned a Town Commercial Low Office (CLO) Future Land Use Map designation and a Limited Office Commercial (Palm Beach County CLO) zoning designation. A rezoning to Town Commercial Low Office should be obtained in order to insure consistency with the Loxahatchee Groves ULDC.

The current Grove Medical Plaza Site Plan dated April 26, 2006 allows for a maximum floor-area-ratio (F.A.R.) of 0.14 which is less than the maximum 0.20 F.A.R. allowed by the Town's CLO zoning district. SP(A) 2016 proposes no increase in the current F.A.R. Based upon the above, proposed Site Plan Amendment SP(A) 2016-02 is consistent with its assigned Future Land Use and Zoning designations, and the following Comprehensive Plan directives:

- FLU Objective 1.2 The Town shall support development of rural style commercial center along the Southern Boulevard Corridor.
- FLU Policy 1.2.1 The Town shall limit new commercial development to areas south of East Citrus Road border to border.
- FLU Policy 1.12.3 The Town shall encourage development of a rural-style commercial center along the Southern Boulevard Corridor to provide a center of accessible shopping, recreation, and employment opportunities for Loxahatchee Groves' residents.

d. Development Review Committee (DRC) Comments

The following were notified and requested to provide any comments during the review process regarding issues or concerns with the proposed Site Plan:

Agency/Entity	Comment/Response Summary
County Agricultural Extension Office	NA
PBC Sheriff's Department	NA
PBC Health Department	NA
Lox. Groves Water Control District	NA
PBC Solid Waste Authority	NA
Keschavarz & Assoc. (Town Engineer)	NA
PBC Fire Rescue	NA
Simmons & White (Town Traffic Engineer)	Concurs that the SP(A) 2016-02 will have no impact upon existing project traffic generated.

RESOLUTION NO. R-2006-0157

RESOLUTION APPROVING ZONING APPLICATION CA2005-299
(CONTROL NO. 1991-043)
CLASS A CONDITIONAL USE
PETITION OF JOSEPH BEVERLY, GARY HORVATH AND BUSS COOPER
BY KILDAY & ASSOCIATES, INC.AGENT
(GROVE MEDICAL PLAZA)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application CA2005-299 was presented to the Board of County Commissioners at a public hearing conducted on January 26, 2006; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 4.B, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.

6. This Class A Conditional Use meets applicable local land development regulations.
7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application CA2005-299, the petition of Joseph Beverly, Gary Horvath and Buss Cooper, by Kilday & Associates, Inc., agent, for a Class A Conditional Use to allow a medical or dental office in the Limited Office Commercial Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 26, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

The motion was seconded by Commissioner McCarty and, upon being put to a vote, the vote was as follows:

Tony Masilotti, Chair	-	Absent
Addie L. Greene, Vice Chairperson	-	Absent
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on January 26, 2006.

Filed with the Clerk of the Board of County Commissioners on 26th day of January, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

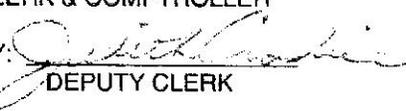
BY: 
DEPUTY CLERK

EXHIBIT A
LEGAL DESCRIPTION

THE SOUTH 700 FEET OF THE WEST 310 FEET OF THAT PART OF TRACT 5, BLOCK K, LYING NORTH OF STATE ROAD 80, "REPLAT OF LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 12, PAGE 29.

LESS AND EXCEPT THAT PORTION ACQUIRED BY THE ORDER OF TAKING RECORDED IN O.R. BOOK 5444, PAGE 1644, DESCRIBED AS FOLLOWS:

THAT PART OF TRACT 5 IN BLOCK K OF "LOXAHATCHEE GROVES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE S 01° 22' 50" W ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 3524.15 FEET TO THE BASELINE OF SURVEY FOR STATE ROAD 80; THENCE S 88° 26' 59" E, A DISTANCE OF 197.34 FEET; THENCE S 88° 29' 13" E, A DISTANCE OF 2418.09 FEET; THENCE N 01° 30' 47" E, A DISTANCE OF 50.00 FEET TO THE NORTHERLY EXISTING RIGHT-OF-WAY FOR STATE ROAD 80 AND THE POINT OF BEGINNING; THENCE N 02° 15' 12" E, A DISTANCE OF 267.84 FEET; THENCE S 87° 44' 48" E, A DISTANCE OF 76.00 FEET; THENCE S 02° 15' 12" W, A DISTANCE OF 111.84 FEET; THENCE S 43° 07' 00" E, A DISTANCE OF 49.18 FEET; THENCE S 88° 29' 13" E, A DISTANCE OF 198.61 FEET; THENCE S 02° 14' 53" W, A DISTANCE OF 120.01 FEET TO THE NORTHERLY EXISTING RIGHT-OF-WAY FOR STATE ROAD 80; THENCE N 88° 29' 13" W, A DISTANCE OF 309.68 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 158,442 SQUARE FEET / 3.637 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

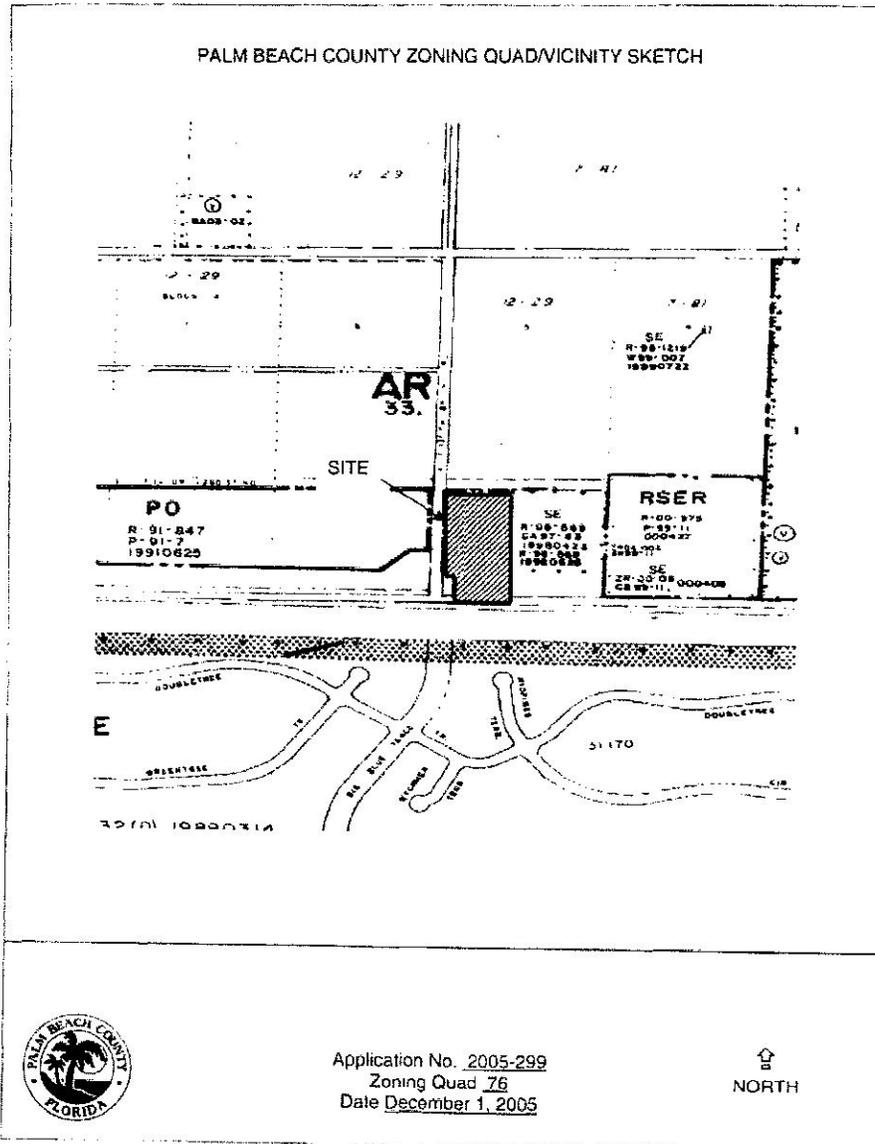


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated September 19, 2005. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the two (2) story medical office building shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the Loxahatchee Groves Rural Vista Design Guidelines, the DRO approved plans, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW-Zoning)
2. The maximum height of the two (2) story medical building shall be thirty-five feet, excluding architectural features which shall not exceed a maximum height of forty-one (41) feet and shall be generally consistent with the elevations prepared by Marc Wiener, AIA and dated September 19, 2005. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW -Zoning)
3. Design of gutters and downspouts shall be integrated into the architectural design of the two (2) story medical building. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW -Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after May 17, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. LANDSCAPE WITHIN THE MEDIAN OF SOUTHERN BOULEVARD

The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Southern Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless property owner provides payment for maintenance as set forth in Paragraph d) below.

