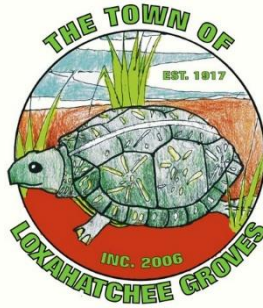


**TOWN OF LOXAHATCHEE GROVES
TOWN HALL COUNCIL CHAMBERS
TOWN COUNCIL WORKSHOP / SPECIAL MEETING**

AGENDA

October 15, 2019 - 6:00 P.M.



Robert Shorr, Mayor (Seat 4)

Phillis Maniglia, Councilmember (Seat 1)

Laura Danowski, Councilmember (Seat 2)

Lisa El-Ramey, Councilmember (Seat 3)

Dave DeMarois, Vice Mayor (Seat 5)

Administration

Town Manager, James S. Titcomb

Assistant Town Manager, Francine L. Ramaglia

Public Works Director, Larry A. Peters, P.E.

Town Attorney, R. Brian Shutt, Esq.

Town Clerk, Lakisha Q. Burch

Civility: Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That's why we say "Character Counts" in Town of Loxahatchee Groves. Civility is practiced at all Town meetings.

Special Needs: In accordance with the provisions of the American with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall within three business days prior to any proceeding, contact the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida, (561) 793-2418.

Quasi-Judicial Hearings: Some of the matters on the Agenda may be "quasi-judicial" in nature. Town Council Members are required to disclose all ex-parte communications regarding these items and are subject to voir dire (a preliminary examination of a witness or a juror by a judge or council) by any affected party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment, without being sworn. Unsworn comment will be given its appropriate weight by the Town Council.

Appeal of Decision: If a person decides to appeal any decision made by the Town Council with respect to any matter considered at this meeting, he or she will need a record of the proceeding, and for that purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes any testimony and evidence upon which the appeal will be based.

Consent Calendar: Those matters included under the Consent Calendar are typically self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by a single motion. If discussion on an item is desired, any Town Council Member, without a motion, may "pull" or remove the item to be considered separately. If any item is quasi-judicial, it may be removed from the Consent Calendar to be heard separately, by a Town Council Member, or by any member of the public desiring it to be heard, without a motion.

TOWN COUNCIL AGENDA ITEMS

Call to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Additions/Deletions/Modifications of Agenda

Comments from The Public on Non-Agenda Items

The public is encouraged to offer comments on any non-agenda item. Generally, remarks by an individual will be limited to one time, up to three minutes or less. The Mayor or presiding officer has discretion to adjust the amount of time allocated.

CONSENT AGENDA

1. Conflict of Interest Waiver - Torcivia, Donlon, Goddeau & Ansay, P.A.
2. Resolution No. 2019-60 (Councilmember El-Ramey) approving the appointment of Angelo Rossi to the Finance Audit and Advisory Committee.
3. Resolution No. 2019-61 approving appointments of Maureen “Reenie” Brewer (Councilmember El-Ramey); and Dennis Lipp (Councilmember Danowski) to the Planning Zoning Board.
4. Resolution No. 2019-62 repealing Resolution No. 2019-11 Code Enforcement Moratorium.
5. Public Works Purchase Orders Nos. 195 & 196 –Rock for Collecting Canal Rd (D to Folsom)
6. Public Works Water Drainage Projects, Listed Nos. 1-10; and 14 OGEM-Sites Approvals.

PUBLIC HEARING

7. First Reading of Ordinance No. 2019-08 approving Groves Town Center MUPD Amendment.
8. Second Reading of Ordinance No. 2019-07 approving the Moving date of the Municipal Election to be held concurrent with the March 17, 2020 Presidential Preference Primary.
9. Second Reading of Ordinance No. 2019-06 approval of the Lighting Code Revisions.
10. Second Reading of Ordinance No. 2019-05 approving the Collection of Solid Waste (Town staff recommendation is to continue this advertised item to November 5th, 2019).

REGULAR AGENDA

11. Roads Reconstruction Schedule and Public Works P.O.s for Council prioritization and direction.
12. Direction to Town Attorney to respond to the Underwood Contract Demand Letter.

Town Staff Reports

Town Councilmembers Reports

Adjournment

Comment Cards: Anyone from the public wishing to address the Town Council, it is requested that you complete a Comment Card before speaking. Please fill out completely with your full name and address so that your comments can be entered correctly in the minutes and give to the Town Clerk. During the agenda item portion of the meeting, you may only address the item on the agenda 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.

TO: Town Council of Town of Loxahatchee Groves

FROM: R. Brian Shutt, Town Attorney

VIA: James Titcomb, Town Manager

SUBJECT: Waiver of possible conflict of interest arising from Torcivia, Donlon, Goddeau & Ansay, P.A.'s legal representation of the Palm Beach County Sheriff's Office in forfeiture and other proceedings

Background:

As part of its representation of the Town of Loxahatchee Groves (the "Town") as its Town Attorney, our Firm will participate, in a limited role, in the customary negotiations with PBSO regarding its Law Enforcement Service Agreement with the Town. The Firm currently represents PBSO in its forfeiture and other related matters. The attached letter addresses the circumstances under which the Town consents to the Firm's representation of PBSO in its Law Enforcement Matters and waives any potential conflict of interest.

We believe that our Firm will be able to provide competent and diligent representation of the Town and of PBSO in its Law Enforcement Matters without resulting in any adverse impacts on either of these working relationships. The Firm's representation of PBSO is not prohibited by law, and the Firm will not simultaneously represent both PBSO and the Town in any proceeding wherein their respective positions will be averse to one another.

If, at any time the Town has any concerns regarding our representation of PBSO, we request that it be brought to our attention immediately. Further, if the Town has any questions concerning this letter or otherwise, please do not hesitate to contact me.

Recommendation:

We are requesting that the Town Council authorize the Mayor to execute the attached conflict of interest waiver letter.

**TORCIVIA, DONLON,
GODDEAU & ANSAY, P.A.**

701 Northpoint Parkway, Suite 209
West Palm Beach, Florida 33407-1950
561-686-8700 Telephone / 561-686-8764 Facsimile
www.torcivialaw.com

Glen J. Torcivia
Lara Donlon
Christy L. Goddeau*
Carolyn S. Ansay*

Jennifer H.R. Hunecke
R. Brian Shutt*
Pamala H. Ryan*
Matthew L. Ransdell
Melissa P. Anderson*

*FLORIDA BAR BOARD CERTIFIED
CITY COUNTY AND LOCAL GOVERNMENT ATTORNEY

September 13, 2019

VIA ELECTRONIC MAIL ONLY

Mayor and Councilmembers
Town of Loxahatchee Groves
155 F Road
Loxahatchee Groves, FL 33470

Re: Waiver of possible conflict of interest arising from Torcivia, Donlon, Goddeau & Ansay, P.A.'s ("Firm") legal representation of the Palm Beach County Sheriff's Office ("PBSO") in forfeiture and other proceedings

Dear Mayor and Councilmembers:

As you know, as part of its representation of the Town of Loxahatchee Groves (the "Town") as its Town Attorney, our Firm will participate, in a limited role, in the customary negotiations with PBSO regarding its Law Enforcement Service Agreement with the Town ("PBSO Agreement"). The Firm currently represents PBSO in its forfeiture matters and, potentially, other PBSO related matters, including, but not limited to, furloughs and replevins (collectively hereinafter referred to as, "Law Enforcement Matters"). This letter addresses the circumstances under which the Town consents to the Firm's representation of PBSO in its Law Enforcement Matters and waives any potential conflict of interest.

