

Regular Town Council Meeting

AGENDA PACKET

Tuesday, March 16, 2010





**TOWN OF LOXAHATCHEE GROVES
PUBLIC NOTICE**

**NOTICE OF A
TOWN COUNCIL MEETING**

TUESDAY, MARCH 16, 2010 at 7:00 p.m.

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

The Town Council for the Town of Loxahatchee Groves hereby notifies you of the regular Town Council Meeting on Tuesday, March 16, 2010 at 7:00 p.m. at the Loxahatchee Groves Water Control District at 101 West D Road, Loxahatchee Groves, Florida 33470. The purpose of the meeting is for the Town Council to address business matters related to the Town.

NOTICE

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. (F.S. 286.0105)

The Town shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the Town. Please contact Ann Harper, Town Clerk (561-793-2418) at least twenty-four hours prior to the program or activity in order for the Town to reasonably accommodate your request.



Town of Loxahatchee Groves Regular Town Council Meeting

March 16, 2010 at 7:00 p.m.

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

<p>Dave Browning, Mayor (Seat 4) Dennis C. Lipp, Vice Mayor (Seat 5) Dr. J. William Louda, Council Member (Seat 2) Ryan Liang, Council Member (Seat 3) Ronald D. Jarriel, Council Member (Seat 1)</p>
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Frank R. Spence, Town Manager
Ann Harper, Town Clerk
Mike Cirullo, Town Attorney, Goren, Cherof, Doody & Ezrol

OPENING

- 1) **Opening**
- 2) **Roll Call**
- 3) **Pledge of Allegiance**
- 4) **Invocation**

SWEARING IN CEREMONY

- 5) **Certification of non-election and declaration of winners by Town Clerk**
- 6) **Swearing in of new Council Members:**
David Browning (Seat #2) and Jim Rockett (Seat #4)

APPROVAL OF AGENDA

- 7) **Additions and Deletions**
- 8) **Approval of Agenda**

CONSENT AGENDA

- 9) **Approval of February 2010 invoice from Town Attorney**
- 10) **Approval of invoice from court reporter 2/2/10**
- 11) **Approval of January 2010 financial statements**
- 12) **Approval of February 16, 2010, Town Council meeting minutes**

PUBLIC HEARINGS – ORDINANCES – 2nd Reading

13) ORDINANCE NO. 2010-002

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DECLARING A MORATORIUM AS TO THE FILING AND/OR RECEIVING OF ANY APPLICATION FOR THE ESTABLISHMENT OF A PAIN MANAGEMENT CLINIC AS DEFINED HEREIN; PROVIDING THAT THE MORATORIUM SHALL BE IN EFFECT FOR A PERIOD WHICH SHALL TERMINATE ON THE EFFECTIVE DATE OF TOWN'S OWN REGULATIONS FOR PAIN MANAGEMENT CLINICS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARINGS – ORDINANCES – 1st Reading

14) ORDINANCE 2010 – 003

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO DUMPING OF MANURE WITHIN THE TOWN; PROVIDING FOR AN EXCEPTION FOR THE DEPOSIT OF LIMITED AMOUNTS OF MANURE WHEN SUCH IS TO BE USED FOR BONA FIDE AGRICULTURAL PURPOSES AS DEFINED HEREIN; PROVIDING THAT THE DUMPING OF MANURE IN VIOLATION OF THIS ORDINANCE IS A PUBLIC NUISANCE AND URGING THE PALM BEACH COUNTY SHERIFF'S OFFICE TO PURSUE ALL REMEDIES AVAILABLE UNDER SECTION 403.413, FLORIDA STATUTES, FOR DUMPING WITHIN THE TOWN IN VIOLATION OF THIS ORDINANCE; PROVIDING FOR PERMITS FOR HAULERS AND PROPERTY OWNERS; ESTABLISHING FEES AND PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town of Loxahatchee Groves
Regular Town Council Meeting

March 16, 2010 at 7:00 p.m.

Agenda - Page 2

COMMITTEE REPORTS

- 15) Finance Advisory & Audit Committee (FAAC) Report
Recommendations:
a. Repeal of Resolution 2007-008
b. Request to PBC for waiver on use & restriction of 5 cent gas tax
- 16) Solid Waste Monitor – Frank Schiola Report

REGULAR AGENDA ITEMS

- 17) Appointment to the Finance Advisory & Audit Committee (FAAC) by Councilman Liang to replace Jim Rockett
- 18) Appointment to the Finance Advisory & Audit Committee (FAAC) by Councilman Rockett to replace Nancy Handweg, whose term ended with The term of Councilman Louda

ADMINISTRATIVE UPDATE

- 19) Administrative Update Report
Town Calendar for April

CLOSING COMMENTS

- 20) Public Comments
21) Town Attorney Comments
22) Town Council Member Comments
23) Adjournment

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 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 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 includes 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.

**A PUBLIC WORKSHOP AT THE REQUEST OF
LOXAHATCHEE EQUESTRIAN PARTNER LLC;
SOLAR SPORTSSYSTEMS, INC; AND THE
LOXAHATCHEE COMMONS PROJECT WILL BEGIN
IMMEDIATELY AFTER ADJOURNMENT OF THE
REGULAR COUNCIL MEETING**



Town of Loxahatchee Groves

CERTIFICATION OF NON-ELECTION AND DECLARATION OF WINNERS

Date: March 12, 2010
To: Frank R. Spence, Town Manager *FR Spence*
From: Ann Harper, CMC, Town Clerk *AH*
Re: Regularly Scheduled Election March 9, 2010

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Please enter this notice into the official records of the Town.

This is to confirm that the Town did not hold an election on March 9, 2010.

The Qualification Period for candidates was noon, Tuesday, January 26, 2010 until noon on Tuesday, February 2, 2010. There were two seats on the Council to be filled: Seats 2 and 4.

The incumbent in Seat 4 was Mayor David Browning. Mayor Browning filed the required qualification papers during the designated time to become a candidate. No other person filed to become a candidate for Seat 4.

The incumbent in Seat 2 is Dr. William Louda. Dr. Louda has stated that he will not seek re-election. James Rockett filed the required qualification papers during the designated time to become a candidate for Seat 2. No other person filed to become a candidate for Seat 2.

Since no additional candidates filed to run, David Browning and Jim Rockett are declared winners of Seat 4 and Seat 2, respectively. They, therefore, are eligible to be sworn in as Council Members at the next regular Council meeting, Tuesday, March 16, 2010, at 7 p.m.