- a) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
 - b) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
 - c) At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the property owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the property owner. The property owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the property owner. (ONGOING:ENGINEERING-Eng)
 - d) Also, prior to the issuance of a Building Permit, and at the option of the property owner, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Southern Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGONG:ENGINEERING-Eng)
3. Prior to final approval of the proposed site plan by the DRO, the property owner shall convey a forty (40) foot access easement to the Public along the south property line. This Access easement shall extend from F Road to the projects east property line as shown on the current DRO site plan. Final approval of the location of the access easement shall be approved by the County Engineer. Easment document shall be approved by the County Attorney. (DRO APPROVAL: ENGINEERING-Eng)
4. Prior to issuance of a certificate of occupancy, construction of the public access easement shall be completed from the projects east property line to F Road. (CO:MONITORING-Eng)
5. F ROAD CONSTRUCTION IMPROVEMENTS
- A. The Property owner shall construct F Road from the north side of project's north entrance to the north right of way line of Collecting Canal Road. Construction of this portion of F Road shall be subject to the requirements of the Loxahatchee Groves Water Control District. Construction is intended to be 22 feet in width with the wearing surface to be an Open Graded Emulsified Mix. This condition is subject to an executed agreement between the property owner and Loxhatchee Groves Water Control District Board of Supervisors, which includes provisions for the property owner to fund, in lieu of constructing, the aforementioned improvements. This agreement must be approved by the District prior to the issuance of a Building Permit for the proposed medical office building. (ONGOING: ENG-Eng)

- B. The Property owner shall construct F Road from the north side of projects north entrance to Southern Boulevard. Construction of this portion of F Road shall be to collector street standards, minimum 2 - 12 foot paved travel lanes. (ONGOING: ENG-Eng)
- C. Construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (ONGOING: ENG-Eng)
- D. Permits required by Loxahatchee Groves Water Control District for the construction in A and B shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
- E. Construction and/or funding for the improvements in A and B shall be completed prior to the issuance of the first Certificate of Occupancy. (CO:MONITORING-Eng)

ENVIRONMENTAL

- 1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING: ERM-Erm)

HEALTH

- 1. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: HEALTH-Code Enf)

ZONING – LANDSCAPE -STANDARDS

- 1. Prior to the issuance of the first building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all the landscape conditions as contained herein and Conditions under the Board of Adjustment BA 2005-00461. (BLDG PERMIT:LANDSCAPE-Zoning)
- 2. A minimum of seventy (75) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT:LANDSCAPE-Zoning)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning)
4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF SOUTHERN BOULEVARD)

1. In addition to the proposed landscaping and code requirements, landscaping and/or buffer width along the south property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip; and,
 - b. one (1) palm or pine for each for each twenty (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF "F" ROAD)

1. In addition to the proposed landscaping and code requirements, landscaping and/or buffer width along the west property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip; and,
 - b. one (1) palm or pine for each for each twenty (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. In addition to the proposed landscaping and code requirements, landscaping and/or buffer width along the north property line shall be upgraded to include:
 - a. a minimum fifty (50) foot wide landscape buffer strip as shown on the Site Plan and Regulating Plan as Section A-A and dated September 19, 2005;
 - b. a minimum twelve (12) foot wide meandering equestrian trail; and,
 - c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

LIGHTING

1. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning)
2. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)
3. All outdoor, freestanding lighting fixtures shall be in conformance with the Loxahatchee Groves Rural Vista Design Guidelines and shall not exceed twenty (20) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

PLANNING

1. The site shall be limited to medical office uses only. (ONGOING: MONITORING-Planning)

SIGNS

1. Freestanding signs fronting on Southern Boulevard and "F" Road shall conform to the Loxahatchee Groves Rural Vista Design Guidelines and shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - fifty (50) inches in height;
 - b. maximum sign face area per side - one hundred (100) square feet;
 - c. maximum number of signs - one (1) for each road frontage;
 - d. style - monument style only;
 - e. location - Sign B within fifty (50) feet of the south access point of "F" Road; and,
 - f. signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1. Development and use of the site is limited to a medical or dental office and shall not be modified unless approved by the BCC. (ONGOING: ZONING - Zoning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: WUD-WUD)

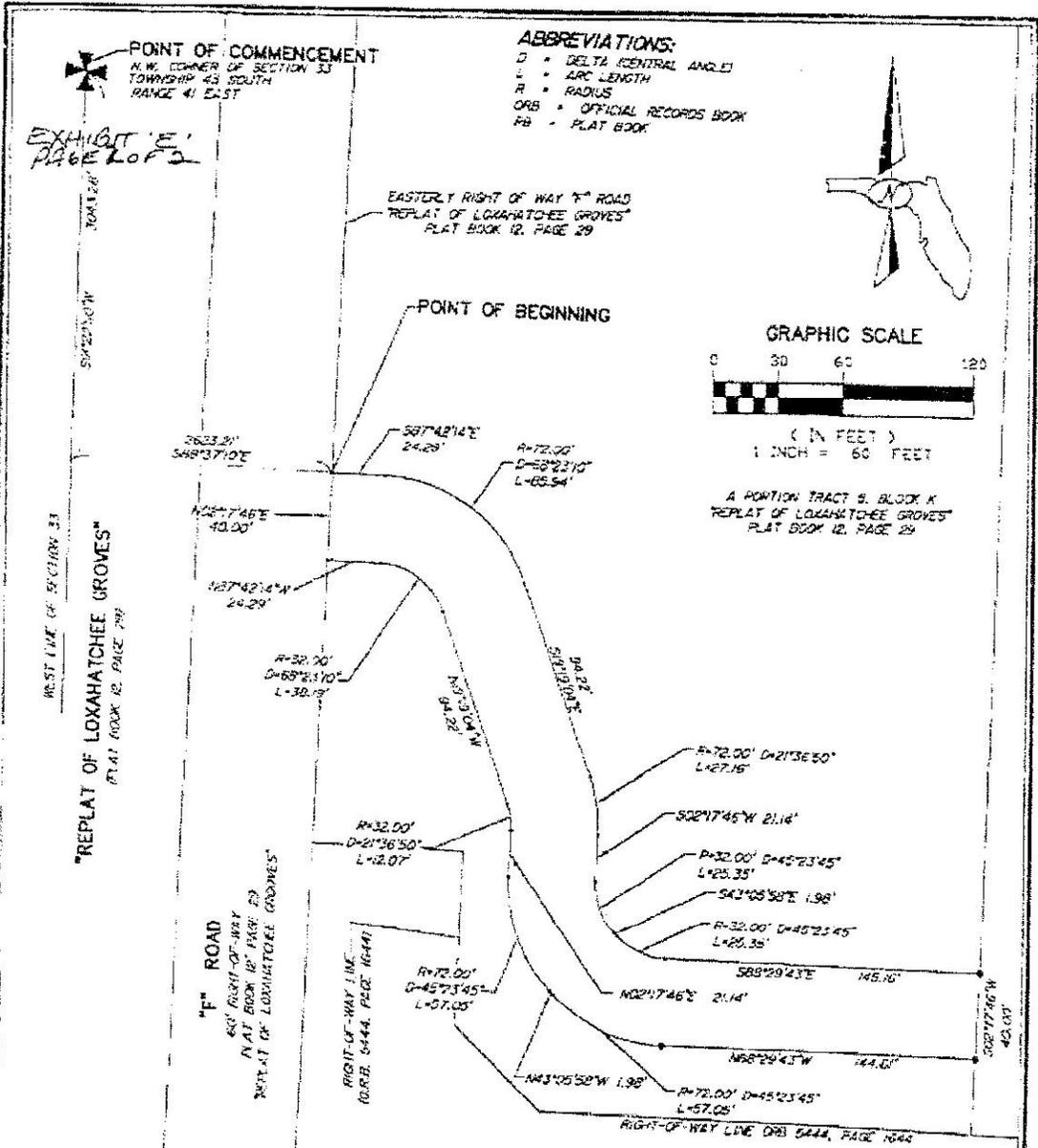
COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or

- e. Imposition of entitlement density or intensity.

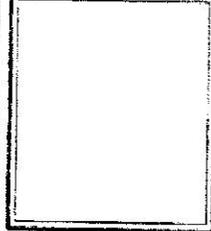
Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)



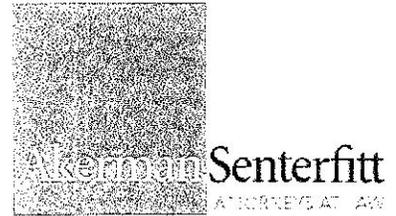
CAULFIELD & WHEELER, INC.
 CIVIL ENGINEERING - LAND PLANNING
 LANDSCAPE ARCHITECTURE - SURVEYING
 7300 W. PALMETTO PARK ROAD - SUITE 100A
 BOCA RATON, FLORIDA 33433
 PHONE (561) 392-1991 / FAX (561) 760-452

SKETCH OF DESCRIPTION
40' ACCESS EASEMENT



DATE	3/2/2008
DRAWN BY	APZ
F.B./ P.B.	
SCALE	1"=60'
JOB NO.	4165

STATE OF FLORIDA - PALM BEACH COUNTY
 I hereby certify that the foregoing is a true copy of the original record.
 THIS 1 DAY OF June, 2008
 S. JAMES R. BOCK
 CLERK OF COUNTY RECORDS
 DEPUTY CLERK



Fort Lauderdale
Jacksonville
Miami
New York
Orlando
Tallahassee
Tampa
Washington, DC
West Palm Beach

Las Olas Centre II, Suite 1600
350 East Las Olas Boulevard
Fort Lauderdale, Florida 33301-2229
www.akerman.com
954 463 2700 *tel* 954 463 2224 *fax*

June 5, 2006

Drake M. Batchelder
954 468 2445
drake.batchelder@akerman.com

VIA E-MAIL. (nharrison@schroederlarche.com)

Nancy Harrison, Esq.
Schroeder & Larche
120 E. Palmetto Park Road, #150
Boca Raton, FL 33432

Re: FGW Investments, LLC Purchase from Southern Development Services, Inc.

Dear Nancy:

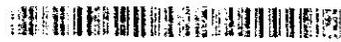
Please find enclosed one additional exception to title, which is required by the County in connection with the development of the subject property. This exception will be shown as an exception to the final title policy.

Very truly yours,

AKERMAN SENTERFITT

Drake M. Batchelder
For the Firm

cc: Jim Zengage (via email)



Name: Palm Beach County Engineering
 7140 Office Blvd #1120
 Address: 7140 Office Blvd #1120
 Apt. **RICHARD A. GRABER**
 Palm Beach, FL 33414
 W/C BOX 1066

CFN 20060323293
 DE BK 20413 PG 0920
 RECORDED 06/01/2006 09:42:31
 Palm Beach County, Florida
 Sharon R. Boek, CLERK & COMPTROLLER
 Pgs 0520 - 929; (10pgs)

ACCEPTED BY
 BOARD OF COUNTY COMMISSIONERS
 DATE **MAY 31, 2006** CROSS ACCESS EASEMENT

THIS CROSS ACCESS EASEMENT (the "Easement") is made this 13th day of April, 2006 by Gary Cooper, Joseph Horvath and Beverly Buss, (collectively "Buss") whose address is 398 Old Country Road, Wellington, Florida 33414.