As a result of our representation of the Town, our representation of PBSO, as described above, creates a conflict of interest within the meaning of the Rules Regulating the Florida Bar. Specifically, Rule 4-1.7 of the Florida Rules of Professional Conduct states that a lawyer shall not represent a client if: (1) the representation of one client will be directly adverse to another client; or (2) there is a substantial risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer. Although the Firm's representation of the Town is wholly unrelated to PBSO's Law Enforcement Matters, the representation of PBSO could create a potential conflict of interest when the Firm participates in the negotiation of the PBSO Agreement on the Town's behalf because PBSO would also be a client of the Firm. The primary risk arising from this type of potential conflict is that the representation of one client may be materially limited or less than zealous due to the representation of another client.

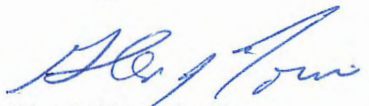
Rule 4-1.7 allows a client to consent to its attorney's representation of another client notwithstanding a conflict. The Rule provides that "Notwithstanding the existence of a conflict of interest...a lawyer may

represent a client if: (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client; (2) the representation is not prohibited by law; (3) the representation does not involve the assertion of a position adverse to another client when the lawyer represents both clients in the same proceeding before a tribunal; and (4) each affected client gives informed consent, confirmed in writing or clearly state on the record at a hearing.” Informed consent is defined in the Rules as “the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct.”

We believe that our Firm will be able to provide competent and diligent representation of the Town and of PBSO in its Law Enforcement Matters without resulting in any adverse impacts on either of these working relationships. The Firm’s representation of PBSO is not prohibited by law, and the Firm will not simultaneously represent both PBSO and the Town in any proceeding wherein their respective positions will be adverse to one another. As outlined above, the Firm has provided the information and explanation necessary for the Town to provide informed consent hereunder. Under these circumstances, we believe that a waiver of the conflict of interest and the Town’s consent to our representation of PBSO in its Law Enforcement Matters would be ethically permissible.

By his signature below, the Mayor, on behalf of the Town Council, is acknowledging that the Town is providing its informed consent to the Firm’s representation of PBSO in its Law Enforcement Matters and is waiving the resulting potential conflict of interest. If, at any time, the Town has any concerns regarding our representation of PBSO, we request that it be brought to our attention immediately. Further, if the Town has any questions concerning this letter or otherwise, please do not hesitate to contact me.

Sincerely,



Glen J. Torcivia, Esq.

Agreed to this ____ day of _____, 2019

By: _____
Robert Shorr, Mayor
On behalf of the Town Council
of the Town of Loxahatchee Groves

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155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves
FROM: Lakisha Burch, Town Clerk
VIA: James Titcomb, Town Manager
SUBJECT: Resolution No. 2019-60 appointment to Finance Audit and Advisory Committee

Background:

Due to the vacancy on the Finance Audit and Advisory Committee (FAAC). Mr. Rossi is being considered for consideration with Town Council's approval.

Recommendations:

Staff recommends that Town Council approves Resolution No. 2019-60 appointing Mr. Angelo Rossi as voting members of the Finance Audit and Advisory Committee.

RESOLUTION NO. 2019-60

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING ANGELO ROSSI AS VOTING MEMBERS OF THE FINANCE ADVISORY AND AUDIT COMMITTEE, TO SERVE TERMS TO EXPIRE ON MARCH 10, 2020; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Resolution 2009-008, adopted on May 19, 2009, established the Town of Loxahatchee Groves Finance Advisory Board; and

WHEREAS, Resolution 2009-014, adopted on July 21, 2009, renamed the Town's Finance Advisory Committee to the Finance and Audit Committee (FAAC), and provided for terms of voting members; and

WHEREAS, Resolution 2016-24, adopted on April 19, 2016, amended the duties, term of members, meetings and Town Staff support for the Finance Advisory and Audit Committee; and

WHEREAS, Resolution 2017-17, adopted on June 6, 2017, further amended the duties of the FAAC by returning the duties and functions of the FAAC to those that the existed prior to the adoption of Resolution 2016-24; and

WHEREAS, Resolution No. 2018-17, adopted on April 3, 2018, amended the duties, term of members, meetings and Town Staff support for the Finance Advisory and Audit Committee; and

WHEREAS, the Town Council now finds it in the best interests of the Town to appoint voting members of the FAAC for terms of voting member to expire on March 10, 2020, and to make such appointments at this time 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 Financial Audit and Advisory Committee (FAAC) for a term of one (1) year:

Dave DeMarios, Mayor Pro tem

Bruce Cunningham

Robert Shorr, Vice Mayor Pro tem

Janet Eick

Laura Danowski, Councilmember

Peter Savino

Lisa El-Ramey, Councilmember

Angelo Rossi

Phillis Maniglia, Councilmember

Anita Kane

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.

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>
Robert Shorr, MAYOR	☐	☐	☐
David DeMarios, VICE MAYOR	☐	☐	☐
Laura Danowski, COUNCIL MEMBER	☐	☐	☐
Lisa El-Ramey, COUNCIL MEMBER	☐	☐	☐
Phillis Maniglia, COUNCIL MEMBER	☐	☐	☐

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ____ DAY OF ____ 2019.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor Robert Shorr

Town Clerk

Vice Mayor David DeMarios

APPROVED AS TO LEGAL FORM:

Council Member Laura Danowski

Council Member Lisa El-Ramey

Office of the Town Attorney

Council Member Phillis Maniglia

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155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves
FROM: Lakisha Burch, Town Clerk
VIA: James Titcomb, Town Manager
SUBJECT: Resolution No. 2019-61 appointment to Planning Zoning Board

Background:

Due to the resigning of Ms. Veronica Close on the Planning Zoning Board and a vacancy Ms. “Reenie” Brewer and Mr. Dennis Lipp are being considered for consideration with Town Council’s approval.

Recommendations:

Staff recommends that Town Council approves Resolution No. 2019-61 appointing Ms. Maureen “Reenie” Brewer and Mr. Dennis Lipp as voting members of the Planning Zoning Board.

RESOLUTION NO. 2019-61

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING MAUREEN “REENIE” BREWER AND DENNIS LIPP AND AS REGULAR MEMBERS OF THE TOWN’S PLANNING AND ZONING BOARD TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, regular and alternate members of the Planning and Zoning Board are appointed pursuant to Ordinance 2011-011, which was amended by Ordinance 2012-02, to allow alternate members of the Planning and Zoning Board to participate in any matter coming before the Board at a meeting at which the alternate member attends, and by Ordinance 2015-02, to amend the terms of regular members of the Planning and Zoning Board to be one (1) year terms; and,

WHEREAS, the Town Council finds it in the best interest to appoint members of the Planning and Zoning Board for terms of one (1) year, and to make such appointments for the upcoming year at this time and to appoint the alternate members in a separate resolution.

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 regular members of the Town’s Planning and Zoning Board for a term of one (1) year:

Dave DeMarios, Mayor Pro tem

William Bell

Robert Shorr, Vice Mayor Pro tem

Neil O’Neal

Laura Danowski, Councilmember

Dennis Lipp

Lisa El-Ramey, Councilmember

Maureen “Reenie” Brewer

Phillis Maniglia, Councilmember

William “Bill” Ford

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.

Vice Mayor Pro tem Shorr offered the foregoing resolution. Councilmember El-Ramey seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Robert Shorr, MAYOR	☐	☐	☐
David DeMarios, VICE MAYOR	☐	☐	☐
Laura Danowski, COUNCIL MEMBER	☐	☐	☐
Lisa El-Ramey, COUNCIL MEMBER	☐	☐	☐
Phillis Maniglia, COUNCIL MEMBER	☐	☐	☐

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ____ DAY OF ____ 2019.