TOWN OF LOXAHATCHEE GROVES
Att: Mayor Dave Browning
14579 Southern Boulevard
Suite 2
Loxahatchee FL 33470

Page: 1
03/02/2010

ACCOUNT NO: 70240R
STATEMENT NO: 38

MDC

General Matters

	HOURS
02/02/2010 MDC	Miscellaneous telephone calls with counsel, telephone calls with FS on agenda matters; review County Palm Clinic materials; prepare for, attend council meeting and workshop. 4.70
02/03/2010 MDC	Revise County ILA (Contractor Enforcement); review miscellaneous pending matters from February 2, 2010, meeting. 0.70
02/04/2010 MDC	Review Buena Fe and POD Agreements per FJ; review public records issues re: Brosener, telephone call with FS. 0.70
02/05/2010 MDC	Telephone call with cc on miscellaneous candidate, public records issues; review FAAC/Brosener materials. 0.40
02/08/2010 MDC	Telephone call with FS on miscellaneous pending issues. 0.30
02/09/2010 MDC	Review miscellaneous documents, correspondence from Frank Spence on pending matters; telephone call with Council members on miscellaneous issues. 0.70
02/10/2010 MDC	Miscellaneous telephone calls with FS, review correspondence; meet with FS on miscellaneous issues; telephone call with Planner on American Legion Relocation; review pain clinic materials; review conservation easement materials; review agenda. 2.00
02/11/2010 MDC	Review agenda materials for February 16, 2010, meeting. 0.30

General Matters

		HOURS		
02/12/2010	MDC	Telephone call with FS, miscellaneous review of Brosner correspondence; review agenda materials.	0.80	
02/15/2010	MDC	Review agenda materials for 2-16-10 meeting; review issues re: American Legion post.	0.60	
02/16/2010	MDC	Telephone call with council; prepare for, attend council meeting.	4.40	
02/17/2010	MDC	Review materials, confer with FS Re: items from February 16, 2010, meeting; telephone call with FS on manure dumping, finance procedures; telephone call with K. Saffier (Conservation Easement issues)	1.00	
02/22/2010	MDC	Prepare pain clinic moratorium ordinance, review correspondence on illegal dumping.	0.50	
02/23/2010	MDC	Revise moratorium ordinance (pain killers)	0.50	
02/25/2010	MDC	Revise moratorium ordinance, review status of materials for March 2, 2010, meeting, telephone call with F. Spence.	0.70	
02/26/2010	MDC	Review agenda materials for 3/2 meeting; Review correspondence on Brosemer; Miscellaneous telephone conferences with FS, council.	0.60	
FOR CURRENT SERVICES RENDERED			18.90	3,496.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	18.90	\$185.00	\$3,496.50

LONG DISTANCE CALLS / FACSIMILES	10.70
COPYING COST	11.20
TOTAL EXPENSES	21.90
TOTAL CURRENT WORK	3,518.40
BALANCE DUE	\$3,518.40

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

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

TOWN OF LOXAHATCHEE GROVES
 Att: Mayor Dave Browning
 14579 Southern Boulevard
 Suite 2
 Loxahatchee Groves FL 33470

Page: 1
 03/02/2010
 ACCOUNT NO: 90236R
 STATEMENT NO: 17

MDC

Comprehensive Plan Adoption

		HOURS	
02/02/2010	MDC	Review materials, prepare for, attend executive session with council.	2.60
02/08/2010	MDC	Review materials, prepare for, attend meeting with CJ/SID counsel re: settlement discussions; telephone call with FS, update council.	4.40
02/10/2010	MDC	Review materials, telephone call with AB on status report; prepare for, attend Executive Session.	3.20
02/19/2010	MDC	Review correspondence, coordinate next settlement meeting with CJ counsel.	0.30
02/22/2010	MDC	Conference call with SE and JM re: Okeechobee Plan, status of settlement.	1.00
		FOR CURRENT SERVICES RENDERED	11.50
			2,127.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	11.50	\$185.00	\$2,127.50
TOTAL CURRENT WORK			2,127.50
BALANCE DUE			<u>\$2,127.50</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

GOREN, CHEROF, DOODY & EZROL, P.A.
Attorneys at Law
3099 East Commercial Boulevard
Suite 200
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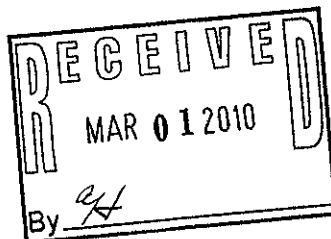
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TOWN OF LOXAHATCHEE GROVES
Att: Mayor Dave Browning
14579 Southern Boulevard
Suite 2
Loxahatchee Groves FL 33470

Page: 1
02/25/2010
ACCOUNT NO: 90236R
STATEMENT NO: 16

Comprehensive Plan Adoption

To: Prestige Reporting Service Inc.	
For: Court reporter for meeting on 2/2/10; Invoice #10-19197	<u>349.50</u>
TOTAL ADVANCES	349.50
TOTAL CURRENT WORK	349.50
BALANCE DUE	<u>\$349.50</u>



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BALANCE SHEET

JANUARY 31, 2010

Assets		
Current Assets		
RIVERSIDE BANK-0419	20,058.03	
WACHOVIA BANK-GENERAL FUND	2,016,452.80	
RIVERSIDE BANK MM 1999	20.57	
ACCOUNTS RECIEVABLE	25,045.66	
	<hr/>	
TOTAL Current Assets		2,061,577.06
Fixed Assets		
PREPAID ITEMS	22,672.00	
	<hr/>	
TOTAL Fixed Assets		22,672.00
		<hr/>
TOTAL Assets		<u>2,084,249.06</u>
Liabilities AND Equity		
Current Liabilites		
ACCOUNTS PAYABLE	(62,439.20)	
DEPOSIT ON BUILDING PERMITS	9,399.28	
COST RECOVERY	21,593.75	
	<hr/>	
TOTAL Current Liabilites		(31,446.17)
		<hr/>
TOTAL Liabilities		(31,446.17)
Fund Balance		
PPA, FUND BALANCE	2,000.00	
FUND BALANCE, UNRESERVED	1,382,349.26	
CURRENT YEARS FUND BALANCE	.00	
Retained Earnings-Current Year	731,345.97	
	<hr/>	
TOTAL Fund Balance		2,115,695.23
		<hr/>
TOTAL Liabilities AND Equity		<u>2,084,249.06</u>

TOWN OF LOXAHATCHEE GROVES
 STATEMENT OF REVENUES AND EXPENSES(CASH BASIS)
 FOR THE FYTD ENDED
 JANUARY 31, 2010 (33.333%)

GENERAL FUND; REVENUES:	CURRENT ACTUAL	YR TO DATE ACTUAL	ANNUAL BUDGET	BUDGET REMAINING	PERCENT USED
<u>TAXES</u>					
001-311-100 AD VALOREM TAXES	16,980	225,972	319,175	93,203	71%
001-313-100 FPL FRANCHISE FEE	19,910	86,459	166,000	79,541	52%
001-313-300 PBC WATER UTILITY FRANCHISE FE	-	832	24,000	23,168	3%
001-314-100 ELECTRIC UTILITY TAX	17,450	57,320	197,000	139,680	29%
001-314-510 COMMUNICATION SERVICES TAX	9,500	141,610	69,000	(72,610)	205%
TOTAL TAXES	63,790	512,192	775,175	262,983	66%
<u>INTERGOVERNMENTAL REVENUES</u>					
001-335-120 STATE REVENUE SHARING	3,670	29,647	71,234	41,587	42%
001-335-180 HALF CENT SALES TAX	17,094	82,209	191,466	109,257	43%
001-338-001 COUNTY OCCUPATIONAL LICENSES	168	5,225	8,000	2,775	65%
001-341-000 GENERAL GOVERNMENT CHARGES	423	485	2,000	1,515	24%
TOTAL INTERGOVERNMENTAL REVENUE	21,354	117,566	272,700	155,134	43%
<u>MISCELLANEOUS</u>					
001-361-100 INTEREST	467	1,534	4,000	2,466	38%
001-363-110 GARBAGE ASSESSMENTS	24,326	339,932	440,900	100,968	77%
001-369-000 OTHER MISC INCOME	-	-	50	50	0%
TOTAL MISCELLANEOUS	24,793	341,466	444,950	103,484	77%
TOTAL REVENUE	109,937	971,225	1,492,825	521,600	65%