 WITNESSETH:

WHEREAS, Buss is the owner of fee simple title to a parcel of real property located in Palm Beach County, Florida, and described on attached Exhibit "A" ("Parcel 1"), and

WHEREAS, Rose A. Marro, Dora Romero and Raulise Romero, whose address is c/o 12788 Forest Hill Boulevard, #1001, West Palm Beach, Florida 33414 (collectively "Farmer's Daughter") is the owner of fee simple title to a parcel of real property located in Palm Beach County, Florida, and described on attached Exhibit "B" ("Parcel 2");

WHEREAS, Everglades Farm Equipment Co., Inc., a Florida corporation ("Everglades"), whose address is State Road 715 North, Post Office Box 910, Belle Glade, Florida 33430 is the owner of fee simple title to a parcel of real property located in Palm Beach County, Florida, and described on attached Exhibit "C" ("Parcel 3");

WHEREAS, Columbia Palms West Hospital Limited Partnership, a Florida limited partnership ("Palms West"), whose address is 1 Park Plaza, Nashville, Tennessee 37203 is the owner of fee simple title to a parcel of real property located in Palm Beach County, Florida, and described on attached Exhibit "D" ("Parcel 4") (the parcels sometimes being referred to herein collectively as the "Parcels" or individually as, the "Parcel").

WHEREAS, Palm Beach County ("County") has a health, safety and welfare interest in safe and efficient traffic circulation by eliminating the number of curb cuts on State Road #80 through the establishment of cross-access easements;

WHEREAS, Buss intends the County to be a direct third party beneficiary to this Easement; and

WHEREAS, Buss desires to provide upon Parcel 1 a cross access easement for the benefit of Parcel 2, Parcel 3, Parcel 4 and the County;

NOW THEREFORE, in consideration of the mutual covenants and easement contained herein, Ten and No/100's (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Buss agrees as follows.

1. Recitals. The foregoing recitals are true and incorporated herein.
2. Covenants Running with the Land. All of the covenants and easement herein constitute covenants running with the land and will accrue to the benefit of and bind the respective Parcels and all individuals and entities, their respective successors in interest, assigns, heirs and personal representatives, having or hereafter acquiring any right, title or interest in all or a portion of a Parcel.
3. Access Easement. Buss hereby grants, bargains and sells unto Farmer's Daughter, Everglades, and Palms West, their agents, employees, tenants, customers, invitees and licensees, a perpetual non-exclusive easement, license and privilege for ingress and egress by vehicular traffic over and across the forty (40) foot wide access road

easement ("Access Road Easement Area") of Parcel 1 for ingress and egress from and to their respective Parcels and State Road #80 as more particularly described on Exhibit "E" attached hereto.

4. Dedication to the Public. The Access Road Easement Area as set forth above is hereby dedicated to the public for the purpose of ingress and egress access by vehicular traffic to and from State Road #80.
5. No parking. The Access Road Easement Area is not intended to be, and will not be used as, an easement for vehicular parking or standing.
6. Indemnity. Farmer's Daughter, Everglades, and Palms West shall fully indemnify and hold harmless Buss from and against all claims, actions, causes of action, costs, expenses, including reasonable attorneys' fees and reasonable paralegal fees at trial and upon appeal, incurred by or made against Buss by reason of the exercise by Farmer's Daughter, Everglades, and Palms West of the rights granted herein. By accepting the benefit of the rights granted in this Easement, Farmer's Daughter, Everglades, and Palms West also accept the burden to fully indemnify Buss as set forth in this Paragraph 6. In the event Farmer's Daughter, Everglades, and Palms West fails to indemnify Buss as set forth above, the Access Road Easement Area granted herein shall not in any way be invalidated, but rather such failure to indemnify shall vest in Buss a personal cause of action against Farmer's Daughter, Everglades, and Palms West.
7. Miscellaneous.
 - a. If any term or provision of this Easement or the application thereof to any person or circumstance should to any extent be invalid or unenforceable, the remainder of this Easement and the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby, and each term and provision of this Easement shall be valid and enforceable to the fullest extent permitted by law.
 - b. Failure of any party to insist upon or enforce its rights under this Easement shall not constitute a waiver of such rights. Any party hereto may waive the benefit of any provision or condition for its benefit contained in this Easement.
 - c. No modification or change to this Easement shall be valid or binding unless in writing, and executed by the parties hereto and recorded in the public records of Palm Beach County.
 - d. This Easement shall be construed in accordance with the laws of the State of Florida. This Easement shall not be construed more strongly against either party, regardless of which party is responsible for its preparation.
 - e. In the event of a violation or breach of any of the provisions of this Easement, the aggrieved party has the right to proceed at law or in equity to enforce compliance. The prevailing party in any action under this Easement will be entitled to reasonable attorneys' fees, costs and reasonable paralegal fees, whether incurred at trial or on appeal.

IN WITNESS WHEREOF, Buss has executed this Easement as of the day and year set forth above.

Signed, sealed and delivered
In the presence of:

GARY COOPER, JOSEPH HORVATH,
BEVERLY BUSS

Kathleen's Watlington
Print Name: KATHLEEN'S WATLINGTON

Valerie Lepene
Print Name: VALERIE LEPENE

[Signature]
GARY COOPER

Frederick Schmidt
Print Name: Frederick J Schmidt

Christian M. Bourgaillat
Print Name: Christian M. Bourgaillat

[Signature]
JOSEPH HORVATH

Frederick Schmidt
Print Name: Frederick J Schmidt

Christian M. Bourgaillat
Print Name: Christian M. Bourgaillat

[Signature]
BEVERLY BUSS

STATE OF FLORIDA

COUNTY OF PALM BEACH

Sworn to and subscribed before me this 12th day of April, 2006 by
GARY COOPER, who is personally known or who has provided _____ as identification
and who (did) (did not) take an oath.

[Signature]
NOTARY PUBLIC STATE OF
FLORIDA North Carolina
-10-

My Commission Expires:

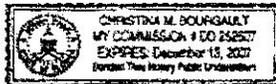
STATE OF FLORIDA

COUNTY OF PALM BEACH

Sworn to and subscribed before me this 12th day of April, 2006 by
JOSEPH HORVATH, who is personally known or who has provided _____ as
identification and who (did) (did not) take an oath.

[Signature]
NOTARY PUBLIC STATE OF
FLORIDA

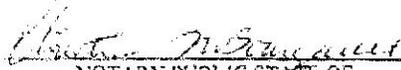
My Commission Expires:



STATE OF FLORIDA

COUNTY OF PALM BEACH

Sworn to and subscribed before me this 12th day of April, 2006 by BEVERLY BUSS, who is personally known or who has provided _____ as identification and who (did) (did not) make an oath.


NOTARY PUBLIC STATE OF
FLORIDA

My Commission Expires: 12.1.3.107

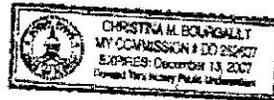


Exhibit "A"

Owner: Gary Cooper, Joseph Horvath and Beverly Buss

LEGAL DESCRIPTION

The South 700 feet of the West 310 feet of that part of Tract 5, Block K, lying north of State Road 80, Replat of Loxahatchee Groves, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 12, Page 29.

Exhibit "B"

Legal Description

Owner: Rosa A. Marron, Dora Romero and Raufise Romero

The East 479.5 feet of the South 700 feet of Tract 5, Block K,
LONAHATCHEE GROVES, according to the Plat thereof on
file in the Office of the Clerk of the Circuit Court in and for
Palm Beach County, Florida, recorded in Plat Book 12, Page 29.

Exhibit "C"

Legal Description

Owner Everglades Farm Equipment Co., Inc.

Lot 4, Block K, Map Loxahatchee District Subdivision, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 7, Page 81.

LESS the North 834.0 feet thereof, and LESS the Right of Way for State Road No. 80, and

LESS the following portion conveyed to the State of Florida, for the use and benefit of the State of Florida Department of Transportation described as follows:

COMMENCE at the Northeast corner of Section 33, Township 43 South, Range 41 East, thence S 01°15'20" W a distance of 3623.35 feet to the Baseline of Survey for State Road 80; thence N 88°08'26" W a distance of 1095.72 feet, thence N 01°51'34" E a distance of 50.00 feet to the Northerly Existing Right of Way for State Road 70 and the POINT OF BEGINNING; thence N 02°13'55" E a distance of 120.00 feet; thence N 88°08'26" W a distance of 784.9 feet, thence S 02°14'24" W a distance of 120.00 feet to the Northerly Existing Right of Way for State Road 80; thence S 88°08'26" E a distance of 784.97 feet to the POINT OF BEGINNING

Exhibit "D"

Legal Description

Owner: Columbia Palms West Hospital Limited Partnership

A portion of Lot 4, Block K, Loxahatchee District Subdivision, according to the map or plat thereof as recorded in Plat Book 7, Page 81, Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 4; thence, South $02^{\circ}16'42''$ West, along the East line of said Lot 4, a distance of 834.00 feet, for a Point of Beginning

Thence, continue South $02^{\circ}16'42''$ West along said East Line, a distance of 1221.92 feet more or less, to the intersection thereof with the North Right of Way line of State Road No. 80 as recorded in O.R. Book 12372, Page 468, Public Records of Palm Beach County, Florida, thence, North $88^{\circ}08'51''$ West, departing said East line and along said North Right of Way line, a distance of 260.20 feet; thence, North $02^{\circ}16'46''$ East, departing said Right of Way line, a distance of 80.00 feet; thence, North $88^{\circ}08'51''$ West, a distance of 248.59 feet; thence, North $02^{\circ}16'46''$ East, a distance of 321.11 feet; thence, North $88^{\circ}08'51''$ West, a distance of 275.01 feet, more or less, to the intersection thereto with the West line of said Lot 4, thence, North $02^{\circ}16'46''$ East, along said West line, a distance of 806.33 feet; thence, South $89^{\circ}12'21''$ East, departing said West line and along the South line of the North 834.00 feet of said Lot 4, as measured along the East and West lines of said Lot 4, a distance of 784.02 feet to the Point of Beginning