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Mayor Robert Shorr

Town Clerk

Vice Mayor David DeMarios

APPROVED AS TO LEGAL FORM:

Council Member Lauri Danowski

Council Member Lisa El-Ramey

Office of the Town Attorney

Council Member Phillis Maniglia

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155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: James Titcomb, Town Manager

VIA: Brian Shutt, Town Attorney

SUBJECT: Resolution No. 2019-62 repealing Resolution No. 2019-11 Code Enforcement Moratorium

Background:

The Town Council at its January 15-16, 2019 meeting adopted Resolution 2019-11 that provided the Town would cease the initiation of new code enforcement cases, except for cases involving imminent health and safety matters. The moratorium has remained in effect to this time.

The Town Manager initiated a piggy-back Code Enforcement contract service, approved by the Town Council August 20th at their Town Council Workshop & Special Meeting. The Town Council determined that it is in the best interests of the residents of the Town to provide renewed code enforcement actions, which may be commenced upon the adoption of this Resolution.

Recommendations:

Town Council approves Resolution No. 2019-62 repealing Resolution No. 2019-11 Code Enforcement Moratorium.

RESOLUTION NO. 2019-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO CODE ENFORCEMENT POLICIES AND PROCEDURES; PROVIDING THAT THE TOWN'S CODE ENFORCEMENT DEPARTMENT WILL NOT OPEN ANY NEW CODE ENFORCEMENT CASES EXCEPT IN CASES INVOLVING IMMINENT HEALTH AND SAFETY MATTERS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town enforces its Code pursuant to Chapter 162, Florida Statutes, and Ordinance 2011-009; and,

WHEREAS, on August 1, 2017, the Town Council adopted Resolution 2017-46, relating to code enforcement policies, which confirmed the Town's policy that all code enforcement matters that come to the attention of the Town's code enforcement office, with the exception of anonymous complaints, be addressed; and,

WHEREAS, at its January 15-16, 2019, Town Council meeting, the Town Council determined it was in the best interest of the Town to cease the initiation of new code enforcement cases except in cases involving imminent health and safety matters.

NOW, THEREFORE, BE IT RESOLVED 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 are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Town Council hereby directs that the Town's Code Enforcement Department cease the initiation of new code enforcement cases except in cases involving imminent health and safety matters, until directed otherwise by the Town Council. The determination of an imminent health and safety matter is to be made by the Town Manager. The Town's Code Enforcement Department may continue to process code enforcement cases initiated prior to January 15, 2019.

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 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>
DAVID BROWNING, MAYOR	☐	☐	☐
TODD MCLENDON, VICE MAYOR	☐	☐	☐
DAVE DEMAROIS, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ANITA KANE, COUNCIL MEMBER	☐	☐	☐

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ____ DAY OF _____ 2019.

ATTEST:

_____, Town Clerk

APPROVED AS TO LEGAL FORM:

Town Attorney

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

Mayor Dave Browning

Vice Mayor Todd McLendon

Council Member Dave DeMarois

Council Member Phillis Maniglia

Council Member Anita Kane

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2019-62

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA REPEALING RESOLUTION 2019-11 WHICH PROVIDED THAT THE TOWN WOULD NOT OPEN ANY NEW CODE ENFORCEMENT CASES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves at its January 15-16, 2019 meeting adopted Resolution 2019-11 that provided the Town would cease the initiation of new code enforcement cases, except for cases involving imminent health and safety matters; and

WHEREAS, the Town Council has determined that it is time to commence performing all code enforcement activities at this time and wishes to repeal Resolution No. 2019-11.

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

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 upon adoption hereof.

Section 2. The Town Council has determined that it is in the best interests of the residents of the Town to provide that code enforcement action may be commenced upon the adoption of this Resolution. Therefore, Resolution 2019-11 is hereby repealed upon the adoption of this Resolution.

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 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>
Robert Shorr, MAYOR	☐	☐	☐

Dave DeMarios, VICE MAYOR

☐ ☐ ☐

Laura Danowski, COUNCIL MEMBER

☐ ☐ ☐

Lisa El-Ramey, COUNCIL MEMBER

☐ ☐ ☐

Phillis Maniglia, COUNCIL MEMBER

☐ ☐ ☐

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES,
FLORIDA, THIS ___ DAY OF _____, 2019.**

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Mayor Robert Shorr

Town Clerk

Vice Mayor David DeMarios

APPROVED AS TO LEGAL FORM:

Council Member Laura Danowski

Council Member Lisa El-Ramey

Office of the Town Attorney

Council Member Phillis Maniglia

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155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Larry A. Peters, P.E., Director of Public Works

VIA: James Titcomb, Town Manager

**SUBJECT: Public Works Purchase Orders Nos. 195-196 Rock for Collecting Canal Rd
(D to Folsom)**

Background: Previous Town Council action approved Palm Beach Aggregate to provide and deliver Base Rock to specific locations within the limits of Loxahatchee Groves at a defined cost per ton, for each location.

Recommendations: Recommend that Town Council approve the attached Purchase Orders to deliver Base Rock to Collecting Canal from D road to Folsom Road in accordance with the above.

Note: Please see the attached.

TOWN OF LOXAHATCHEE GROVES

155 F ROAD
LOXAHATCHEE GROVES, FL 33470

PURCHASE ORDER

PURCHASE ORDER #	195
VENDOR ID	0538
10/7/2019	Page 1

VENDOR

SHIP TO

Attention:

Palm Beach Aggregates, LLC
20125 State Rd 80
Loxahatchee, FL 33470

Town of Loxahatchee
155 F Rd
Loxahatchee Groves, FL 33470

Attention: Cheryl Miller
Phone: (561) 793-2418

SHIP VIA	F.O.B.	TERMS	PO DATE	BUYER
	destination	Due Upon Receipt	10/1/2019	Town of Loxahatchee Groves
			DEPARTMENT	CONFIRM TO
			Public Works	Water Control District

LINE #	OUR PRODUCT ID	VENDOR PART NUMBER	REQUIRED	UNIT	QUANTITY	EXTENDED PRICE
	DESCRIPTION		PROMISED		UNIT PRICE	
1	DOT Baserock		10/1/2019	Per Ton	4400	\$45,320.00
	DOT baserock		10/1/2019		\$10.300	
	For Collecitng Canal Rd from D Rd to Folsom Rd					
					TOTAL	\$45,320.00

To furnish & deliver 4,400 tons of FDOT Baserock #11

TOWN OF LOXAHATCHEE GROVES

155 F ROAD
LOXAHATCHEE GROVES, FL 33470

PURCHASE ORDER

PURCHASE ORDER #	196
VENDOR ID	0538
10/7/2019	Page 1

VENDOR

SHIP TO

Attention:

Palm Beach Aggregates, LLC
20125 State Rd 80
Loxahatchee, FL 33470

Town of Loxahatchee
155 F Rd
Loxahatchee Groves, FL 33470

Attention: Cheryl Miller
Phone: (561) 793-2418

SHIP VIA	F.O.B.	TERMS	PO DATE	BUYER
	destination	Due Upon Receipt	10/1/2019	Town of Loxahatchee Grov
			DEPARTMENT	CONFIRM TO
			Public Works	Water Control District

LINE #	OUR PRODUCT ID	VENDOR PART NUMBER	REQUIRED	UNIT	QUANTITY	EXTENDED
	DESCRIPTION		PROMISED		UNIT PRICE	PRICE
1	1" Minus Baserock		10/1/2019	Per Ton	3300	\$35,640.00
	1" Minus Baserock		10/1/2019		\$10.800	
	For Collecting Canal Rd from D Rd to Folsom Rd					
					TOTAL	\$35,640.00

Furnish & deliver 3,300 tons of 1" Minus Base Rock

Cheryl Miller

From: Larry Peters
Sent: Tuesday, October 1, 2019 4:10 PM
To: Francine Ramaglia
Cc: Elena Georgiev; Cheryl Miller
Subject: Base Rock

Francine:

In accordance with the meeting today, regarding Purchase Orders for base rock.