TOWN OF LOXAHATCHEE GROVES
STATEMENT OF REVENUES AND EXPENSES(CASH BASIS)
FOR THE FYTD ENDED
JANUARY 31, 2010 (33.3333%)

GENERAL FUND; EXPENSES:	CURRENT ACTUAL	YR TO DATE ACTUAL	ANNUAL BUDGET	BUDGET REMAINING	PERCENT USED
<u>LEGISLATIVE</u>					
001-511-310 PROFESSIONAL SERVICES	-	-	-	-	0%
001-511-340 OTHER CONTRACTUAL	-	-	-	-	
001-511-402 EDUCATION AND TRAINING	(389)	-	3,000	3,000	0%
001-511-410 COMMUNICATION AND FREIGHT	(71)	855	7,000	6,145	12%
001-511-420 LEGAL ADVERTISING	-	370	4,500	4,130	8%
001-511-440 RENTALS AND LEASES	-	1,074	3,000	1,926	36%
001-511-470 PRINTING AND BINDING	-	-	-	-	
001-511-480 PROMOTIONAL ACTIVITIES	-	31	-	(31)	
001-511-510 OFFICE SUPPLIES	-	-	-	-	
001-511-520 OPERATING SUPPLIES	-	920	2,400	1,480	38%
001-511-540 BOOKS,PUBLICATIONS AND DUES	-	-	-	-	
001-511-590 OTHER OPERATING EXPENSES	-	-	-	-	
001-511-620 BUILDINGS	-	-	-	-	
001-580-342 WEB SITE MAINTENANCE CONTRACT	-	-	300	300	0%
001-580-441 ELECTION EXPENSE	-	-	2,000	2,000	0%
001-580-450 INSURANCE	-	-	5,095	5,095	0%
001-580-580 CONTINGENCY	-	-	194,394	194,394	0%
TOTAL LEGISLATIVE	(461)	3,250	221,689	218,439	1%
<u>EXECUTIVE</u>					
001-512-340 CONTRACTUAL-ADMINISTRATION	16,667	65,152	200,000	134,848	33%
001-512-410 COMMUNICATIONS AND FREIGHT	2,001	3,905	5,800	1,895	67%
001-512-411 POSTAGE	133	353	900	547	39%
001-512-440 RENTALS AND LEASES	1,193	4,767	11,872	7,105	40%
001-512-510 OFFICE SUPPLIES	885	2,472	2,000	(472)	124%
001-512-521 LOXAHATCHEE GROVES C.E.R.T. EX	-	-	2,000	2,000	0%
001-512-590 OTHER OPERATING EXPENSES	-	1,097	6,000	4,903	18%
TOTAL EXECUTIVE	20,879	77,744	228,572	150,828	34%
<u>TOWN CLERK</u>					
001-513-310 PROFESSIONAL SERVICES	-	-	13,000	13,000	0%
001-513-410 COMMUNICATION AND FREIGHT	205	602	2,000	1,398	30%
001-513-470 PRINTING AND BINDING	205	602	15,000	14,398	4%
TOTAL TOWN CLERK					
<u>LEGAL SERVICES</u>					
001-514-310 PROFESSIONAL SERVICES	2,034	13,240	144,000	130,760	9%
TOTAL LEGAL SERVICES	2,034	13,240	144,000	130,760	9%

TOWN OF LOXAHATCHEE GROVES
STATEMENT OF REVENUES AND EXPENSES (CASH BASIS)
FOR THE FYTD ENDED
JANUARY 31, 2010 (33.3333%)

GENERAL FUND; EXPENSES:	CURRENT ACTUAL	YR TO DATE ACTUAL	ANNUAL BUDGET	BUDGET REMAINING	PERCENT USED
<u>PLANNING AND ZONING SERVICES</u>					
001-515-340 CONTRACTUAL-LDR	-	-	35,000	35,000	0%
001-515-343 PLANNING & ZONING CONTRACT	330	4,482	55,000	50,518	8%
001-515-345 CODE ENFORCEMENT OFFICER	375	563	47,350	46,788	1%
001-515-346 SPECIAL MAGISTRATE	-	-	2,000	2,000	0%
001-515-347 COMPREHENSIVE PLAN	965	1,295	-	(1,295)	
TOTAL PLANNING AND ZONING	1,670	6,340	139,350	133,011	5%
<u>POLICE</u>					
001-521-310 PROFESSIONAL SERVICES-PBSO	22,672	90,688	272,064	181,376	33%
001-521-340 CONTRACTUAL-ADDL PBSO	-	-	25,000	25,000	0%
TOTAL POLICE	22,672	90,688	297,064	206,376	31%
<u>PUBLIC WORKS</u>					
001-541-310 PROFESSIONAL SERVICES	-	36,138	-	(36,138)	
001-541-340 CONTRACTUAL-WASTE OVERSIGHT	1,675	6,650	12,000	5,350	55%
001-541-432 SOLID WASTE FEES	36,138	87,250	435,150	347,900	20%
TOTAL PUBLIC WORKS	37,813	130,038	447,150	317,112	29%
TOTAL REVENUE GENERAL FUND	109,937	971,225	1,492,825	521,600	65%
TOTAL EXPENSE GENERAL FUND	84,812	321,901	1,492,825	1,170,924	22%
NET REVENUES OVER EXPENSES	25,125	649,323	-	1,692,524	
<u>ROAD FUND</u>					
<u>REVENUES:</u>					
101-312-410 FIRST LOCAL FUEL TAX (6 CENT)	20,087	88,807	238,577	149,770	37%
101-312-420 SECOND LOCAL OPTION FUEL (5 CE	9,384	27,639	111,666	84,027	25%
101-335-122 STATE REVENUE SHARING	1,497	5,990	-	(5,990)	0%
TOTAL ROAD FUND REVENUES	30,969	122,436	350,243	227,807	35%
<u>EXPENSES:</u>					
101-541-341 ROAD AND STREETS (6 CENT)	-	-	111,666	111,666	0%
101-541-342 ROAD AND STREETS (5 CENT)	-	40,414	350,243	309,829	12%
TOTAL ROAD FUND EXPENSES	-	40,414	461,909	421,495	9%
NET ROAD FUND REVENUES OVER EXPENSE	30,969	82,023	(111,666)	(193,689)	
TOTAL FUNDS REVENUES	140,906	1,093,661	1,843,068	749,407	0%
TOTAL FUNDS EXPENSES	84,812	362,315	1,954,734	1,592,419	20%
TOTAL NET REVENUES OVER EXPENSES	56,094	731,346	(111,666)	843,012	



Town of Loxahatchee Groves

Regular Meeting, February 16, 2010 at 7:00 p.m.