EXHIBIT 'E', PAGE 1 OF 2

DESCRIPTION

A PARCEL OF LAND SITUATE IN TRACT 5, BLOCK K, (REPLAT OF LOKAHATCHEE GROVES), ACCORDING TO THE PLAT THEREON ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 12, PAGE 29 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH-WEST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 41 EAST, THENCE SOUTH 01° 02' 57" WEST ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 6645.26 FEET, THENCE SOUTH 98° 37' 10" EAST, A DISTANCE OF 2409.24 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF "P" ROAD AS SHOWN ON SAID REPLAT OF "LOKAHATCHEE GROVES" SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE SOUTH 37° 45' 14" EAST, A DISTANCE OF 2409 FEET TO THE POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 72.00 FEET, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 68° 23' 00", AN ARC DISTANCE OF 85.94 FEET TO THE POINT OF TANGENCY, THENCE SOUTH 18° 19' 04" EAST, A DISTANCE OF 94.22 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 72.00 FEET, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21° 28' 59", AN ARC DISTANCE OF 27.18 FEET TO THE POINT OF TANGENCY, THENCE SOUTH 02° 17' 42" WEST, A DISTANCE OF 21.14 FEET TO THE POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 32.00 FEET, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 48° 23' 45", AN ARC DISTANCE OF 14.38 FEET TO THE POINT OF TANGENCY, THENCE SOUTH 42° 15' 59" EAST, A DISTANCE OF 1.66 FEET TO THE POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 32.00 FEET, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 40° 23' 45", AN ARC DISTANCE OF 26.22 FEET TO THE POINT OF TANGENCY, THENCE SOUTH 88° 23' 43" EAST, A DISTANCE OF 145.16 FEET, THENCE SOUTH 02° 17' 42" WEST, A DISTANCE OF 40.00 FEET, THENCE NORTH 88° 23' 43" WEST, A DISTANCE OF 145.16 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 72.00 FEET, THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 48° 23' 45", AN ARC DISTANCE OF 37.06 FEET TO THE POINT OF TANGENCY, THENCE NORTH 02° 17' 42" EAST, A DISTANCE OF 21.14 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 32.00 FEET, THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21° 28' 59", AN ARC DISTANCE OF 12.07 FEET TO THE POINT OF TANGENCY, THENCE NORTH 17° 13' 04" WEST, A DISTANCE OF 94.22 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 32.00 FEET, THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 68° 23' 00", AN ARC DISTANCE OF 85.19 FEET TO THE POINT OF TANGENCY, THENCE NORTH 67° 42' 14" WEST, A DISTANCE OF 24.25 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY OF "P" ROAD, THENCE NORTH 02° 17' 42" EAST, A DISTANCE OF 40.00 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO THE POINT OF BEGINNING, SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

SUBJECT TO ENCUMBRANCES, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

NOTES:

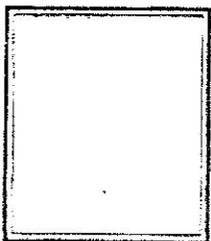
1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. BEARINGS SHOWN HEREON ARE RELATIVE TO A SUBJACENT PALM BEACH ON THE WEST LINE OF TRACT 5, BLOCK K, "LOKAHATCHEE GROVES" AS RECORDED IN PLAT BOOK 12, PAGE 29, BEARING N 02° 17' 42" E.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OR DESCRIPTION OF THE HEREDON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON MARCH 2, 2008. I FURTHER CERTIFY THAT THIS SKETCH OR DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 61B.14 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 473.007.

Henry D. Wayne
HENRY D. WAYNE, P.L.S.
REGISTERED SURVEYOR #3332
STATE OF FLORIDA - LB #3231

CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING - LAND PLANNING
LANDSCAPE ARCHITECTURE - SURVEYING
1301A W. PALM METTO PARK ROAD - SUITE 103A
BOCA RATON, FLORIDA 33433
PHONE (561) 342-1991 / FAX (561) 350-1452



DATE	3/2/2008
DRAWN BY	APZ
F.B./ P.G.	
SCALE	"=60'
JOB NO.	4185

**SKETCH OF DESCRIPTION
40' ACCESS EASEMENT**

Groves Medical Plaza | Cross-Access Issue

Monday, April 25, 2016 2:36 PM

From: "Ryan Johnston" <ryan@johnstongroupinc.com>

To: "Dawn Irmijim" <irmijim@bellsouth.net>

6 Files	5 MB	Download All			
FILE	SIZE	991KB	1 MB	209 KB	284 KB
image003.jpg	R-2006-0157.pdf	Approved Site Plan w/ Access	Recorded Cross-Access	2011 Aerial.jpg	11-51 5.23.12 meeting
Save	Save	Save	Save	Save	Save

Jim,

I wanted to circle back with you about what we've found out since Thursday night's Town Council meeting. Fortunately, my file on this project is extensive and I was able to dig up a good history regarding the matter of the cross-access requirement and removal of the previous illegal connection in the State right-of-way.

The Groves Medical Plaza development order issued by the County required the dedication of a cross-access easement along the south property line to connect F Road to the Farmer's Daughter property (see Engineering Conditions 3 & 4 within the attached "R-2006-0157"). The required cross-access easement is shown highlighted on the approved site plan (attached). A cross-access easement (attached) was subsequently executed and recorded in the County records, as required by the condition of approval. The cross-access connection was constructed as part of the project and stubbed to the east property line, satisfying the County's requirement.

The old dirt path to which Ms. Campbell referred is shown on the attached "2011 Aerial". During construction of the project, our staff, the project civil engineer (Simmons & White), the contractor and FDOT staff met on-site to discuss a couple of issues including the dirt road. The attached document entitled "11-51 5.23.12 meeting min" contains a summary of the meeting. It appears that Ms. Campbell was in attendance for at least a portion of this meeting. As you can see from the summary, FDOT referred to the dirt road as an "illegal dirt road" and specifically discussed installation of the guardrail and improvement of the swale to shut it down. Obviously, the FDOT followed through by installing the guardrail and improving the swale as contemplated during the discussion at the meeting.

At this point I'm not sure what else there is we can do. Our client cannot remove FDOT property from the State right-of-way as Ms. Campbell suggested during the public hearing, and we've already provided an improved cross-access easement to allow her customers a direct connection to F Road. What are your thoughts?

Sincerely,

Ryan

Ryan B. Johnston
President / Principal
JOHNSTON GROUP LAND DEVELOPMENT CONSULTANTS, INC.
5090 PGA Boulevard, Suite 212 • Palm Beach Gardens, Florida 33418
561.691.4552 p • 561.691.4553 f • 561.385.7152 c
ryan@johnstongroupinc.com
www.johnstongroupinc.com

10 Year Logo

The information contained in this message may be privileged, confidential, and protected from disclosure. If the reader of this message is not the intended recipient, or any employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer.

Subject: FW: Groves Medical Plaza (Southern Blvd. & F Road)
From: Ryan Johnston (ryan@johnstongroupinc.com)
To: lrmijim@bellsouth.net;
Date: Wednesday, April 27, 2016 3:27 PM

As requested.

Ryan B. Johnston

President / Principal

JOHNSTON GROUP LAND DEVELOPMENT CONSULTANTS, INC.

5090 PGA Boulevard, Suite 212 • Palm Beach Gardens, Florida 33418

561.691.4552 p • 561.691.4553 f • 561.385.7152 c

ryan@johnstongroupinc.com

www.johnstongroupinc.com



2006 - 2016

From: Drouin, Brett [mailto:Brett.Drouin@dot.state.fl.us]
Sent: Wednesday, April 27, 2016 7:28 AM
To: Ryan Johnston
Cc: Evert, Rosie; Kissner, Eugene
Subject: FW: Groves Medical Plaza (Southern Blvd. & F Road)

Good Morning Ryan:

Be advised the Department installed the guardrail in question for public safety reasons. It is also my understanding the property owner to the east of you can have access to "F" road through the frontage road installed but refuses to connect.

If you have any further concerns regarding this matter please do not hesitate to contact this office.

Regards,

Brett Drouin

Permits Manager

Palm Beach Operations

7900 Forest Hill Boulevard

West Palm Beach, 33413

(561) 370-1134

Fax: (561) 370-1236

From: Ryan Johnston [<mailto:ryan@johnstongroupinc.com>]

Sent: Tuesday, April 26, 2016 4:45 PM

To: Drouin, Brett

Subject: Groves Medical Plaza (Southern Blvd. & F Road)

Hi Brett,

You may recall that we developed a property at the NE corner of Southern Boulevard and F Road a few years ago and had some coordination with your office as it relates to our construction and the on-going FDOT Southern Boulevard work. A copy of our approved site plan is attached for your reference. A representative from our office met with you, our contractor and civil engineer at the site on May 23, 2012 to discuss a couple of issues including the removal of an illegal dirt road that was located within the FDOT right-of-way in front of our

site. I have attached our civil engineer's minutes of that meeting. I have also attached a 2011 aerial photograph showing the illegal dirt road and a more recent aerial photograph showing the road removed and a guardrail installed.

We are currently processing a site plan amendment through the Town of Loxahatchee Groves and the neighbor directly adjacent to our east property line has complained to the Town about the installation of the guardrail. She says it has blocked her access to and from F Road resulting in a decline in her business and directly accused us of installing the guardrail for the reason being that we didn't want her traffic traversing in front of our site. The Town has asked us to investigate the history of this issue and confirm that FDOT, and not us, installed the subject guardrail. Based on the attached minutes, I believe that the guardrail was installed by FDOT with the purpose of shutting down the illegal dirt road. Can you please confirm that this is the case?

Thanks,

Ryan

Ryan B. Johnston

President / Principal

JOHNSTON GROUP LAND DEVELOPMENT CONSULTANTS, INC.