Until we get further direction the following PO's should be prepared:

Provide and Deliver 4,400 tons of FDOT #11 Base Rock to Collecting Canal from D Road to Folsom at \$10.30 per ton. 195
Provide and Deliver 3,300 tons of Minus 1" to Collecting Canal from D Road to Folsom at \$10.80 per ton. 196

For reference please see PO No. 11087202 and 11087203

Larry A. Peters, P.E.
Director of Public Works
245 West D Road
Town of Loxahatchee Groves, FL., 33470
lpeters@loxahatcheegrovesfl.gov
(561) 277-2151 Office (561) 335-6024 Cell



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves
FROM: Larry A. Peters, P.E., Director of Public Works
VIA: James Titcomb, Town Manager
SUBJECT: Public Works Water Drainage Projects, Listed Nos. 1-10 and 14 OGEM-Sites Approvals

Background: Previous Town Council action re-allocated drainage funding to provide a 50/50 match for potential grants.

Recommendations: Recommend that Town Council overturn previous Council action and re-assign the remaining unused funds for drainage projects throughout the Town.

Note: Please see the attached list of locations, with associated cost.

**Public Works Report of
Dependent Water Control District Activities**

By Larry A. Peters, P.E.

Director of Public Works

October 15, 2019

Drainage Projects:

No.	Location	Cost
1	2100 B Road North	\$14,542.00
2	2100 B Road South	\$15,542.00
3	3506 B Road North	\$12,472.00
4	3506 B Road South	\$12,472.00
5	1900 D Road Big Dog	\$17,542.00
6	1800 D Road Big Dog	\$14,542.00
7	Sta. 600 D Road	\$14,542.00
8	Sta. 500 D Road	\$14,542.00
9	Sta. 300 D Road	\$14,542.00
10	2668 C Road	<u>\$12,472.00</u>
Total		\$143,210.00

Fourteen additional locations, to be selected by Staff, for drainage of existing OGEM roads, in preparation of re-surfacing. Note: Easements would not be required.

Fourteen (14) drainage locations on OGEM roads at \$12,472.00 each	\$174,608.00
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Grand Total	\$317,818.00
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Town of Loxahatchee Groves, Florida

Town Council Agenda Item Report

Groves Town Center PUD Amendment: Ordinance 2019-08

PREPARED BY: Jim Fleischmann

October 15, 2019

SUBJECT: Groves Town Center Planned Unit Development (PUD) Amendment Application (REZ 2019-01).

1. BACKGROUND

History: The 90 +/- acre Groves Town Center PUD, including a Statement of Use, Conceptual Master Plan and Conditions of Approval was approved by the Town Council (Ordinance 2013-010). Revisions to the PUD were approved by the Town Council (Ordinance 2018-08).

Additional revisions to the PUD (i.e. PUD Amendment) must be approved by the Town Council. The Applicant is proposing a PUD amendment to: (1) Relocate and reconfigure the circular Town Center Commons Pod; (2) create smaller, more marketable Development Pods within Parcel 1 (commercial parcel); and (3) add two equestrian trail connectors (one to the relocated Town Center Commons Pod and one to a potential future trail segment located on an adjacent property to the west, along “B” Road).

Problem Statement: The Town Council is to hear and approve, approve with conditions, or deny rezoning applications. The proposed PUD Amendment is classified as a rezoning.

Problem Solution: The Town Council will conduct a public hearing on the proposed REZ 2019-01 (i.e. Ordinance 2019-08) and consider a motion to approve, approve with conditions on First Reading, or deny the PUD amendment application.

2. CURRENT ACTIVITY

The Applicant, Loxahatchee Equestrian Partners LLC has submitted a PUD amendment application (REZ 2019-01) to request revisions to the currently effective Conceptual Master Plan and Conditions of Approval (Ordinance 2018-08).

REZ 2019-01 was presented at a Planning and Zoning Board (PZB) meeting on September 16, 2019. The PZB recommended approval of REZ 2019-01 subject to two Conditions of Approval, as follows.

3. ATTACHMENTS

1. Groves Town Center Staff Report: PUD Amendment
2. Proposed Ordinance 2019-08

4. FINANCIAL IMPACT

Work on this project is funded by the Applicant’s cost recovery deposit.

5. **RECOMMENDED ACTION:** Recommend that the Town Council approve Ordinance 2019-08, on First Reading, including the Conceptual Master Plan dated August 15, 2019 and Conditions of Approval, as presented in Attachment 2.

TO: TOWN COUNCIL

FROM: JIM FLEISCHMANN TOWN PLANNING CONSULTANT

RE: STAFF REPORT: LOXAHATCHEE EQUESTRIAN PARTNERS LLC/SOLAR SPORTSYSTEMS, INC. REZONING APPLICATION REZ 2019-01: PLANNED UNIT DEVELOPMENT AMENDMENT (ORDINANCE 2019-08).

DATE: OCTOBER 15, 2019

I. GENERAL INFORMATION

A. Applicant: Solar Sportsystems, Inc. and Loxahatchee Equestrian Partners, LLC, property owners. The applicant is being represented by Matthew Barnes, of Akerman, LLP.

B. Owner: Solar Sportsystems, Inc. and Loxahatchee Equestrian Partners, LLC.

C. Location: The property is located at the northeast corner of Southern Boulevard and "B" Road, south of Collecting Canal, Loxahatchee Groves, Florida (Ref: Map 1).

D. Legal Description: The property is legally described as including the following parcels of land: (1) The south 1000 feet of Tract 4, Block I of the Loxahatchee Groves Plat; (2) a portion of Lot 5, Block I of the Loxahatchee Groves Plat; and (3) a portion of Lot 6, Block I, of the Loxahatchee Groves Plat.

E. Parcel Size: 89.95 acres.

F. Existing Future Land Use (FLU) Designation: The Multiple Land Use (MLU) future land use designation was assigned to the property by Future Land Use Amendment 11-1.3 (Ordinance 2011-017).

G. Existing Zoning: The Multiple Land Use Planned Unit Development (MLU/PUD) zoning designation was assigned to the property by Rezoning REZ 2013-02 (Ordinance 2013-010) and amended by REZ 2018-01 (Ordinance 2018-08).

H. Existing Use: Equestrian (Use Code 6800) and Grazing (Use Code 6000) agricultural uses assigned by the Palm Beach County Property Appraiser.

II. EXISTING AND PROPOSED DEVELOPMENT PROGRAM

The current Multiple Land Use Planned Unit Development (MLU/PUD) development program presented in Table 1 consists of three components and limits the associated maximum intensities.

Table 1 – Approved Mix of Uses and Development Intensity

Use	Acres	Intensity
Commercial Retail	33.24	Maximum of 103,000 sq. ft.
Commercial Office (Medical/Professional)	15.24	Maximum of 44,000 sq. ft.
Congregate Living Facility (CLF)	40.47	Maximum 128-Beds

The proposed development program includes the following minor acreage revisions. However, approved development intensities are not revised. Development on the property shall be regulated by the application of the following criteria:

- Commercial Low (CL) – Maximum of 33.97 acres/103,000 sq. ft. of retail commercial space.
- Commercial Low Office - Maximum of 15.17 acres/44,000 sq. ft. of professional and medical office commercial space.
- Institutional – Minimum of 40.81 acres/Maximum of 128 congregate living beds.

III. REQUESTED PUD AMENDMENTS: CONCEPTUAL MASTER PLAN REVISION

The Property is subject to the Groves Town Center Conceptual Master Plan (“Conceptual Master Plan”), which was initially approved on February 17, 2015 and revised on November 6, 2018 via Ordinance 2018-08. The current approved Conceptual Master Plan is included as Attachment 1. The proposed amended Conceptual Master Plan is included as Attachment 2.

