

**RESOLUTION NO. 2023-86**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE CREATION OF THE "LOXAHATCHEE GROVES AGRITOURISM COMMITTEE" TO IDENTIFY POTENTIAL SUBSTANTIAL OFFSITE IMPACTS FROM AGRITOURISM ACTIVITIES AND DEVELOP MITIGATION METHODS FOR SUBSTANTIAL OFFSITE IMPACTS; PROVIDING FOR DUTIES OF THE COMMITTEE; PROVIDING FOR COMPLIANCE WITH FLORIDA'S SUNSHINE LAW AND PUBLIC RECORDS LAW; PROVIDING FOR PROCEDURAL MATTERS OF THE COMMITTEE; APPOINTING THE MEMBERS OF THE COMMITTEE; PROVIDING FOR SUNSETTING OF THE COMMITTEE; PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE.**

**WHEREAS**, in 2016, the Legislature amended Section 570.85, Florida Statutes, regarding agritourism to add its intent to promote agritourism as a way to support bona fide agricultural production and specifically state that the limitations on local governments “does not limit the powers and duties of a local government to address substantial offsite impacts of agritourism activities”; and

**WHEREAS**, since 2016, the Town of Loxahatchee Groves (Town) has become the home to many agritourism activities; and

**WHEREAS**, the Town Council desires to encourage agritourism activities within the Town and to mitigate the substantial offsite impacts of agritourism activities to balance the interests of the health, safety, and welfare of the public and maintain the peace and tranquility of surrounding residential communities; and

**WHEREAS**, it is the desire of the Town Council to create a Committee to advise the Town Council on potential substantial offsite impacts from agritourism activities, as set forth in more detail herein; and

**WHEREAS**, the Town Council determines that the creation of the Committee serves a valid public purpose.

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

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

**Section 2.** The Town Council hereby establishes the Town's "Loxahatchee Groves Agritourism Committee" as follows:

**I. Creation of the "Loxahatchee Groves Agritourism Committee."** There is created the Loxahatchee Groves Agritourism Committee (Committee) to act as an advisory board to the Town Council, as follows:

- (A) Membership. The Committee shall be comprised of five (5) voting members.
1. Qualifications. Each member shall be a resident or landowner within the Town and shall be active in the agritourism industry within the Town.
  2. Appointment. Each member of the Town Council shall appoint a qualified individual and notify the Town Clerk of the appointment. Once all appointments are submitted, the Town Clerk will place a notice of appointment of Committee members on the next available Town Council meeting agenda. The members shall serve at the pleasure of appointing members of the Town Council and Town Council.
- (B) Duty. The Committee's duties are to recommend to Town Council potential substantial offsite impacts of agritourism activities and to develop recommendations to mitigate substantial offsite impacts to balance the needs of the agritourism operation with the health, safety, and welfare of the public and the peace and tranquility of the surrounding residential communities. Such recommendations shall include identification of potential substantial offsite impacts and how to identify any additional potential substantial offsite impacts; how such impacts should be measured to establish whether the impact is substantial; and how such impacts should be mitigated to become less than substantial.

**II. Advisory Only.** The actions, decisions, and recommendations of the Committee shall be advisory only. All final decisions are solely at the discretion of the Town Council.

**III. Meetings, Dates, Procedures, Records, Quorum, and Compensation.**

- (A) The Committee shall hold an organizational meeting within thirty (30) days of the appointment of a number of Committee members to have a quorum, at which the members of the Committee shall elect by a majority vote of its membership a chair and vice-chair.

- (B) The Committee shall meet on an as-needed basis, as determined by the Chair or the Town Manager.
- (C) All meetings, records and files of the Committee shall be open and available to the public, consistent with Chapter 119, Florida Statutes (the Public Records Law) and Chapter 286, Florida Statutes (the Sunshine Law). In addition, members of the Committee shall ensure that their actions are in compliance with the Public Records Law and the Sunshine Law.
- (D) Notice for any meeting of the Committee shall be posted in accordance with the Sunshine Law and on the Town's website and at the Town Office no later than 24 hours prior to the scheduled meeting.
- (E) Three (3) voting members shall constitute a quorum of the Committee, and official action shall be taken by the board by a majority vote of the members present at the meeting. If a quorum is not present, the Committee members may continue to meet and discuss issues; however, no official action may be taken.
- (F) The Town Manager or his/her designee shall act as secretary to the Committee and be responsible for attending all meetings and providing the items necessary for conducting meetings, as requested by the Chair, and for recording and preparation of meeting minutes. The Town Attorney or his/her designee shall act as attorney for the Committee, on an as-needed basis.
- (G) Town staff will reasonably provide adequate support to the Committee to discharge their responsibilities.
- (H) Members of the Committee shall serve without compensation for the performance of their duties.

**Section 3.** The following persons are appointed to be members of the Committee:

Darrin Swank  
Simon Fernandez  
Liza Holman  
Joseph Chammas

Mayor Laura Danowski  
Vice Mayor Robert Shorr  
Councilmember Margaret Herzog  
Councilmember Phillis Maniglia  
Councilmember Marianne Miles

**Section 4.** Sunset of the Committee. Unless extended by the adoption of a Resolution by the Town Council, the Committee shall sunset on March 31, 2024.

**Section 5.** Severability. 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.

**Section 6.** Conflicts. All Resolutions or parts of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

**Section 7.** Effective Date. This Resolution shall take effective immediately upon its adoption.

Councilmember \_\_\_\_\_ offered the foregoing resolution. Councilmember \_\_\_\_\_ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS \_\_\_ DAY OF DECEMBER 2023.**

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

ATTEST:

\_\_\_\_\_  
Lakisha Q. Burch, Town Clerk

\_\_\_\_\_  
Mayor Laura Danowski

\_\_\_\_\_  
Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
Councilmember Margaret Herzog

\_\_\_\_\_  
Councilmember Phillis Maniglia

\_\_\_\_\_  
Councilmember Marianne Miles