5090 PGA Boulevard, Suite 212 • Palm Beach Gardens, Florida 33418

561.691.4552 p • 561.691.4553 f • 561.385.7152 c

ryan@johnstongroupinc.com

www.johnstongroupinc.com



2006 - 2016

SIMMONS & WHITE

5601 Corporate Way, Suite 200

West Palm Beach, FL 33407

561.478.7878 | 561.478.3738

www.simmonsandwhite.com

CONSTRUCTION FIELD OBSERVATION REPORT

Project Name	Grove Medical Office	Job No.	11-51
Client	Grove Medical Office	Date	5/23/12
Contractor	All Flags Construction	Time	2pm
Subcontractor	Deevan	Weather	Hot/sunny
Contact	Bob Hoffman, Steve Fisher -- All Flags Construction		

DETAILS

Today I was on site at the above referenced project with the contractor/owner listed above as well as Brett Drouin and Gene Kissner of FDOT and Michael Sanchez of the Johnston group.

We discussed the closure of the existing illegal dirt road running from the property to the east (whose owner was present for a portion of the meeting) to "F" road on the west, in front of the project property, within FDOT R/W. FDOT indicated that a permanent means to secure the Right of Way from illegal vehicular use needed to be established and will attempt to have their maintenance department extend the existing guardrail from the current eastern terminus to the shared property corner of our site and the adjacent property to the east. The contractor will regrade the area that is currently being used as a road back to the original swale section as shown in the construction plans prepared by Simmons & White. The eastern property will have access to "F" road through the recorded cross access agreement and roadway to be constructed as part of this project.

Also discussed was modifying the plans at the intersection of F road to SR 80. We will utilize as much of the existing type E curb, sidewalk and handicap ramp landing on the west side of F road as possible. we will extend the sidewalk further south on F road to connect to the existing landing on the west side in as close to a parallel line across the intersection as possible and we will add striping to the existing road way. FDOT will contact PBC traffic division to see if PBC ITS/Traffic can make the necessary changes to the existing pedestrian crossing signals and install a new one on the east side. Simmons & White will modify our plans to show the new alignment and resubmit to FDOT after providing a tentative sketch of crosswalk and landing locations.



By Paul Buri

Town of Loxahatchee Groves, FLORIDA

Town Council AGENDA ITEM REPORT

AGENDA ITEM NO. 9a

PREPARED BY: | Jim Fleischmann

SUBJECT: Proposed Site Plan SP(E) 2016-01 – Site Plan Approval Extension for the Day Property; Council Resolution 2016-29

1.BACKGROUND/HISTORY

Problem Statement: The applicant has requested a 6-month extension of the Final Site Plan approval for the Day Property. The Council adopted Resolution 2015-016 on May 19, 2015 approving the Final Site Plan.

Problem Solution: Consider approval of a 6-month extension, to November 19, 2016 of the approved Final Site Plan.

2.CURRENT ACTIVITY

ULDC Section 155-030 – *Effect of approval* states that an approved site plan shall be effective until the development is completed, but shall be null and void if a building permit for a principal structure is not issued within one year from the date of site plan approval. The Town Council may grant one extension not to exceed six months duration upon demonstration of hardship and intent to proceed.

Urban Design Kilday Studios, Agent for the Property Owner, submitted a letter to the Town Manager on April 11, 2016 requesting a 6-month extension of the Site Plan which was approved by the Town Council on May 19, 2015 (Resolution 2015-016).

The Property Owner has engaged consultants to prepare and submit building permits for the first building.

3.ATTACHMENTS

1. Extension request letter dated April 11, 2016
2. Resolution 2015-016

4.FINANCIAL IMPACT

SP(E) 2016-01 extension is funded by the Applicant through the Town's Cost Recovery System.

5.RECOMMENDED ACTION

Approval of Resolution 2016-29 granting a six-month site plan approval extension for the Day Property to November 19, 2016

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2016-29

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE DAY PROPERTY SITE PLAN EXTENSION, FOR LAND OWNED BY WILLIE H. AND FRANKIE J. DAY, CONSISTING OF 9.3 ACRES MORE OR LESS, LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council, on November 11, 2014, adopted Ordinance 2014-07 approving the rezoning of the property from the Agricultural Residential (AR) zoning district to Commercial Low (CL), including the Final Conceptual Master Plan and Final Conditions of Approval ; and.

WHEREAS, the Town Council, on May 19, 2015, adopted Resolution 2015-16 approving the Site Plan of the property, including the Final Conditions of Approval ; and.

WHEREAS, Unified Land Development Code (ULDC) Section 155-030 *Effect of Approval* states that an approved site plan shall be effective until the development is completed, but shall be null and void if a building permit for a principal structure is not issued within one year from the date of site plan approval or an extension not to exceed six months duration is approved by the Town Council;

WHEREAS, pursuant to ULDC Section 155-030, the Property Owner has demonstrated a hardship and intent to proceeds; and

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

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

Section 2. The Town Council has considered the staff recommendation and makes the following findings of fact:

- 1.** The Property Owner has submitted a request for an extension under ULDC Section 155-030 ; and
- 2.** Per ULDC Section 155-030, the Property Owner has demonstrated a hardship and intent to proceed.

Section 3. The Town Council of the Town of Loxahatchee Groves approves the Day Property Site Plan Extension to November 19, 2016, for the parcel of land legally described in

Exhibit A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit A, attached hereto and made a part hereof.

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

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective upon adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this ____ day of MAY, 2016.

ATTEST: TOWN OF LOXAHATCHEE GROVES, FLORIDA

Virginia Walton, Town Clerk

Mayor David Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Tom Goltzene

Town Attorney

Council Member Ron Jarriel

Council Member Ryan Liang

Council Member Todd McLendon

EXHIBIT A

LEGAL DESCRIPTION AND LOCATION MAP

The following Legal Description is applicable to Resolution 2015-16:

Parcel Control Number: 41-41-43-17-01-633-0010

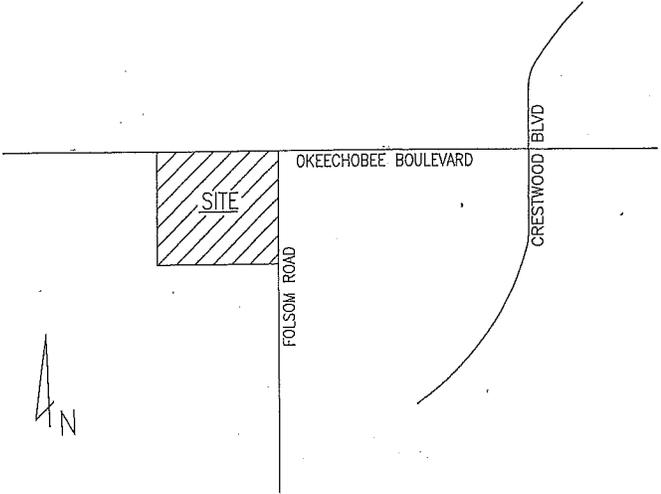
Lot 33, less the West 1158.6 feet thereof, Block F, Loxahatchee Groves, according to the map or plat thereof as recorded in Plat Book 12, page 29, public records of Palm Beach County, Florida. Less and except the following parcel:

Parcel #126

A parcel of land lying in Section 27, Township 43 South, Range 41 East, and being a portion of Tract 33, Block F of the plat of Loxahatchee Groves as recorded in Plat Book 12, page 29, of the public records of Palm Beach County, Florida, and being more particularly described as follows:

Beginning at the NE corner of said Tract 33, run South 02 degrees 16 minutes 10 seconds West, along the East line of said Tract 33 a distance of 568.55 feet thence North 89 degrees 12 minutes 34 seconds West a distance of 50.02 feet along the South line of said Tract 33; thence North 2 degrees 16 minutes 10 seconds East a distance of 516.75 feet; thence North 43 degrees 36 minutes 10 seconds West a distance of 71.79 feet; thence South 89 degrees 29 minutes 31 seconds East a distance of 101.58 feet along the North line of said Tract 33 and along the South right-of-way line of Okeechobee Blvd. to the point of beginning.

LOCATION MAP



SITE

OKEECHOBEE BOULEVARD

FOLSOM ROAD

CRESTWOOD BLVD



April 11, 2016

Mr. William F. Underwood, Town Manager
Town of Loxahatchee Groves
155 F Road
Loxahatchee Groves, FL 33470



Re: Day Property Site Plan
Extension Request for Resolution No. 2015-16

Urban Planning and Design
Landscape Architecture
Communication Graphics

Dear Mr. Underwood:

The Town of Loxahatchee Groves (hereinafter referred to as the Town) Council issued the Day Property Site Plan approval on May 19, 2015 through Resolution No. 2015-16 (enclosed). Per Town Unified Land Development Code Section 155-030, Effect of approval (enclosed), this approval is valid for one (1) year within such time that a building permit for a principal structure must be issued. The compliance date for this site is May 19, 2016. The Code allows for the Town Council to grant a six (6) month time extension upon demonstration of hardship and intent to proceed.

The property owners, Willie H. and Frankie J. Day, have demonstrated an intent to proceed. Following the approval granted on May 19, 2015, Mr. Day engaged Paul Snitkin, Head of Sales and Leasing for Anderson & Carr, Inc., South Florida's oldest real estate, business appraisal and commercial brokerage firm, in an effort to sell the property. The efforts that Mr. Snitkin has taken include, but are not limited to, listing the property on multiple real estate related web sites (loopnet.com, costar.com, showcase.com, etc.), promoting the property at multiple Realtors Commercial Alliance of PBC meetings/events, and distributing mass mailings/email blasts/cold calls. While there has been interest in the property, there has been no formal sales proceedings entered into to date.

As time has become of the essence to comply with the time limitation, Mr. Day has initiated an intent to proceed with pursuing a building permit for the first building. On his behalf, UDKS reached out to the Town Manager and Town Planner on March 18, 2016 to initiate discussion of the process and schedule a meeting to comply with the conditions contained in Resolution 2015-16. Mr. Day has engaged a full team of consultants to prepare and submit the necessary documents to the Town to obtain a building permit for a principal structure and a meeting has been scheduled with Town staff on April 14, 2016; however, since there is only a little over one (1) month remaining before the deadline, an extension request is being submitted as additional time will be needed to complete the platting and permitting processes. As such, on behalf of Mr. Day, we are requesting a six (6) month extension be granted by the Town Council on the expiration date of Resolution No. 2015-16 to allow sufficient time for the building permit documents to be submitted and reviewed prior to issuance.