The initial site plan for the first phase of development, Pod A, was also approved on November 6, 2018 via Resolution 2018-83 and the subsequent owner of Pod A is proceeding with developing pursuant to the approved site plan, including a Wawa gas/restaurant/convenience store and an Aldi grocery store. The equestrian trail site plan was approved on November 6, 2018 via Resolution 2018-84.

The amendment to the Conceptual Master Plan proposes three revisions, as follows:

1. Relocation and reconfiguration of the circular Town Center Commons Pod;

2. Creation of smaller, more marketable Development Pods within Parcel 1 (commercial parcel);
3. Addition of two equestrian trail connectors (one to the relocated Town Center Commons Pod and one to a potential future trail segment located on an adjacent property to the west, along "B" Road).

Revisions to the Conditions of Approval in Ordinance 2018-08 to reflect current conditions and PZB recommendations are included in the proposed amendment.

The current Conceptual Master Plan (Ordinance 2018-08) contains a ± 4.36 acre Town Commons Pod in a circular shape located just north of Southern Blvd. The proximity of the Town Commons to Southern Blvd is not ideal, as it would be difficult to utilize the parcel for any purpose that would be disrupted by the noise and commotion of the high speed traffic on Southern Blvd. Also, the circular shape, although intriguing on paper, is not functional for staging of events. Finally, the circular shape makes it difficult to equitably distribute the commercial Pods along Southern Blvd and Tangerine Drive.

The proposed Conceptual Master Plan has increased the Town Commons Pod to ± 5.8 acres and relocated it to an area approximately 380 feet north of Southern Blvd. The new location is buffered from Southern Blvd by reconfigured commercial Pods. It is also laid out with more straight edges, which will provide for better functional use for events by the public. Parking for the Town Commons is proposed to occur on grass or gravel areas within the Town Commons Pod.

In conjunction with the relocation of the Town Commons Pod, Parcel 1 has been reconfigured to create smaller, more functional development Pods oriented to the types of businesses demonstrating interest in the Southern Boulevard corridor.

The proposed Conceptual Master Plan revision provides a connection from the equestrian trail to the relocated Town Commons Pod so horses can be ridden to events. An additional trail stub is provided in anticipation of a trail component to be built on the "Brier Property". The trail stub and additional trail component will allow horses to access "B" Road in a safer location than is currently approved (i.e. across from the Publix parking lot).

In summary, the total floor area of the uses in the proposed Conceptual Master Plan is unchanged; 103,000 square feet of commercial low retail, 44,000 square feet of commercial low professional and medical office; and a 128-bed assisted living facility. As such, the proposed Conceptual Master Plan is consistent with the Town's Comprehensive Plan, Special Policy 1.15.2 which states the maximum allowed uses and square footage.

IV. APPROVAL HISTORY

1..Ordinance 2011-017. Established MLU future land use designation for Property and a maximum of 103,000 square feet of commercial low retail, 44,000 square feet of commercial for professional and medical office, and a 128-bed congregate living facility.

2..Ordinance 2013-010. Established MLU/PUD zoning designation for Property and approved a conceptual master plan for 103,000 square feet of commercial low retail, 44,000 square feet of commercial for professional and medical office, and a 128-bed congregate living facility.

3. Ordinance 2018-08. Amended the conceptual master plan approved via Ord. 2013-010 to reconfigure Pod A.

4. Resolution 2018-83. Approved site plan for Pod A. Approved uses were 21,730 SF Aldi grocery store, 6,119 SF Wawa gas station and 3,470 SF Chase bank. A total of 31,319 SF of commercial low retail was approved.

5. Resolution 2018-84. Approved site plan for equestrian trail in the Conservation Tract of the conceptual master plan.

6. Resolution 2019-027. Approved plat for Groves Town Center PUD. Plat recorded in Plat Book 128, Page 66.

7. Resolution 2019-028. Approved Restrictive Covenant and Limited Access and Conservation Easement. Document recorded in Official Records Book 30616, Page 1289.

V. PLANNING AND ZONING BOARD (PZD) RECOMMENDATION

The PZB reviewed proposed REZ 2019-01 at its meeting on September 16, 2019. Following its review, the PZB recommended approval of REZ 2019-01 subject to the following conditions:

1. The Town Commons (Pod TC) shown on the Conceptual Master Plan will remain owned by the Applicant and their successors and assigns and maintenance of the Town Commons is the responsibility of the Applicant.

2. The trail spur shown on the Conceptual Master Plan does not convey approval by the PZB of an equestrian trail on the adjacent private property nor should it be construed as a PZB endorsement of such a trail on the adjacent private property.

VI. STAFF FINDING AND RECOMMENDATION

Based upon the discussion presented herein, Planning staff finds REZ 2019-01 to be consistent with the intent and direction of the current PUD approval (Ordinance 2018-08) and Special Policy 1.15.2 of the Comprehensive Plan (Ordinance 2013-010) and recommends approval of Ordinance 2019-08 (REZ 2019-01) on First Reading.

ATTACHMENT 1 – EXISITING CONCEPTUAL MASTER PLAN (Ordinance 2018-08)

ATTACHMENT 2 – PROPOSED CONCEPTUAL MASTER PLAN (REZ 2019-01)

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE MULTIPLE LAND USE PLANNED UNIT DEVELOPMENT (MLU/PUD) APPROVAL ON A PARCEL OF LAND CONSISTING OF APPROXIMATELY 89.95 ACRES, MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT “A” TO THIS ORDINANCE; PROVIDING FOR THE APPROPRIATE REVISIONS OF THE MLU/PUD CONCEPTUAL MASTER PLAN AND CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 16, 2010, the Town adopted Ordinance 2010-009, which adopted the Town’s Unified Land Development Code (ULDC), including the designation of zoning districts in the Town, consistent with the Town’s Comprehensive Plan; and,

WHEREAS, on November 20, 2012, the Town adopted Ordinance 2012-08 which created a new zoning category, entitled Planned Unit Development (“PUD”), to facilitate development on properties that exceed expectations of standard zoning districts, implements the Town’s Comprehensive Plan, and to allows for creative use of land and quality development; and,

WHEREAS, on February 17, 2013, the Town adopted Ordinance 2013-010 which assigned a Multiple Land Use Planned Unit Development (“MLU/PUD”) zoning designation to certain property located at the northeast corner of Southern Boulevard, and “B” Road, Loxahatchee Groves, Florida, totaling approximately 89.95 acres, more or less, legally described and as designated on the map in Exhibit “A”, attached hereto (the “Property”); and

WHEREAS, on November 6, 2018, the Town adopted Ordinance 2018-08 which amended the Multiple Land Use Planned Unit Development (“MLU/PUD”) zoning designation on the property previously granted by Ordinance 2013-010; and

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

WHEREAS, the Property Owners, Solar Sportsystems, Inc. and Loxahatchee Equestrian Partners, LLC, on August 15, 2019, submitted petition REZ 2019-01 to amend the previous MLU/PUD Approval on Property granted by Town Ordinance 2018-08; and

WHEREAS, at its meeting of September 16, 2019, the Town's Planning and Zoning Board (PZB), considered petition REZ 2019-01 to amend the MLU/PUD Approval on the Property, and recommended approval to the Town Council subject to certain conditions stated in the Staff Report dated October 15, 2019 and incorporated by reference herein; and

WHEREAS, the notice and hearing requirements for adoption of rezoning ordinances contained in the Florida Statutes and the Town's Code of Ordinances have been satisfied; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted a quasi-judicial hearing and considered petition REZ 2019-01 for amending the MLU/PUD, the recommendations of the PZB and Town Staff, and comments from the public; and

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida ("Town"), pursuant to the authority vested in Chapter 166, Florida Statutes, is authorized and empowered to consider petitions relating to the rezoning of property, including PUD Amendments, within the Town; and

WHEREAS, the Council, pursuant to Section 160-020 (Review criteria; Town Council action) of the Town of Loxahatchee Groves Unified Land Development Code and Town Ordinance 2012-08 (Planned Unit Development) is authorized and empowered to consider, approve, approve with conditions PUD amendment petitions.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

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

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.