MINUTES

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

Frank R. Spence, Town Manager
Ann Harper, Town Clerk
Michael Cirullo, Town Attorney; Goren, Cherof, Doody & Ezrol, P.A.

Ann Harper, Town Clerk

OPENING ITEMS 1 – 4

Mayor David Browning called the meeting to order at 7 pm. In addition to Mayor Browning, the following were present: Councilmen Bill Louda, Ron Jarriel, and Ryan Liang, and Vice-Mayor Dennis Lipp. Present from staff were Frank R. Spence, Town Manager; Mike Cirullo, Town Attorney, and Ann Harper, Town Clerk.

Roll call was followed by the Pledge of Allegiance and Invocation.

- 5) **Additions and Deletions** – Mr. Spence distributed revised Memorandum for Item #19.
- 6) **Approval of Agenda**

Motion was made by Councilman Louda, seconded by Councilman Liang, to approve the Agenda as amended by the Agenda Item #19 Memorandum. The motion carried by voice vote, 5/0.

CONSENT AGENDA

- 7) **Approval of January 2010 Town Attorney invoices**
- 8) **Approval of November and December 2009 Financials**
- 9) **Approval of January 19, 2010 Town Council Meeting Minutes**

Motion was made by Vice-Mayor Lipp, seconded by Councilman Liang, to approve the Consent Agenda. The motion carried by voice vote, 5/0.

PRESENTATIONS

- 10) **Fire-Wise Communities / Community Wildfire Protection Plan**
Speaker: Scott Peterich from Department of Forestry

Mayor Browning welcomed Mr. Peterich. Mr. Peterich gave a slide presentation on the Community Wildfire Protection Plan, which is a cooperative effort between the local government, the Palm Beach County Fire Department, and the State Forestry Agency to improve wildfire protection and response. He explained the need for establishing a Community Wildfire Protection Plan and the eight steps needed to establish a plan. An item will be placed on an upcoming agenda to set up a LMS task force.

Public Comments:

Frank Schiola said this was brought up a couple years ago, and the Town should take action on it now. It will take a few meetings to get it set up, and it might affect homeowners insurance.

PUBLIC HEARING

- 11) **Quasi Judicial Hearing – Final Plat Approval - Community of Hope** Approval
Resolution 2009-24 (Continued from 1/19/10)

RESOLUTION NO. 2009-024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE COMMUNITY OF HOPE PLAT, FOR LAND OWNED BY COMMUNITY OF HOPE, A UNITED METHODIST CONGREGATION, INC., CONSISTING OF 15.29 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF OKEECHOBEE BLVD AND E ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Spence read the title of the Resolution and said this has been continued from the January 19, 2010 Council meeting. He said the applicants are within one or two items to complete the process, and they should be ready by the next meeting to have everything in order. Right now the only issue has to do with easements.

Motion was made by Councilman Liang, seconded by Councilman Louda, to continue the item to the Council Meeting on March 2, 2010. The motion carried by voice vote, 5/0.

COMMITTEE REPORTS

- 12) **Finance Advisory and Audit Committee - Jim Rockett (Vice Chair)**

Mr. Rockett said the Committee met February 10th with all members present and guests from Wachovia Bank. They focused on the financials which are on your agenda for approval tonight. The Committee is pleased with what we have been able to achieve with the financial reports, and he thanked Mr. Spence and his team. The next step is to collect funds due from the Town's former Lobbyist. The Town was not listed as a client, which is an ethics violation. The Committee would like to direct Staff to proceed with collection in Small Claims Court. The Committee's next meeting is March 10th at the Hospital

Vice-Mayor Lipp made a motion to authorize the Town Manager to file suite when it is determined that the ethics complaint is validated.

Vice-Mayor Lipp said the Committee should get a power-point presentation of why the new financial system is working and why the old system did not work so well.

Mr. Rockett said he will try to get a synopsis of where we are.

Councilman Liang said at the Finance Committee meeting, there was discussion about going out to bid for banking and investment services.

Motion was made by Councilman Liang, seconded by Councilman Louda, for the Town Manager to file an ethics complaint. The motion carried by voice vote, 5/0.

Motion was made by Councilman Liang, seconded by Councilman Jarriel, for Mr. Spence to pursue recovering the \$2,000 in Small Claims Court.

Attorney Cirullo said he understands the Town's concern about Attorney fees, but he would like to use his discretion in order to assist Mr. Spence in filing suit in Small Claims Court.

Vice-Mayor Lipp asked whether or not our costs in filing suit can be recovered. Attorney Cirullo said just the filing costs could be recovered.

Councilman Liang accepted an amendment to his motion in order to authorize the Attorney to assist Mr. Spence in filing the claim. Mayor Browning called for a voice vote on the motion, which carried 5/0.

13) Solid Waste Services - Pete Reilly (Waste Pro); Frank Schiola (Town's Solid Waste Monitor)

Mr. Schiola said he is starting to see an accumulation of tires throughout the Town, and he suggested having an amnesty day in April for collecting the tires. He said the Waste Pro contract covers this collection.

REGULAR AGENDA ITEMS

14) Renewal of Agreement with Good Faith Alliance *(Councilman Jarriel)*

Mr. Spence said the town had an agreement with this Church from 2008 to February 14, 2009. He recommended approval of updating the agreement for a period of three years, with a thirty-day termination clause. The Church has requested this agreement.

Councilman Louda asked about the status of "no solicitation" signs to be placed where workers congregate. Staff will update at the next meeting.

Motion was made by Councilman Louda, seconded by Councilman Liang, to approve the agreement. The motion carried by voice vote, 5/0.

15) Consideration of paying for OGEM for LGWCD's Parking Lot

Discussion

Mr. Spence said this discussion is to determine whether or not the Council would like to participate in this project, and if so, to what extent. As soon as the bids come in to Clete Saunier, we will get that information to Council.

Vice-Mayor Lipp said we should try to stick to a pervious surface.

Mr. Spence said Council needs to think about putting a weight limit on roads, as the roads are being torn up.

Councilmen Jarriel and Liang said paving the area is a good idea, and how it is done should be left up to Clete Saunier.

Public Comments:

Jim Rockett said we look at this facility as the Town Center, and we should improve it as necessary. We should harden the building to withstand a Category four or five storm.

John Ryan said that while the paving work is being done, it would be a good time to have extra work done by contractors.

Attorney Cirullo said we will look at the use of gas tax funds for the project.

Clete Saunier said gas tax revenue is for maintenance and materials used on the roads and maintaining the equipment which could be this parking lot.

Staff will bring quotes for paving to the next meeting.

16) Discussion of the Town taking over the Courtesy Grading Program and maintenance on Non-District Roads; Consideration of a timetable and policy for implementation

Mr. Spence said this is the first time the Town will take all steps necessary to move forward and assume the responsibility for non-district roads. The District does have responsibility for the letter-named streets. Now that we are incorporated, the Town has responsibility for maintaining public roads. We are collecting gas tax for these roads. It will be complicated, and there will be right-of-way problems. The amount of gas tax will be crucial. There are some driveways that have been included in the past and roads that may or may not be public access. We are looking for direction to instruct Staff to move forward, that this is the direction that the Council wants to go in, and to start putting together policies and procedures.