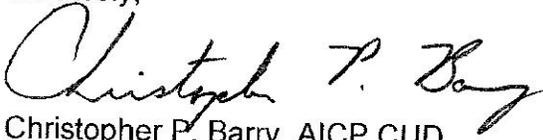
Please contact myself or Collene Walter of this office if you have any questions or require further information.

610 Clematis Street, Suite CU02
West Palm Beach, FL 33401
561.366.1100 561.366.1111 fax
www.udkstudios.com
LCC000035

Mr. William F. Underwood
Day Property Site Plan – Extension Request

April 11, 2016
Page 2

Sincerely,



Christopher P. Barry, AICP CUD
Senior Planner

cc: William Day
Paul Snitkin, Head of Sales and Leasing, Anderson & Carr, Inc.
Jim Fleischman, Land Research Management (Town's Planner)

Enc.: Resolution No. 2015-16
Town ULDC Article 155, Site Plans (Section 155-030 highlighted)

RECEIVED
JUN 16 2015

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-16

BY: Matt Whipple
Town Clerk

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE DAY PROPERTY SITE PLAN, FOR LAND OWNED BY WILLIE H. AND FRANKIE J. DAY, CONSISTING OF 9.3 ACRES MORE OR LESS, LOCATED AT THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND FOLSOM ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council, on November 11, 2014, adopted Ordinance 2014-07 approving the rezoning of the property from the Agricultural Residential (AR) zoning district to Commercial Low (CL), including the Final Conceptual Master Plan and Final Conditions of Approval ; and.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida ("Town"), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to site plans for development on property within the Town; and

WHEREAS, the Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny site plans; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board) and Roadways Equestrian Trails and Greenway Advisory Committee (RETGAC), at their joint meeting of February 19, 2015, recommended approval of the Day Property Site Plan Application SP 2015-01, subject to conditions of approval; and

WHEREAS, the Loxahatchee Groves Commons Site Plan Application SP 2015-01, was presented to the Town Council at a quasi-judicial public hearing conducted on May 19, 2015; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of Town staff, Town Planning & Zoning Board (P&Z) and the Roadway, Equestrian Trails, and Greenway Advisory Committee (RETGAC); and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Town of Loxahatchee Groves Unified Land Development Code (Town ULDC) and other provisions requiring that development commence in a timely manner.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

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

Section 2. The Town Council has considered the findings in the staff report dated May 12, 2015, and joint Town P&Z Board and RETGAC recommendation and makes the following findings of fact:

1. This Site Plan is consistent with the Conceptual Site Plan approved by the Town Council in Town Ordinance 2014-07 on November 11, 2014.
2. This Site Plan is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including standards for building and structural intensities and intensities of use.
3. This Site Plan as presented in Exhibit “B” hereto, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations. This Site Plan, along with conditions of approval, as adopted and presented in Exhibit “D” hereto, complies with standards imposed on it by all other applicable provisions of the Town ULDC. The Town Council finds the conditions, as presented in Exhibit “D” hereto, to be reasonable, and rationally related to the proposed development, and consistent with the Town’s character.
4. This Site Plan, as presented in Exhibit “B” hereto, and Statement of Use, as presented in Exhibit “C” hereto, along with conditions of approval, as adopted and presented in Exhibit “D” hereto, are compatible and generally consistent with the uses and character of the land surrounding, and in the vicinity of, the land proposed for development.
5. The proposed design, with conditions as adopted and presented in Exhibit “D” hereto, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
6. This Site Plan, as presented in Exhibit “B” hereto, and Statement of Use, as presented in Exhibit “C” hereto, along with conditions of approval, as adopted and presented in Exhibit “D” hereto, minimize environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.
6. This Site Plan, as presented in Exhibit “B” hereto, and Statement of Use, as presented in

Exhibit "C" hereto, along with conditions of approval, as adopted and presented in Exhibit "D" hereto, will result in logical, timely and orderly development patterns.

Section 3. The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Day Property Site Plan SP 2015-01 for the parcel of land legally described in Exhibit "A", attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit "A", attached hereto and made a part hereof. A copy of the Site Plan, subject to the Statement of Use, attached hereto as Exhibit "C", and conditions or approval presented in Exhibit "D" hereto, is attached hereto as Exhibit "B" and made a part hereof.

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

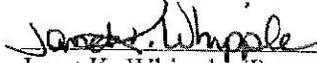
Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective upon adoption.

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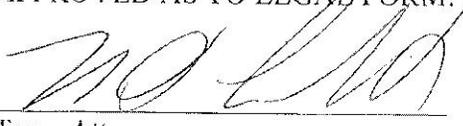
**RESOLVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF
LOXAHATCHEE GROVES, FLORIDA THIS 19th DAY OF MAY, 2015.**

ATTEST:



Janet K. Whipple, Town Clerk

APPROVED AS TO LEGAL FORM:



Town Attorney

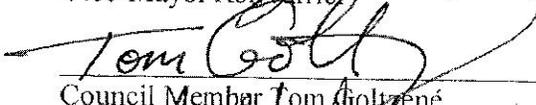
TOWN OF LOXAHATCHEE GROVES,
FLORIDA



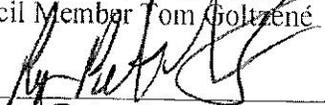
Mayor David Browning



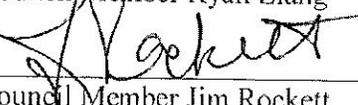
Vice-Mayor Ron Jarrick



Council Member Tom Goltz



Council Member Ryan Liang



Council Member Jim Rockett

EXHIBIT A

LEGAL DESCRIPTION AND LOCATION MAP

The following Legal Description is applicable to Resolution 2015-16:

Parcel Control Number: 41-41-43-17-01-633-0010

Lot 33, less the West 1158.6 feet thereof, Block F, Loxahatchee Groves, according to the map or plat thereof as recorded in Plat Book 12, page 29, public records of Palm Beach County, Florida. Less and except the following parcel:

Parcel #126

A parcel of land lying in Section 27, Township 43 South, Range 41 East, and being a portion of Tract 33, Block F of the plat of Loxahatchee Groves as recorded in Plat Book 12, page 29, of the public records of Palm Beach County, Florida, and being more particularly described as follows:

Beginning at the NE corner of said Tract 33, run South 02 degrees 16 minutes 10 seconds West, along the East line of said Tract 33 a distance of 568.55 feet thence North 89 degrees 12 minutes 34 seconds West a distance of 50.02 feet along the South line of said Tract 33; thence North 2 degrees 16 minutes 10 seconds East a distance of 516.75 feet; thence North 43 degrees 36 minutes 10 seconds West a distance of 71.79 feet; thence South 89 degrees 29 minutes 31 seconds East a distance of 101.58 feet along the North line of said Tract 33 and along the South right-of-way line of Okeechobee Blvd. to the point of beginning.

LOCATION MAP

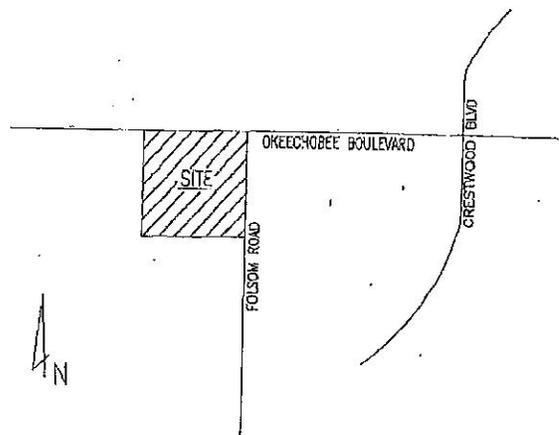


EXHIBIT B
DAY PROPERTY FINAL SITE PLAN 2015-01

EXHIBIT C
DAY PROPERTY FINAL SITE PLAN: SP 2014-02
STATEMENT OF USE

Urban Design Kilday Studios (UDKS) has been retained by Willic H. and Frankie J. Day to prepare a Site Plan Approval application for a property located at the southwest corner of Okeechobee Boulevard and Folsom Road, known as the Day Property. The Future Land Use Map on the subject property was amended, through Town Council approval on November 11, 2014, from RR-5 (Rural Residential 5 – one dwelling unit per 5 acres) to a CL (Commercial Low) designation on the 9.30 acres. A rezoning application was approved concurrently which rezoned the subject property from AR (Agricultural Residential) to CL (Commercial Low).

The development will provide a blend of retail, restaurant, professional/business office and accessory personal service uses that benefit the local community. The intensity of use is compliant with the provisions of Policy 1.15.3 of the Future Land Use Element of the Town of Loxahatchee Groves Comprehensive Plan and compatible with the surrounding existing uses.

The plan is intended to implement the Town's CL Future Land Use designation by incorporating a variety of complimentary community serving retail, restaurant, and office uses within a unified development plan. The CL Future Land Use designation permits the construction of local retail sales and office establishments which are beneficial to the residents of the Town. In addition, a local restaurant is included as a place for Town residents to meet and dine within the Town limits.

The site will serve as a gateway to the Town with a large lake area located at the intersection of Okeechobee Boulevard and Folsom Road. The overall floor-area-ratio (F.A.R.) at 0.074 and building coverage at 7.9% are consistent with the general rural intent of the Comprehensive Plan and specific provisions of Special Policy 1.15.3. Architectural details will emphasize the Rural Vista Guidelines preferred by the Town.

Due to the location of residential lots within 250 feet of the boundary of the subject property, the Site Plan provides several features to insure neighborhood compatibility. First and foremost, required 15 foot landscape buffers along the south, east and west property lines are provided where vehicular use areas are adjacent to the perimeter property lines. In addition, 10 foot landscape buffers are provided along the north and east property lines, adjacent to the proposed on-site lake. Buffer areas include both canopy trees and a hedge/shrub which provide both a visual screen and an aesthetically pleasing perimeter to the subject property. Perimeter landscaping is supplemented by interior landscaping including an area to be maintained as an "ecological community", located in the northern-central portion of the property.