Section 2. The Town Council has considered the Staff Report dated October 15, 2019 and the Town PZB and Town staff recommendations and makes the following findings of fact:

1. The Town Council finds petition REZ 2019-01 to be generally consistent with the intent and direction of the Comprehensive Plan, the rezoning criteria, as depicted in Section 160-020(A) (1) – (6) of the Town of Loxahatchee Groves Unified Land Development Regulations, and the objectives and standards of a Planned Unit Development, as depicted in Town of Loxahatchee Groves Ordinance 2012-08.

2. To insure consistency with the Comprehensive Plan and land development regulations, and the results of the various studies and analysis completed in the review of PUD Amendment petition REZ 2019-01, certain conditions of approval are necessary.

Section 3. PUD Amendment REZ 2019-01 of the Town MLU/PUD Approval pertaining to the property located at the northeast corner of Southern Boulevard, and “B” Road, Loxahatchee Groves, Florida, totaling approximately 89.95 acres, more or less, legally described, and as designated on the map, in Exhibit “A”, attached hereto, is hereby approved subject to the Conceptual Master Plan and Conditions of Approval in Exhibit “B”, attached hereto.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

Section 4. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered eliminated and so not affecting the validity of the remaining portion or applications remaining in full force and effect.

Section 5. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 6. This Ordinance shall take effect as provided by law.

[Signature page to follow]

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 15th DAY OF OCTOBER 2019.

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>
ROBERT SHORR, MAYOR	☐	☐	☐
DAVE DEMAROIS, VICE MAYOR	☐	☐	☐
PHYLLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
LISA EL-RAMEY, COUNCIL MEMBER	☐	☐	☐
LAURA DANOWSKI, COUNCIL MEMBER	☐	☐	☐

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____ 2019.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor

Vice Mayor

Council Member

Council Member

Council Member

APPROVED AS T LEGAL FORM:

Town Attorney

, Town Clerk

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

EXHIBIT A

LEGAL DESCRIPTION:

THE SOUTH 1000 FEET OF TRACT 4, BLOCK "I", 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; SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD 80) AS ESTABLISHED BY RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORD BOOK 1005, PAGE 577, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOT 5, BLOCK "I" LOXAHATCHEE GROVES, LYING NORTH OF STATE ROAD 80, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS AND EXCEPT THAT PORTION FOR STATE ROAD 80, AS DESCRIBED IN THE ORDER OF TAKING IN O.R. BOOK 5463, PAGE 1126, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 6, BLOCK "I", OF LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 12, PAGE 29, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT:

THAT PORTION FOR STATE ROAD 80, AS DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 5463, PAGE 1126, AND THAT PORTION OF THE RIGHT-OF-WAY DEED RECORDED IN DEED BOOK 1005, PAGE 577, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

THAT PORTION OF TRACT 6, BLOCK "I" RE-CONVEYED TO GASPAR MORELLO AND ELIZABETH MORELLO, HUSBAND AND WIFE, IN QUIT-CLAIM DEED RECORDED JANUARY 25, 2002, IN OFFICIAL RECORD BOOK 13344, PAGE 953, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE INTERSECTION OF THE PLATTED EAST LINE OF TRACT 6, BLOCK "I" ACCORDING TO THE PLAT OF LOXAHATCHEE GROVES, AS RECORDED IN PLAT BOOK 12, PAGE 29, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE NORTHERLY RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD 80) ACCORDING TO THE FDOT RIGHT-OF-WAY MAP, SECTION 93120-3528, SHEET 5 OF 13, DATED 1986, THENCE, NORTH 88 DEGREES 26 MINUTES 32 SECONDS WEST ALONG THE NORTHERLY RIGHT-OF-WAY OF SOUTHERN BOULEVARD, 66.16 FEET; THENCE, NORTH 39 DEGREES 58 MINUTES 31 SECONDS WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF "C" ROAD, ACCORDING TO THE FDOT RIGHT-OF-WAY MAP, 33.14 FEET, TO A POINT OF CURVATURE; THENCE, NORTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 202.00 FEET AND A CENTRAL ANGLE OF 46 DEGREES 54 MINUTES 52 SECONDS, AN ARC LENGTH OF 165.40 FEET TO THE PLATTED EASTERLY LINE OF TRACT 6, BLOCK "I"; THENCE, SOUTH 02 DEGREES 09 MINUTES 47 SECONDS WEST, ALONG THE PLATTED EAST LINE OF TRACT 6, BLOCK "I", 158.23 FEET TO THE POINT OF BEGINNING.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

LOCATION MAP:

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

EXHIBIT B

GROVES TOWN CENTER
CONCEPTUAL MASTER PLAN – August 15, 2019
(Refer to the following page)

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

GROVES TOWN CENTER CONDITIONS OF APPROVAL

The conditions of approval included in Ordinance 2018-08 are hereby rescinded and replaced by the following conditions of approval. Text underlined are additions to Ordinance 2018-08 and text ~~struck through~~ are deletions to Ordinance 2018-08.

A. GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.

2. Final site plans shall conform to the Conceptual Master Plan dated September 12, 2018 August 15, 2019 and the Statement of Use dated 5/25/2018, PUD Justification Narrative included as in Attachment J2-9 of the MLU/PUD Rezoning General Application REZ 2018-01, 2019-01 included by reference herein. Any modifications to the approved Conceptual Master Plan or Statement of Use must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are required for compliance with the ULDC.

3. Any subdivision by fee title conveyance of an internal lot which is subject to a final site plan approval shall have received prior written approval by the Town Manager based upon the application of criteria contained in Section 41.1.E.4.b of the Town Unified Land Development Code. Provided, however, that any subdivision by fee title conveyance of an internal lot shall reflect the Pod uses and boundaries depicted on the Conceptual Master Plan dated September 12, 2018 August 15, 2019. Any revision of a Pod use and/or boundary, as depicted on the Conceptual Master Plan dated September 12, 2018 August 15, 2019, shall require a PUD Amendment prior to subdivision by fee title conveyance.

4. Prior to submitting the initial site plan approval application and all subsequent site plan applications, the Applicant shall contact Palm Tran to obtain written confirmation regarding the need for a bus stop on Southern Boulevard. Palm Tran's response shall be included in the site plan application.

B. LAND USE AND SITE PLANNING

1. Development of the site shall be limited to a maximum of 103,000 sq. ft. of commercial low uses, 44,000 sq. ft. of commercial low professional office and medical office uses, and a 128-bed assisted living facility, consistent with the Conceptual Master Plan dated September 12, 2018 August 15, 2019.

2 A separate site plan pursuant to ULDC Article 155 for the 100-foot and 300-foot wide buffer areas along the northern and eastern property boundaries, including the location of

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

equestrian trails, shall be submitted concurrently with, or a component of, the site plan for the first phase of development. was approved by the Town Council via Resolution 2018-84.

3. A Perpetual Conservation Easement, to be approved by the Town Council, limiting the use of the 300-foot wide buffer areas along the northern and eastern property lines and 100-foot wide buffer areas along the western and northern property lines, as indicated on the Conceptual Master Plan dated July 5, 2018, to conservation and equestrian trail uses and recorded with the Palm Beach County Clerk of Courts on or before the time of approval of the first building permit application by the Town. The Perpetual Conservation Easement shall include but is not limited to an approved landscape plan and buffer management plan. The Restrictive Covenant and Limited Access Easement, recorded with the Palm Beach County Clerk of Courts in Official Records Book 30616, Page 1289 shall limit the use and management of the 300-foot wide buffer areas along the northern and eastern property lines and the 100-foot wide buffer areas along the western and northern property lines, as described therein.