Councilman Louda said we should look to get total resident compliance.

Vice-Mayor Lipp said on a community-wide basis we should look at putting it on a November ballot referendum, but not this year. We will become more educated in what our community needs will be in the future. We should direct the district to grade a road, as they do now, and they will tell us what it costs. They will be our service provider.

Regarding the issue of drainage, Vice-Mayor Lipp said he would like to work toward getting the community away from flooding during the rainy season.

Councilman Jarriel asked that the Water Control District look into the problem with 43rd Road North, because there are still problems with standing water after rains, and the road needs fill and grading. We have drainage problems all over the Town, and the residents will have to participate instead of getting everything free.

Councilman Liang said we should address both roads and drainage.

Mayor Browning said we are addressing two issues, and we have already claimed roads as public roads. We have the right and obligation to maintain these roads. The grading should no longer be called "courtesy grading". We need to pay the District to do it. The drainage problems need to be taken on a case by case basis by working with people who live there.

Public Comments:

Jim Rockett said he supports the Council in moving forward on roads.

Frank Schiola said the town needs to move ahead, and the town needs to do an ordinance and residents should vote on what they want to do on each road.

John Ryan said the Town needs to "tread carefully" on the issue of roads. He recommended the Town make a copy of the map used by the CERT team so they can see the roads and alleyways.

17) Loxahatchee Groves Park; Tri-party cooperative proposal for egress road *(Councilman Louda)*

Councilman Louda displayed a map on the screen showing the proposed exit and said the Town could subcontract to the Water Control District or use the County's provider and work cooperatively with the County on a design.

Public Comments:

Frank Schiola said the Town should not pay for anything in the County park.

18) Implications of the EPA Water Quality Criteria *(Councilman Louda)*

Councilman Louda distributed a printout of his Power Point presentation, titled "Some Background on Loxahatchee Groves Water Quality." His presentation outlined the components of the local water supply. He urged everyone to attend the meeting on Thursday, February 18, 2010, at the Holiday Inn Airport beginning at noon and again beginning at 6 p.m.

John Ryan said the EPA is acting in a way which can have a terrible effect on Florida.

19) Consideration of issuing a Special Permit for the locating of the American Legion building to a one acre parcel on Okeechobee Blvd, west of C Road

Mr. Spence read the revised Agenda Memo into the record, and it is attached to these minutes. Staff recommendation was to enter into an agreement which would permit relocation of the building subject to agreeing not to use it until authorized by the Council upon adoption of the new LDR's.

Motion was made by Councilman Louda, seconded by Councilman Jarriel, to approve the recommendations.

Marge Herzog said they have not been able to come to terms with the landowner as yet.

Councilman Louda withdrew his motion, and the Council took no action on this item.

20) Consideration of a moratorium on pain clinics *(Cont. from 2/2/2010 TC meeting)*

Mr. Spence said this was on the last agenda, but the Council did not give direction to prepare an ordinance. Other cities have placed moratoriums on the permitting of pain clinics in their cities.

Motion was made by Vice-Mayor Lipp, seconded by Councilman Jarriel, to instruct staff to prepare an ordinance to place a moratorium on pain clinics moving into the Town.

Public Comments:

Jim Rockett said it would be difficult to define "pain clinics" successfully and suggested adopting something more general to protect ourselves.

Attorney Cirullo said when placing a moratorium, we should try to make it as "narrow" as we can. We can refer to the State's definition, or we can do our own definition consistent with the Statutes that govern the clinics.

Public Comments:

Frank Schiola said that pain clinics could move into rental properties which are available.

Mayor Browning called for a voice vote on the motion, which carried 5/0.

21) Setting of date for the next Land Development Regulation Workshop

Mr. Spence asked the Council Members to check their calendars and select a Saturday to hold a workshop meeting for Land Development Regulations and for Environmental Regulation Management (ERM). The Council Members selected Saturday, February 27 for ERM meeting and March 13, alternate date March 20, for LDR. Staff is to contact the Palms West Presbyterian Church for availability of meeting rooms.

John Ryan asked whether or not there is any chance to resolve the Callery Judge lawsuit before adopting the LDR'S. Attorney Cirullo responded that they are moving toward resolution.

22) Addendum Items – None

ADMINISTRATIVE UPDATE

23) Administrative Update – No comments

CLOSING COMMENTS

24) Public Comments

Ron Correll, 3442 C Road, said the lights from his neighbor's house light up his back yard and several rooms in his house. The neighbor has also added cameras to the lights. He would like the problem to be placed on a Council Meeting Agenda. Vice-Mayor Lipp suggested that Mr. Correll attend the next ERM meeting on February 27 to bring the issue of light pollution to their attention.

Brenda Skaggs, 14796 North Road, submitted a Comment Card saying the graders have torn up the surface of D Road.

Frank Schiola said the Town should not spend money on the nearby County park.

Marge Herzog said she was glad non-district roads are being addressed. Also the LGLA meeting will be next week.

25) Town Attorney Comments – None

26) Town Council Member Comments

Vice-Mayor Lipp said he would like an item on the next agenda relating to the Palm Beach County Code of Ethics and Inspector General so the Town can discuss whether or not they want to take part in that program. He would also like an agenda item relating to foreclosures and abandoned properties in the Town. Attorney Cirullo said he would investigate the possibility of having an agreement with the County for an Unsafe Structures Board.

Councilman Liang commented on the many signs on Okeechobee Boulevard.



Meeting Date: March 16, 2010
Regular Agenda Item: 13

TOWN OF LOXAHATCHEE GROVES

AGENDA MEMO

Subject Matter: Proposed Ordinance Declaring a Moratorium on receiving any applications for the establishment of a Pain Management Clinic in Loxahatchee Groves and providing for regulation of same.

Background: Because of the recent proliferation of so-called "Pain Management Clinics" throughout the area, Palm Beach County and a number of cities have passed ordinances or regulations placing a moratorium on allowing any more "clinics" to open until tighter rules and regulations can be adopted. Most moratoriums are for a period of one year.

Backup Material: Proposed Ordinance No. 2010-002

Action: **MOTION TO ADOPT ORDINANCE No. 2010-002**

Prepared by:
Frank Spence, Town Manager

NO. 5132777R
TOWN OF
LOXAHATCHEE GROVES
NOTICE OF PUBLIC HEARING

The following proposed ordinance that is published by caption only was passed on first reading at the Regular Town Council meeting of the Town of Loxahatchee Groves, Florida on Tuesday, March 2nd, 2010. This ordinance will be presented for second and final reading, and reviewed and acted on by the Town Council at the public meeting to be held at the Loxahatchee Groves Water Control District Headquarters, 101 West "D" Road, Loxahatchee Groves, Florida on Tuesday, March 16, 2010 at 7:00 p.m., or as soon thereafter as the agenda permits.