Dumpsters and loading areas will be sufficiently screened by the landscaping referenced above.

**EXHIBIT D
DAY PROPERTY
FINAL SITE PLAN SP 2015-01 CONDITIONS OF APPROVAL**

GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibit A (Day Site Plan). The approved Site Plan is dated May 6, 2015. All modifications to the Site Plan must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC, as determined by the Town Manager.
3. The location of the 0.282 acre preserve area shall be identified on the Final Site Plan.
4. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Engineer shall review and approve the following plans for consistency with the approved Site Plan Site Plan, Paving, Drainage, Water and Wastewater Plans, Irrigation Plan, and Photometric Plan.
5. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Manager shall review and approve the following plans for consistency with the approved Site Plan Site Plan, Landscape Plan, and Floor Plans.
6. A plat pursuant to Article 140 of the Town's Unified Land Development Code shall be filed with the Town prior to applying for an initial building permit.
7. A twelve-foot easement for a horse trail shall be granted by the property owner along the Okeechobee Boulevard frontage of the property.

USE LIMITATIONS

1. Land use and intensity of development on the property shall be regulated by the application of the following:
 - a. Intensity of development shall not exceed a floor-area- ratio (F.A.R.) of 0.074 in order to accommodate a maximum of 30,000 sq. ft. of general retail, restaurant and office uses.
 - b. The limitation on intensity of development shall automatically increase to whatever F.A.R. is subsequently granted to any other Commercial Low designated property fronting on Okeechobee Boulevard and lying within the Town limits.
 - c. Any increase in development intensity above a 0.074 F.A.R., as permitted in Section b, above shall be processed through the Town's site plan or site plan amendment approval process, as appropriate.
2. Building height shall be limited to one story.

ARCHITECTURAL

1. Architectural features and elevations shall comply with the Building Plans and Elevations dated January 23, 2015.

ENGINEERING

1. Consistent with the Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no building permits for the site shall be issued after December 31, 2019. A time extension for this condition may be approved by the Palm Beach County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.
2. An Irrigation plan shall be included with documents submitted to the Town Engineer for review and approval.

LAND CLEARING AND LANDSCAPING

1. Any land clearing activities shall comply with the permit requirements of Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" of the Loxahatchee Groves Unified Land Development Code. Included in the required land clearing permit application, an "Ecological Community Management Plan" shall be submitted for the 0.282 acre "Reserve" to satisfy the requirements of ULDC Section 85-025 (C) "*Preserved/created ecological communities.*"
2. Project landscaping shall conform to the Landscape Plan dated January 23, 2015.

EXTERIOR LIGHTING

1. All lighting shall conform to the Photometric Plan dated May 6, 2015.
2. All exterior lighting shall be directed downward and contain shields to contain lighting within the property boundaries.

PALM TRAN

1. Not Applicable.

PARKING AND LOADING

1. All parking and loading shall occur on site as indicated on the approved Final Site Plan dated May 6, 2015.
2. Paved parking on the property shall not exceed the code-required 175 spaces.

SIGNS

1. Sign permit applications shall be submitted to the Town as required by ULDC Section 90-070 *Sign permit requirements.*

2. Mandatory building identification signs (maximum sign face of 4 sq. ft.) shall be attached to each structure.
3. The number of monument signs shall be limited to the following:
 - One shopping center free-standing sign at each of the following locations: Okeechobee Boulevard entrance with a maximum sign face of 72 sq. ft.; Southern and Folsom Road entrance with a maximum sign face of 72 sq. ft.
 - One "Town Sign", to be provided by others, located at the intersection of Okeechobee Boulevard and Folsom Road.
 - One drive-thru secondary (directional) sign @ maximum sign face of 12 sq. ft. as indicated on the Site Plan is dated May 6, 2015.
 - One shopping center attached building wall sign per tenant (2 if corner location) @ maximum sign face of 12 sq. ft. of sign face per sign

UTILITIES AND SERVICES

1. A fully executed Potable Water and Wastewater Development Agreement between the Property Owner and the Palm Beach County Water Utility Department shall be provided to the Town of Loxahatchee Groves for the provision of central water and wastewater services to the project prior to issuance of the first project building permit.
2. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and a third-party hauler prior to issuance of the initial certificate of occupancy
3. Buildings of 5,000 sq. ft. and larger shall contain automatic sprinkler systems.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2016-30

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND UNDERWOOD MANAGEMENT SERVICES; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on April 5, 2016, the Town Council adopted Resolution 2016-07, to approve the Agreement between the Town and Underwood Management Services; and

WHEREAS, the Council instructed staff to search, interview and finalize the services of code enforcement for the Town; and

WHEREAS, Underwood Management Services has a proposed code officer and clerk, who will be added under Underwood Management Services personnel, to fill the duties as instructed by the Town; and

WHEREAS, the Town Council finds it is in the best interest of all parties to approve the amended Agreement, which is attached hereto as Exhibit "A", and by reference incorporated herein.

NOW, THEREFORE, BE IT RESOLVED 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 Resolution.

Section 2. The Town Council of the Town of Loxahatchee Groves approves the First Amendment to the Underwood Management Services Agreement, attached hereto and incorporated herein, and authorizes the appropriate Town Officials to execute same.

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

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

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS _____ DAY OF MAY 2016.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor David Browning

Virginia Walton, Town Clerk

Vice-Mayor Tom Goltzené

Council Member Ron Jarriel

APPROVED AS TO LEGAL FORM:

Council Member Ryan Liang

Office of the Town Attorney

Council Member Todd McLendon

**AMENDMENT NUMBER 1
PROFESSIONAL SERVICES AGREEMENT**

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) **AND THIS PROFESSIONAL SERVICES AGREEMENT AMENDMENT NUMBER 1** (“Amendment”) is made and entered into as of the _____ day of May, 2016, by and between the **TOWN OF LOXAHATCHEE GROVES**, a Florida municipal corporation organized and operating pursuant to the laws of the State of Florida, with a business address of 155F Road, Loxahatchee Groves, Florida 33470 (“Town”) and **UNDERWOOD MANAGEMENT SERVICES GROUP, LLC**, a Florida limited liability company with a business address of 840 N.E. Stokes Terrace, Jensen Beach, Florida 34957 (“Underwood”).

WITNESSETH:

WHEREAS, Underwood was organized to provide professional management and other specialized services to the Town and, for those purposes, the Town has retained Underwood to provide those services to the Town; and

WHEREAS, Underwood was retained by the Town effective October 1, 2011, for the purpose of providing Town management services to the Town; and

WHEREAS, Underwood contractual services were renewed effective October 1, 2015, for the purpose of providing Town management services to the Town; and

WHEREAS, the Town is requesting more government management services be provided by Underwood; and

WHEREAS, this amendment shall be effective beginning June 1, 2016, and continuing through the term of the contract as described in Section 4. Term of the Agreement; and

WHEREAS, Underwood can provide the Town with additional and specialized services, subject to the terms and conditions of the Professional Services Agreement dated the 5th day of April 2016 and amendments contained hereof; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Paragraph 2. (b) of the agreement shall be modified:

The Services include providing a Town Manager on a full-time basis, Town Clerk, planning associate and clerical staff for a total of ninety-five (95) hours a week, and financial services required by the Town as provided in the Scope of Work attached hereto as Exhibit "A".

This amendment to the Agreement specifies that Underwood will provide additional code enforcement services as provided in the Scope of Work attached hereto as **Exhibit “B”**. Other services requested by the Town Council that extend beyond the scope of Exhibit A or B can be performed pursuant to a separate Work Authorization presented and approved by the Town Council on a project by project basis.

3. (a) Fee and Expenses of the agreement shall be modified:

3. Fee and Expenses.

(a) In return for the Services, Underwood shall be entitled to receive from the Town monthly fee of Thirty ~~Nine~~ Thousand ~~Three-Two~~ Hundred ~~Sixty-four~~ ~~Thirty-nine~~ and no/100 00 Dollars (\$~~30,364~~~~39,239~~) for the period commencing on the Commencement Date, (the "Base Fee), which Base Fee shall be increased on October 1, 201~~6~~ and on each October 1 thereafter during the Term in an amount approved by the Town Council during the annual budget. The monthly fee shall be payable by the 20th of each month. Each month during the Term, Underwood shall submit an invoice for the Fee then payable by the Town. The terms of the Florida Prompt Payment Act, Florida Statute Sections 218.70-80, are hereby incorporated herein by this reference and the Town agrees to make payment in accordance with same.

All terms and conditions of the Professional Services Agreement not in conflict herewith shall remain in full force and effect. In the event of any conflict between this Amendment Number 1 and the Professional Services Agreement, the terms and conditions of this Amendment Number 1 shall prevail.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to be executed as of the date first above written.

ATTEST

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

Town Clerk

By: _____
David Browning , Mayor

APPROVED AS TO FORM:

UNDERWOOD MANAGEMENT
SERVICES GROUP, LLC

Town Attorney

By: _____
William F. Underwood, II
Title: Managing Partner

EXHIBIT B

AMENDMENT NUMBER 1 PROFESSIONAL SERVICES AGREEMENT CODE ENFORCEMENT SERVICES

The Town has adopted its own Land Development Code. Underwood is responsible for managing, overseeing and performing daily administration of code enforcement activities pursuant to the Town's land development regulations. Such activities include but are not limited to:

UNDERWOOD will perform the following services based on the scope of work the Town requires:

A. Code Enforcement

1. UNDERWOOD will provide to the Town one (1) certified Code Enforcement Officer for up to twenty-one (21) hours per week. Thereafter, the officer can be made available on an as needed basis, to include Saturdays if so needed and available, from time to time, to enforce the Town's Code and to attain compliance as requested by the Town Manager. Payment for such additional work shall be pursuant to paragraph 6 below.
2. UNDERWOOD will provide an additional Administrative staff position to work with the Code Enforcement Officer and to provide clerical assistance for Code Enforcement Hearings, for no more than thirty-five (35) hours per week during normal business hours, Monday through Fridays 9:00-4:00 except when Town Offices are closed for a holiday.
3. UNDERWOOD will investigate a complaint during normal workdays, within three (3) working days of receipt from the TOWN so long as such occurs during normal business hours, Mondays through Fridays 9:00-4:00 except when Town Offices are closed for a holiday. No investigation shall occur outside of normal business hours without the approval of the Town Manager.
4. UNDERWOOD personnel shall write courtesy notices, warnings and or violations as appropriate and directed by the Town Manager to attain compliance with the Code.
5. UNDERWOOD will provide Code Enforcement personnel to attend Code Enforcement meetings and hearings in order attain Code Compliance. Code Enforcement Hearings should be scheduled during normal business hours, Mondays through Fridays 9:00-4:00 except when Town Offices are closed for a holiday.
6. Should it be necessary to make available the Town Code Enforcement Officers at times other than during normal business days, Monday through Fridays 9:00-4:00 except when Town Offices are closed for a holiday, the rate charged will be Sixty-five dollars (\$65.00) per hour.