4. A boundary plat depicting, at a minimum, the following four geographies shall be approved by the Town and recorded with the Palm Beach County Clerk of Courts on or before the time of the approval of the first building permit application by the Town: (1) The 90.34 acre Groves Town Center; (2) the area included within the 300-foot and 100-foot buffer areas, as indicated on the Conceptual Master Plan dated July 5, 2018, (3) the area included within Commercial Pod A1, as indicated on the Conceptual Master Plan dated July 5, 2018; and (4) the area included within that portion of Groves Town Center not included within areas (2) and (3). A boundary plat was recorded in Plat Book 128, Page 66 of the Official Records of Palm Beach County depicting the following four geographies: (1) The entirety of the Groves Town Center property; (2) the area included within the 300-foot and 100-foot buffer areas, (3) the area included within Commercial Pod A; and (4) the area included within that portion of Groves Town Center not included within areas (2) and (3). Another plat depicting the remainder of the Pods and all road tracts and/or easements shall be recorded prior to the issuance of the first building permit for any development in a Pod other than Pod A.

5. Potentially objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, and compactors, etc.) shall be indicated on project site plans and screened from public view.

6. All on-site deliveries during construction shall be made from project entrances off of Southern Boulevard.

7. An Improvement Agreement, pursuant to ULDC Section 100-060 (C), to address all required roadway, drainage and equestrian trail improvements lying within or adjacent to the Groves Town Center PUD shall be approved by the Town Council prior to issuance of the initial building permit of the first phase of development.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

8. The following perimeter landscaped buffers shall be provided: a 25-foot buffer, including a berm, along Southern Boulevard; a 25-foot buffer, including a berm, along “C” Road south of Tangerine Drive; and a 25-foot buffer, including a berm, along “B” Road.

9. The Town Commons (Pod TC) shown on the Conceptual Master Plan dated August 15, 2019 will remain owned by the Applicant and their successors and assigns and maintenance of the Town Commons is the responsibility of the Applicant. Scheduling uses for the Town Commons is the responsibility of the Town. The Town may use the Town Commons at any time the Town sees fit, subject to compliance with the ULDC. The Town Commons may be rented or leased to any individual person(s) and/or business (es) for temporary uses, subject to compliance with the ULDC and any Town permitting requirements. Any party that uses the Town Commons is responsible for cleaning up after the event and returning the Town Commons to the same condition the Town Commons was in before the party used the Town Commons.

C. ENGINEERING

1. In order to comply with the Mandatory Traffic Performance Standards in place at the time of this approval, no building permits for the site shall be issued after December 31, 2022. Additional time extensions 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, or upon a request based upon a Declaration of Emergency by the Governor of Florida.

2. In order to comply with the Mandatory Traffic Performance Standards Review dated August 30, 2018, no building permits for development generating more than 282 peak hour directional trips shall be issued until the developer provides an additional southbound left-turn lane [has been built and only needs to be un-stripped] and an additional eastbound left-turn lane [under construction with widening of Southern Blvd] and appropriate receiving lane [already built] at the intersection of Southern Boulevard and Binks Forest Drive/B Road. Any signal modifications required to accommodate these changes will also be the responsibility of the property owner, including, but not limited to design plans, any required utility relocation, right-of-way or easement acquisition, etc. Note these changes will also require FDOT consent.

3. Any future modification of Condition C.2 shall be based upon a Traffic Study approved by the Palm Beach County Traffic Division which complies with Mandatory TPS in place at the time of the modification. Modifications to Conditions of Approval based upon such future TPS Review shall be submitted to the Town pursuant to ULDC Section 155-025 *Site plan modification*.

4. The property owner shall obtain a conceptual approval letter from FDOT for any proposed driveway on Southern Boulevard when submitting a site plan to the Town. Obtain FDOT approval of driveways onto Southern Boulevard shall be obtained when individual site plan applications are made to the Town.

TOWN OF LOXAHATCHEE GROVES

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5. Acceptable surety for the design, right of way acquisition, construction engineering and inspection costs, as well as the construction for the offsite road improvements as outlined in Condition No. 2 shall be posted with the County Traffic Division prior to or within six months of Development Order Approval. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. At any time during the duration of the surety the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event such a determination is made, Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. The County Engineer shall also have the authority to require that the surety amount be updated to reflect current anticipated costs at any time during the duration of the surety.

6. As per the expected turning movement volumes at the driveways, the following exclusive turn lanes are required:

a. Northbound right-turn lane at the southern driveway on B Road. This improvement has been completed.

b. Southbound left-turn lane at the northern driveway on B Road. This improvement has been completed.

c. Westbound right-turn lanes at all driveways on Southern Boulevard. Though the amount of turning volumes by itself may not meet the threshold for a right-turn lane on Southern Boulevard driveways, they must be provided due to high speed of traffic at this location.

7. C Road shall be constructed as a continuous 2-lane paved roadway between Southern Boulevard and Tangerine Drive in conjunction with the development of Pod D or F, whichever occurs first. Stormwater attenuation and water quality treatment shall be provided for C Road (Adjacent to the project site) and Tangerine Drive (Within the site) within the onsite stormwater management system. The Town shall be given the right, but not the obligation, to maintain Tangerine Drive and associated drainage facilities.

8. Any future realignment of either or both of the "B" Road access drives, as indicated on the Conceptual Master Plan dated September 12, 2018 August 15, 2019, shall require approval by the Town's Consulting and Transportation Engineers.

9. A conceptual drainage plan for the entirety of the Groves Town Center PUD, including the provision of legal positive outfall for the Phase 1 Pod A development and the existing temporary drainage pond shall be prepared and approved by the Town Engineer prior to the first certificate of occupancy for Phase 1 Pod A. Legal positive outfall for future phases or

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

pods of development shall be provided prior to the first certificate of occupancy for each future phase or pod.

10. Prior to issuance of the first building permit, the necessary easements and agreements for legal positive outfall and stormwater attenuation (temporary or permanent) shall be recorded.

11. Prior to the first CO for any building, legal positive outfall shall be constructed and certified by the engineer of record allowing discharge from the previously installed temporary drainage area for B Road, as well as all future development.

12. All drainage improvements shall be completed and certified by the engineer of record.

D. LAND CLEARING AND LANDSCAPING

1. Prior to any land clearing activities within any phase or pod, the property owner shall comply with the permit requirements of the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (ULDC Article 87).

2. In conjunction with an initial site plan application for any development phase or pod, the property owner shall submit a Landscape Plan application to the Town for review and approval pursuant to ULDC Article 85 for that phase or pod.

3. Prior to any land clearing activities for any phase or pod, a wetlands determination shall be procured from the South Florida Water Management District and/or U.S. Army Corps of Engineers for that phase or pod. Any proposed impacts upon jurisdictional wetlands shall require permits or authorizations from the South Florida Water Management district or U.S. Army Corps of Engineers.

4. Prior to the permitting of any land clearing, development or earthmoving activities for any phase or pod, a Phase 1 Archaeological Survey of the property shall be completed for that phase or pod.

5. Native plants shall be identified, pursuant to the requirements of the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (ULDC Article 87), and retained to the extent possible.

6. Clearing of Collecting Canal Easement – The Owner shall clear 20 feet along the south side of Collecting Canal in conjunction with construction of the equestrian trail per Condition E.4.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-08

E. ROADWAY EQUESTRIAN TRAILS AND GREENWAYS

1. The equestrian trails depicted on the Conceptual Master Plan dated ~~September 12, 2018~~ August 15, 2019 are conceptual. Final trail locations ~~shall be~~ are determined ~~during by~~ the site plan ~~approval process required referenced~~ in Condition B.2, and shall include a trail segment parallel to Collecting Canal to facilitate Town-wide east-west connectivity.