ORDINANCE NO. 2010-002

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DECLARING A MORATORIUM AS TO THE FILING AND/OR RECEIVING OF ANY APPLICATION FOR THE ESTABLISHMENT OF A PAIN MANAGEMENT CLINIC AS DEFINED HEREIN; PROVIDING THAT THE MORATORIUM SHALL BE IN EFFECT FOR A PERIOD WHICH SHALL TERMINATE ON THE EFFECTIVE DATE OF TOWN'S OWN REGULATIONS FOR PAIN MANAGEMENT CLINICS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (2nd Reading)

Interested parties may appear at said meeting and be heard with respect to this proposed ordinance. The subject ordinances may be inspected by the public by sending a request to the Town of Loxahatchee Groves, 14579 Southern Blvd, Suite 2, Loxahatchee Groves, Florida 33470, or by contacting the Town Clerk at 561-793-2418. Pursuant to F.S. 286.0105, please be advised that if a person decides to appeal any decision made by the Town Council with respect to any matter considered at this meeting, they will need a record of this proceeding, and for such purpose, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who require special accommodation to participate in the proceedings should call the Town Clerk's Office at 561-793-2418 at least 48 hours in advance to request such accommodation.

Ann Harper, CMC
Town Clerk

PUB: March 4, 2010

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2010-002

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DECLARING A MORATORIUM AS TO THE FILING AND/OR RECEIVING OF ANY APPLICATION FOR THE ESTABLISHMENT OF A PAIN MANAGEMENT CLINIC AS DEFINED HEREIN; PROVIDING THAT THE MORATORIUM SHALL BE IN EFFECT FOR A PERIOD WHICH SHALL TERMINATE ON THE EFFECTIVE DATE OF TOWN'S OWN REGULATIONS FOR PAIN MANAGEMENT CLINICS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the Spring of 2009, the State Attorney's Office for the 17th Judicial Circuit in Broward County, Florida, issued an interim report on "The Proliferation of Pain Clinics in South Florida," in which it set forth the following facts: (i) from August 2008 to November 2009, one (1) new pain clinic is open in Broward and Palm Beach counties every three (3) days, (ii) doctors in Palm Beach County dispensed the second highest volume of Oxycodone units in the country, (iii) in 2008, prescription drugs were attributed to an average of 135 deaths per day in Florida, and (iv) pain clinics are migrating north from Broward County to major metropolitan areas; and

WHEREAS, the Town Council has recently been made aware that a pattern of illegal drug use and distribution has been associated with some pain management clinics in South Florida, which dispense narcotic drugs on-site; and

WHEREAS, news media such as the Miami Herald, the Sun Sentinel, and the Palm Beach Post have published numerous newspaper articles in recent months describing the "pipeline" trafficking drugs from some South Florida pain management clinics to users from other states such as Kentucky, West Virginia and Ohio, including a report in the Palm Beach Post published on December 13, 2009; and

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2010-002

WHEREAS, the threat of illegal narcotic activity and increased crime associated with such clinics is significant and should undermine the economic health of the Town; and

WHEREAS, the Town Administration is directed to analyze the potential effects of pain management clinics in the Town to analyze the criteria for regulations in connection with the issuance of any development permits, business licenses, or approvals for the location of pain management clinics within the Town, and to make recommendations which will better promote the health, safety, morals, and general welfare of the Town; and

WHEREAS, Palm Beach County, and several municipalities within Palm Beach County, have also issued a moratorium for pain management clinics and as a result, in the absence of similar action by the Town, the Town could become a prime location for pain management clinics in Palm Beach County; and

WHEREAS, while Town Administration is undergoing its analysis, and in order to prevent the occurrence during this period of uses which are incompatible with the intent of the Town's zoning and land development regulations, it is necessary to establish a moratorium and zoning in progress which prevents the granting of development permits or approvals for pain management clinics, as defined herein, in the Town, during this period; and

WHEREAS, it is not the intent of this moratorium to interfere with legitimate medical clinics nor the legal use of controlled substances; and

WHEREAS, the Town Council finds and declares a need to temporarily suspend the issuance of permits or approvals for pain management clinics, as defined herein, until such time appropriate regulations can be adopted, to provide for the Town to review zoning and land development regulations in connection with pain management clinics.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2010-002

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. **Legislative Findings of Fact.** The Town Council finds and declares that:

- (1) All of the statements set forth in the recitals to this Ordinance are true and correct.
- (2) For purposes set forth herein, it is in the best interest of the general public and there exists a need to declare a moratorium on the issuance of permits or approvals for pain management clinics in order for the Town Administration to examine and make recommendations to the Town Council as to potential criteria to be considered for the establishment of pain management clinics.

Section 3. **Intent and Purpose.** It is the purpose and intent of this Ordinance to promote the health and general welfare of the residents of the Town of Loxahatchee Groves through the analysis of any impacts on the Town from pain management clinics, and through consideration of criteria for pain management clinic uses within the Town.

Section 4. **Definition.** “Pain management clinic” means a privately owned pain-management clinic, facility or office, which advertises in any medium for any type of pain-management services, or employs a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, and is required to register with the Florida Department of Health pursuant to Sec. 458.309 or Sec. 458.005, Fla. Stat. (2009). A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2010-002

substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer, which persists beyond the usual course of the disease of the injury that is the cause of the pain for more than 90 days after surgery.

Section 5. **Boundaries.** This Ordinance shall be applicable to all properties located within the boundaries of the Town of Loxahatchee Groves.

Section 6. **Zoning in Progress and Moratorium Declared.** The Town Council hereby imposes a zoning in progress and moratorium upon the acceptance of applications and the issuance of permits or approvals for pain management clinics as to any property located in whole or in part within the Town.

Section 7. **Repeal of Ordinance.** This Ordinance shall stand repealed as of the effective date of the land use regulations governing pain management clinics adopted by the Town Council.

Section 8. **Repeal of Laws in Conflict.** All Ordinances or part of Ordinances in conflict herewith are in the same are hereby repealed to the extent of such conflict.

Section 9. **Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 10. **Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __2nd_ DAY OF _____March_____, 2010.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2010-002

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN
LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS
__16th__ DAY OF __March_____, 2010.**

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

Ann Harper, Town Clerk

Vice Mayor Dennis Lipp

APPROVED AS TO LEGAL FORM:

Council Member Ron Jarriel

Michael D. Cirullo, Town Attorney

Council Member Ryan Liang

Council Member Jim Rockett

MDC:aw

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Meeting Date: March 16, 2010
Regular Agenda Item: 14

TOWN OF LOXAHATCHEE GROVES

AGENDA MEMO

- Subject Matter:** Proposed Ordinance to control illegal dumping of manure and other animal waste in Loxahatchee Groves.
- Background:** There continues to be an on-going problem of illegal and excessive dumping of manure within our Town, mostly from the horse farms in Wellington. Some dumping on vacant lots is outright illegal while some owners have received money to allow such dumping on their lots then try to justify it as fertilizer. This proposed ordinance will address these issues.
- Backup Material:** Proposed Ordinance No. 2010-003
- Action:** **MOTION TO APPROVE ON FIRST READING**