Town of Loxahatchee Groves, Florida
Town Council
AGENDA ITEM REPORT
AGENDA ITEM NO.

MEETING DATE: 5/03/2016

PREPARED BY: Bill Underwood, Town Manager

SUBJECT: Charter Amendments for Referendum Ballots

1. BACKGROUND/HISTORY

Problem Statement: The Town Council needs to appoint members to the ULDC Committee.

Problem Solution: At the Town Council meeting of April 19, 2016, the Town Council adopted Resolution No. 2016-28, re-establishing the ULDC Committee to review specific sections of the existing in the current code and made recommendations for clarification, revisions or changes to those sections.

2. CURRENT ACTIVITY

In order to move forward with creation of this committee and begin the review process, the Town Council needs to appoint members they wish to serve.

3. ATTACHMENTS

Resolution No. 2016-31

4. FINANCIAL IMPACT

Not available or applicable

5. RECOMMENDED ACTION

Motion to nominate and appoint members to the ULDC Committee.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2016-31

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, _____, _____, _____ AND _____, AS VOTING MEMBERS OF THE ULDC ADVISORY COMMITTEE, TO SERVE TERMS THAT EXPIRE ON THE SUNSET DATE OF DECEMBER 31, 2016; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Resolution 2016-28, adopted on April 19, 2016, re-established and set forth the duties of the Town of Loxahatchee Groves ULDC Committee; and

WHEREAS, the Town Council finds it in the best interests of the Town to appoint voting members of the ULDC Committee for terms to sunset with the Committee on December 31, 2016, and to make such appointments for the upcoming year.

NOW, THEREFORE, BE IT RESOLVED 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 Resolution.

Section 2. The Town Council hereby appoints the following persons to serve as voting members of the Town's ULDC Committee (ULDCC) for a term to expire on 12/31/2016:

- Mayor David Browning appoints _____.
- Vice-Mayor Tom Goltzené appoints _____.
- Council Member Ron Jarriel appoints _____.
- Council Member Ryan Liang appoints _____.
- Councilmember Todd McLendon appoints _____.

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

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

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVIS BROWNING, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDEN, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ___ DAY OF MAY 2016.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor David Browning

Virginia Walton, Town Clerk

Vice-Mayor Tom Goltzené

APPROVED AS TO LEGAL FORM:

Council Member Ron Jarriel

Council Member Ryan Liang

Office of the Town Attorney

Council Member Todd McLendon



Our File Number: 0003378-00001
Writer's Direct Dial Number: 561-650-0621
Writer's E-Mail Address: bseymour@gunster.com

March 1, 2016

VIA ELECTRONIC MAIL AND U.S. MAIL

Michael D. Cirullo, Jr.
Loxahatchee Groves Town Attorney
Goren, Cherof, Doody & Ezrol
3099 East Commercial Blvd., Suite 200
Fort Lauderdale, FL 33308

Re: Palm Beach State College – Proposed Horse Trail

Dear Mike:

We have become aware that the Town of Loxahatchee Groves (“Town”) intends to consider accepting a “permit” for horse trails over property owned by Palm Beach State College (“College”). We understand that the Loxahatchee Groves Water Control District (“District”) proposes these easements pursuant to Chapter 2014-247, Laws of Florida, amending Chapter 99-425, Laws of Florida. Palm Beach State College objects to any horse trail on or over its property.

As you may know, the College does not believe that the District has any rights to a maintenance easement over College property. There are several legal and factual bases for these objections. Without going into each of them in detail, and without waiving any such bases, two are unique to the College. First, as a factual matter, the District has not maintained the property over which they claim an easement. We have reviewed historical aerial photography and discussed the property conditions with those who are familiar with the history of the property. It is clear that the District did not use the property claimed. For instance, there was significant overgrowth, including tree growth, in the area claimed that could not have occurred if District had used the property.

Second, as a legal matter, the District cannot acquire a prescriptive easement over the College's property as they have attempted to do. The College is a subdivision of the state of Florida, a governmental entity. It has long been the law of Florida that one cannot acquire interests in state owned lands by adverse possession or prescription. *See, Pearce v. Cone*, 2 So.2d

March 1, 2016

Page 2

360 (Fla. 1941)(“One acquires no rights by possession against the title of the State”). Even assuming *arguendo* that the law is otherwise valid, it cannot apply to the College’s property.

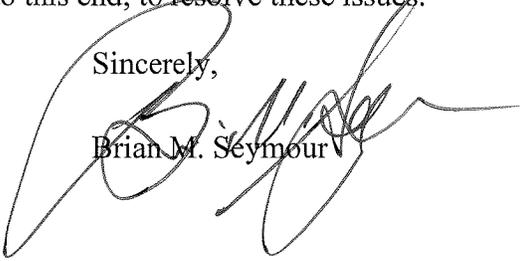
The District has no right to a maintenance easement and cannot provide a permit to the Town for horse trails over the College’s property. However, it is not the College’s objective to be obstructionist. We have had several conversations over the course of the past several months and have met with the District staff and its attorneys. We have explained in detail the College’s objections and concerns regarding this issue. We have further continued to offer to work with the District to provide them with appropriate maintenance easements. We are very disappointed to find that the District, knowing of our position and despite our offer to work together, has put the Town in the position to consider accepting a horse trail over the College’s property. We hope that the Town does not take the bait and add to the District’s improper actions.

We appreciate everything the Town has done to date to work with us on these issues. As you know, the College has always worked to be a good neighbor and to work with the Town. The College remains willing to do so. The College would appreciate the opportunity to work with the Town and the District to resolve this issue collaboratively.

As you may recall, during the process of the development approvals for the College property, there were several discussions about horse trails on the College property. The College explained, and we believe the Town understood, that this would create significant concerns for the students, faculty, and visitors to the College. These issues remain. Safety and security of the students, faculty, and visitors being paramount, the College cannot agree to horse trails on its property. Although we would prefer not to do so, if the Town moves forward with horse trails as proposed on the College property, we will have no choice but to file suit to seek a declaration of our rights.

We request that the Town take no action regarding any horse trail on or over the College property. This will provide us the opportunity to work with the Town and the District, and we request a meeting of all three parties to this end, to resolve these issues.

Sincerely,


Brian M. Seymour

cc: Client

BMS/cs

Enclosure

WPB_ACTIVE 5323718.1

Gunster, Yoakley & Stewart, P.A.
ATTORNEYS AT LAW

William (Bill) Underwood, II

From: Mike Cirullo <MCirullo@cityatty.com>
Sent: Wednesday, April 27, 2016 2:21 PM
To: David Browning; Tom Goltzene; Ron Jarriel; Ryan Liang; Todd McLendon
Cc: William (Bill) Underwood, II; Virginia Walton
Subject: FW: Palm Beach State College

Good afternoon, all. As you know there is a disagreement between the District and the PBSC relating to the District's claim for the perpetual maintenance easement along the east side of A Road on the PBSC property. At the April 5, 2016, meeting, the Town Council adopted a motion to request the District to take out the disputed easement until it is resolved and provide the permit to the Town for the remaining easements.

Subsequent to the Town Council adopting the motion, PBSC attempted to set a meeting with the District and the Town to discuss the issues. As you can see below, the District's counsel declined to attend, stating this was a Town issue. I responded by asking the District's position on the Council's request.

I wanted to update you on this conversation. I'll advise when I receive a response from the District's counsel.

Please call me if you want to discuss.

Thank you.

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.

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From: Mike Cirullo
Sent: Tuesday, April 26, 2016 1:13 PM
To: 'Mary M Viator'; 'Seymour, Brian'; Crowley, James
Cc: Beverly G. Kuipers (bkuipers@loxahatcheegrovesfl.gov); Cynthia Dunn; wunderwood@loxahatcheegrovesfl.gov; Stephen E. Yohe
Subject: RE: Palm Beach State College

Mary, at the April 5 Town Council meeting, the Town Council requested the District to provide the permit for all available trails with the exception of the one on the PBSC property. Did the District agree to do so?

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.

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From: Mary M Viator [\[mailto:viator@caldwellpacetti.com\]](mailto:viator@caldwellpacetti.com)
Sent: Tuesday, April 26, 2016 12:16 PM
To: 'Seymour, Brian'; Crowley, James
Cc: Mike Cirullo; Beverly G. Kuipers (bkuipers@loxahatcheegrovesfl.gov); Cynthia Dunn; wunderwood@loxahatcheegrovesfl.gov; Stephen E. Yohe
Subject: Palm Beach State College

The District declines your invitation to meet regarding the Town's proposed equestrian trail. This is a Town project, and the decision to implement the equestrian trails is solely the Town's and not the District's.

Sincerely,

Mary M. Viator, Esquire
Caldwell Pacetti Edwards Schoech & Viator LLP
One Clearlake Centre
250 South Australian Avenue, Suite 600
West Palm Beach, Florida 33401
Phone: (561) 655-0620
Facsimile: (561) 655-3775
E-Mail: viator@caldwellpacetti.com

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