Prepared by:
Frank Spence, Town Manager

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2010-003

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO DUMPING OF MANURE WITHIN THE TOWN; PROVIDING FOR AN EXCEPTION FOR THE DEPOSIT OF LIMITED AMOUNTS OF MANURE WHEN SUCH IS TO BE USED FOR BONA FIDE AGRICULTURAL PURPOSES AS DEFINED HEREIN; PROVIDING THAT THE DUMPING OF MANURE IN VIOLATION OF THIS ORDINANCE IS A PUBLIC NUISANCE AND URGING THE PALM BEACH COUNTY SHERIFF'S OFFICE TO PURSUE ALL REMEDIES AVAILABLE UNDER SECTION 403.413, FLORIDA STATUTES, FOR DUMPING WITHIN THE TOWN IN VIOLATION OF THIS ORDINANCE; PROVIDING FOR PERMITS FOR HAULERS AND PROPERTY OWNERS; ESTABLISHING FEES AND PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council finds that the dumping of manure, including without limitation from horses and livestock, within the Town has recently increased, creating concerns for public nuisance, and health and safety; and,

WHEREAS, Section 403.413, Florida Statutes, prohibits the dumping of litter, which would include manure, within public rights of way and upon other public lands within the Town, but does not expressly prohibit such dumping on private property when the owner consents unless such will cause a public nuisance or be in violation of any state or local law, rule, or regulation; and,

WHEREAS, the Town Council recognizes that animal manure when used appropriately, including in limited quantities, has a legitimate agricultural nutrient use, and therefore under certain circumstances the depositing of manure intended for bona fide agricultural purposes and in limited quantities should not be prohibited; and,

WHEREAS, the Town Council believes it fair and reasonable for properties owners and persons hauling manure intended for deposit within the Town should obtain a permit from the Town

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2010-003

certifying that the quantities of manure being deposited upon a property is limited to the amount necessary for the bona fide agricultural use.

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

Section 3. It shall be prohibited for any person to deposit manure on any property within the Town, regardless of the consent of the property owner, unless such person, and the property owner, has obtained a permit from the Town confirming that the manure is to be used for bona fide agricultural purposes, and in no case may the amount of manure deposited exceed the amount set forth in the permit issued by the Town. The determination of the appropriate quantity of manure for use for bona fide agricultural purposes shall be based upon uses and custom associated with the specific agricultural use on the property, which may include recognized formulas of government agencies or published studies.

Section 4. The Town Council hereby finds that a violation of this ordinance presents a public nuisance for purposes of enforcement of Section 403.413, Florida Statutes, and law

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2010-003

enforcement officers charged with the enforcement of state and local laws within the Town shall strictly enforce Section 403.413, Florida Statutes.

Section 5. The Town Administration is authorized to use the Town's Code Enforcement process to enforce violations of this ordinance where a law enforcement officer has not otherwise issued violations of Section 403.413, Florida Statutes. In such instances, the fine shall be \$250 for the initial violation and \$500 for each subsequent violation, with each load or each day being a separate violation.

Section 6. Upon the issuance of a violation notice under Section 403.413, Florida Statutes, or this ordinance, any permits issued by the Town shall be suspended and all manure deposit activity stopped until such time as a hearing is conducted or the fines paid. Should a person violate this ordinance on more than one (1) occasion during a calendar year, that person shall not be granted a permit from the Town for a period of one (1) calendar year from the date of the last violation.

Section 7. Permits shall be obtained by both property owners and transporters for each load or deposit of manure on a piece of property within the Town. The permit for the property owner shall be \$_____ and the permit for the transporter shall be \$_____. One of the conditions on the issuance of a permit to a property owner is that it shall provide consent for a Town representative to inspect the property solely for purposes of ensuring compliance with the terms of the permit.

Section 8. As used in this ordinance "bona fide agricultural purposes" means farming, pasture, grove, or forestry operations, including horticulture, floriculture, viticulture, dairy, livestock, poultry, bee and aquaculture.



Meeting Date: March 16, 2010
Regular Agenda Item: 15a

TOWN OF LOXAHATCHEE GROVES

AGENDA MEMO

FINANCE ADVISORY & AUDIT COMMITTEE RECOMMENDATIONS

Subject Matter: 15a) Repeal of Resolution No. 2007-008

Background: In March 2007 Council passed Resolution No. 2007-001 which authorized two Council Members to sign checks & vouchers for the Town. Resolution No.2007-008 was subsequently approved that amended the previous resolution by adding the Town Manager to be an authorized signatory on checks, by himself, which contradicted the two signature requirements of the original resolution.

Backup Material: Resolution No. 2007-008

Action: Since this resolution does not provide for a checks and balance process for monitoring check processing, it is the recommendation of the FAAC and the current Town Manager to rescind Resolution No. 2007-008.

Prepared by:
Frank Spence, Town Manager

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2007-08

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AMENDING RESOLUTION 2007-01 TO AUTHORIZE THE TOWN MANAGER TO SIGN VOUCHERS AND CHECKS UP TO AN AMOUNT NOT TO EXCEED NINE THOUSAND NINE HUNDRED AND NINETY NINE DOLLARS (\$9,999.99), TO MAKE DEPOSITS AND WITHDRAWALS, AND TO AUTHORIZE TRANSACTIONS ON INVESTMENTS AS PROVIDED BY LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council for the Town of Loxahatchee Groves ("Town") previously adopted Resolution No. 2007-001 on March 29, 2007 which authorized the members of the Town Council to sign checks and vouchers on behalf of the Town; and

WHEREAS, the Town Council desires to amend Resolution No. 2007-001 in order to provide for the Town Manager to sign checks and vouchers for the acquisition of goods and services on behalf of the Town in an amount not to exceed Nine Thousand Nine Hundred and Ninety Nine and 99/100 Dollars (\$9,999.99); and

WHEREAS, the Town Council finds that providing such authorization will provide for efficient operation of Town business, timely payment of vendors, and the proper accounting for the use of the Town's public funds.

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

Section 1. Town of Loxahatchee Groves Resolution No. 2007-001, adopted on March 27, 2007 is hereby adopted to provide that any financial institution authorized by law and by the Charter of the Town of Loxahatchee Groves, in accordance therewith, are hereby designated as the official depositories of the Town of Loxahatchee Groves, Florida, and that any and all funds therein contained shall be subject to withdrawal upon

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2007-08

checks, notes, drafts, bills of exchange, acceptances, undertakings, or other orders for the payment of money by said Town, signed by any two (2) of the following Town Officials, to wit:

The Mayor

The Vice Mayor

Council Members

Section 2. In addition, any and all funds contained in such Town bank account, up to an amount not to exceed Nine Thousand Nine Hundred and Ninety Nine and 99/100 Dollars (\$9,999.99) shall be subject to withdrawal upon checks, notes, drafts, bills of exchange, acceptances, undertakings, or other orders for the payment of money by said Town, signed by the Town Manager.

Section 3. Designated financial institutions shall be and they are hereby authorized and requested to accept, honor, and pay without further inquiry, and until the delivery to them of written notice of the revocation of the authority hereby granted, all checks, transactions on investments, and other orders for the payment or withdrawal of money deposited with said financial institutions in the name of the Town, including checks or other orders for money shall be signed or endorsed in the name of the Town by two (2) officers hereinbefore named, or by the Town Manager as provided herein.

Section 4. Any and all endorsements made for or on behalf of the Town upon checks, drafts, notes, and instruments for deposits to the account of the Town may be written or stamped endorsement of the Town without any designation of the person making such endorsements.

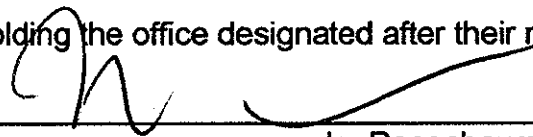
TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2007-08

Section 5. With the signatures of at least two (2) of the officers designated in Section 1 hereof, these officers are herewith authorized and directed to open new accounts in the aforementioned banks and associations in the name of and to the accounts of the Town of Loxahatchee Groves, Florida, and with the same authority as set forth herein including the authority to open new accounts in banks and institutions not specifically referred to herein, but otherwise qualified and authorized as provided by law.

Section 6. The authority of the officers named in Section 1 and Section 2 hereto to sign checks, withdrawals, drafts or other order for payment upon one or more of the accounts of the Town may be restricted from time to time. The aforesaid banks or associations shall not be bound by such restrictions unless and until they have actually received a written certificate made by the Town's Mayor notifying them of such restrictions.

Section 7. As of the date of this Resolution, in addition to the persons authorized in Resolution 2007-001, the following are the named persons and their signatures holding the office designated after their names, to wit:


_____ TOWN MANAGER
Irv Rosenbaum

Section 8. If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2007-08

Section 9. All Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 10. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 7th DAY OF AUGUST, 2007.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

BY: David Browning
MAYOR DAVID BROWNING

ATTEST:

Matthew Lippman
TOWN CLERK

APPROVED AS TO FORM:

DNT
OFFICE OF THE TOWN ATTORNEY

DNT:dnt

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Town of Loxahatchee Groves Supplemental Signature Page

Resolution: 2007-08

Date Passed: August 7, 2007

Council Member: Margaret Herzog (Vice Mayor Marge Herzog)

Council Member: [Signature] (Councilman Bill Louda)

Council Member: DA (Councilman David Autrey)

Council Member: [Signature] (Councilman Dennis Lipp)

STATE OF FLORIDA
COUNTY OF _____

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:

as recorded in the Office of the Town Clerk.

WITNESS my hand and official seal this _____ day of _____ A.D. 20____.

TOWN OF _____
BY: _____



Meeting Date: March 16, 2010
Regular Agenda Item: 15b

TOWN OF LOXAHATCHEE GROVES

AGENDA MEMO

FINANCE ADVISORY & AUDIT COMMITTEE RECOMMENDATIONS

- Subject Matter:** 15b) Request to Palm Beach County Commission for a waiver on the use & restrictions imposed upon the 5th cent gas tax revenue.
- Background:** The State of Florida by statute establishes the specific uses for the 5 & 6 cent gas tax. Counties, as subdivisions of the state, may impose more restrictive guidelines, but not more lenient ones. In the case of the 5 cent gas tax, most everyone presumed that it would be used fully for road maintenance and repairs; however, a closer reading of the County's code states that 50% must allocated for *transportation* and 50% for *transit*. (Think buses, bus stops, bus shelters, etc)
- Backup Material:** To be submitted: copy of the County's code.
- Action:** Because of the unique rural nature of Loxahatchee Groves, and the fact that most of our roads are not paved and we do not operate a bus system, nor does one run through our Town, the FAAC recommends that Council request the County Commission to grant us a waiver to allow us to use the transit funds for road maintenance instead.

Prepared by:
Frank Spence, Town Manager



Town of Loxahatchee Groves Solid Waste Services Complaint Log

Frank Schiola (Solid Waste Service Monitoring)

Case Number	Name	Address	Home Phone	Cell Phone	Date of Incident	Date of Complaint	Type of Complaint	Date Resolved
2010SW 32	JOHN L SULLIVAN	2585 F RD.			02/10/10	02/13/10	Vegetation	02/13/10
2009 SW 33	JOHN PEREZ	1740 E RD.		718-3317	02/17/10	02/17/10	Other	02/17/10
2009 SW 34	JOHN PEREZ	1740 E RD.		718-3317	02/17/10	02/17/10	Other	02/17/10
2009 SW 35	MONITOR	1140 A RD.			02/17/10	02/17/10	C&D	02/20/10
2009 SW 36	GLORIA ROBINSON	13720 NORTH RD.			02/18/10	02/18/10	Vegetation	02/24/10
2009 SW 37	MONITOR	1320 B RD.			02/24/10	02/24/10	Vegetation	03/03/10
2009 SW 38	MONITOR	1032 E RD.			02/24/10	02/24/10	Other	02/25/10
2009 SW 39	LOU FAVATA	14683 PARADISE TRAIL		371-2669	02/24/10	02/25/10	Vegetation	03/01/10
2009 SW 40	HUGH RAYSIDE	4401 161st TER. NORTH	793-7832		02/25/10	02/25/10	Illegal Dumping	02/25/10
2009 SW 41	MONITOR	2545 F RD.			02/24/10	02/25/10	Vegetation	03/03/10
2009 SW 42	MONITOR	1313 D RD.			03/03/10	03/03/10	Vegetation	03/05/10
2009 SW 43	MONITOR	13788 COLLECTING CANAL RD.			03/03/10	03/03/10	Vegetation	03/05/10
2009 SW 44	DAVID FROELICH	3254 B RD.	793-5510		03/10/10	03/10/10	Vegetation	03/10/10
2009 SW 45	MONITOR	COLLECTING CANAL & QUAIL DR			03/10/10	03/10/10	Vegetation	03/10/10
2009 SW 46								
2009 SW 47								
2009 SW 48								
2009 SW 49								
2009 SW 50								
2009 SW 51								
2009 SW 52								
2009 SW 53								
2009 SW 54								
2009 SW 55								
2009 SW 56								
2009 SW 57								
2009 SW 58								

April 2010

April 2010

Su	Mo	Tu	We	Th	Fr	Sa
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May 2010

Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Mar 28	29	30	31	Apr 1	2	3
4	5	6	7	8	9	10
Easter Sunday	LGWCD 7:00pm Council Mtg	LGWCD 7:00pm Council Mtg	Atlantis CC PW Hospital * 12:00pm LOC District 7:00pm FAAC Mtg *	Tax Day	LGWCD 4:00pm IGC Mtg ?	Port/Am Club 1:00pm Guat Festival
11	12	13	14	15	16	17
LGWCD 7:30pm LGWCD Mtg	LGWCD 7:00pm Council Mtg	LGWCD 7:00pm Council Mtg	Presby Church 7:00pm LGLA Mtg			
18	19	20	21	22	23	24
25	26	27	28	29	30	May 1
			Venue Unknown 12:00pm LOC General			

Mar 28 - Apr 3

Apr 4 - 10

Apr 11 - 17

Apr 18 - 24

Apr 25 - May 1