2. Existing fencing on the west side of “C” Road shall be removed to allow access to the trail within the 300 foot buffer areas depicted on the Conceptual Master Plan dated ~~September 12, 2018~~ August 15, 2019.

3. The equestrian trail depicted on the Conceptual Master Plan dated ~~September 12, 2018~~ August 15, 2019 shall include an equestrian bridge over Collecting Canal at “C” Road to facilitate Town-wide north-south connectivity. Bridge details shall be determined during the site plan approval process required in Condition B.2. This condition has been complied with.

3. Construction of the equestrian trail shall be completed prior to the issuance of the initial Certificate of Occupancy of the first phase of development of Groves Town Center. Construction of the equestrian bridge or culvert over Collecting Canal shall be completed by December 31, 2020.

5. ~~Coincident with construction of the equestrian trail, detailed in the site plan approval required in Condition B.2, equestrian traffic control devices shall be installed at points where trails cross “B” Road, “C” Road and Collecting Canal. The type and locations of such devices shall be addressed by Conditions of Approval in the site plan required in Condition B.2.~~ Coincident with construction of the equestrian trail equestrian traffic control devices shall be installed at points where trails cross “B” Road, “C” Road and Collecting Canal.

6. Fencing shall be incorporated on the site plan for any phase of development necessary to separate the equestrian trail from assisted living facility buildings and/or parking areas of any other phase of development, as necessary.

7. Equestrian trails shall comply with the Town design and sign guidelines.

8. “Local traffic only” signage, as shall be placed on “B” Road north of the Palm Beach State College entrance. The type and locations of such signage shall be addressed by Conditions of Approval in the site plan for the initial phase of development.

9. The equestrian trail spur shown on the Conceptual Master Plan dated August 15, 2019 connecting to the private property to the west of the PUD property shall only be constructed if the adjacent private property receives site plan approval for an equestrian trail on said property.

TOWN OF LOXAHATCHEE GROVES

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F. ARCHITECTURAL

Architectural elevations for buildings included in a particular phase or pod shall be submitted with the application for site plan approval for that particular phase or pod. A theme from the Town's Rural Vista Guidelines for the entire Groves Town Center development shall be provided with the application for site plan approval for the initial phase or pod. Elevations shall be designed to be consistent with the Town's Rural Vista Guidelines. Architecture in all development phases or pods shall be consistent with the Town's Rural Vista Guidelines.

G. SIGNAGE

The initial site plan submittal for any development parcel or pod shall include a master sign program detailing the location, number, colors and size of proposed signage.

H. PUD WAIVERS

The Applicant may propose, and the Town Council may consider the following waivers during the site plan approval process for a specific development parcel or pod:

1. Relief from ULDC Section 50-030(D) *Outdoor lighting standards*, Section (5) to allow well-planned outdoor lighting, which meets the intent of the ULDC, between 11:00 p.m. and dawn to help prevent accidents, deter crime and maintain an attractive community environment.

2. Relief from ULDC Section 95-100(E) *Wheel stops and curbing* to allow the use of bollards in lieu of wheel stops and/or continuous curbing in certain parking areas to help prevent accidental human injury or property damage.

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155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves
FROM: Lakisha Burch, Town Clerk
VIA: James Titcomb, Town Manager
SUBJECT: Second Reading of Ordinance 2019-07 Moving Municipal Election

Background:

Ms. Wendy Sartory Link, the Palm Beach County Supervisor of Elections, has requested that all municipalities move the dates of their municipal election to March 17, 2020, the date of the Presidential Preference Primary; and to also move their qualifying period to allow sufficient time for her to comply with Florida Statutes Section 101.62, which requires that vote-by-mail ballots be sent no later than 45 days before each presidential preference primary election, primary election and general election; and to each absent uniformed services voter and to each overseas voter who has requested a vote-by-mail ballot.

Recommendations:

Staff recommends that Town Council approve on Second Reading Ordinance 2019-07 moving the date for the Municipal Election to be held concurrent with the Presidential Preference Primary and amend the Candidate Qualifying Period.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-07

AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA'S TOWN COUNCIL MOVING THE DATE FOR THE MUNICIPAL ELECTION TO BE HELD CONCURRENT WITH THE PRESIDENTIAL PREFERENCE PRIMARY; AMENDING THE CANDIDATE QUALIFYING PERIOD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves' Charter provides that the regular Town elections are to be held on the second Tuesday in March of each election year and any required runoff is to be held on the fourth Tuesday in March; and

WHEREAS, the Town of Loxahatchee Groves' Charter further provides that the qualifying period shall be no sooner than noon the first Tuesday in January nor later than noon on the second Tuesday in January of the year in which the election is to be held except for those years in which the first Tuesday in January is January 1st; and

WHEREAS, the Palm Beach County Supervisor of Elections has requested that all municipalities move the dates of their municipal election to March 17, 2020 and change their qualifying periods; and

WHEREAS, Section 101.75 Florida Statutes, provides that the governing body of a municipality may, by ordinance, move the date of a municipal election to a date concurrent with any statewide or countywide election.

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

Section 1: The Town of Loxahatchee Groves hereby amends its 2020 Municipal Election schedule as follows:

- a. Town of Loxahatchee Groves Municipal Election will be held on Tuesday, March 17, 2020.
- b. Runoff election, if required, will be held on Tuesday, March 31, 2020.
- c. Qualifying periods for candidates will be from noon on Tuesday, December 3, 2019 to noon on Tuesday, December 10, 2019.

Section 2: Nothing herein is intended to create a permanent change to the Town's Charter. Following the March 17, 2020 election, and any subsequent runoff, Loxahatchee Groves' municipal elections shall thereafter comply with its Charter.

Section 3. Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Loxahatchee Groves' Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

Section 4. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

Section 5: This Ordinance shall become effective immediately upon adoption of the Loxahatchee Groves' Council following second reading.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON FIRST READING AND PUBLIC HEARING, THIS 3rd DAY OF OCTOBER 2019.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	☐	☐	☐
DAVE DEMAROIS, VICE MAYOR	☐	☐	☐
PHYLLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
LISA EL-RAMEY, COUNCIL MEMBER	☐	☐	☐
LAURA DANOWSKI, COUNCIL MEMBER	☐	☐	☐

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF OCTOBER 2019.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Mayor Robert Shorr

Vice Mayor David Demarois

Council Member Laura Danowski

Council Member Lisa El-Ramey

Council Member Phillis Maniglia

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Town of Loxahatchee Groves, Florida **Town Council Agenda Item Report** **Ordinance 2019-06: Section 50-030 Lighting ULDC Revisions**

PREPARED BY: Jim Fleischmann

October 15, 2019

SUBJECT: Ordinance 2019-06 - Revision of Section 50-030 Outdoor Lighting of the Unified Land Development Code (ULDC).

1. BACKGROUND

History: The Town Council directed the Unified Land Development Code (ULDC) Review Committee to review and revise Section 50-030 *Outdoor Lighting* of the ULDC with the objective in mind of insuring that the ULDC Section is reflective of the character and issues of the Town.

Problem Statement: Section 50-030, as it is currently written, does not adequately address some of the more pressing Town issues such as impacts upon neighboring properties.

Problem Solution: Adopt Ordinance 2019-06 revising Section 50-030 to be more responsive to Town issues.

2. CURRENT ACTIVITY

The ULDC Review Committee reviewed the existing Section 50-030 at 3 meetings during May, June and July of 2019 and proposed several revisions. All revisions highlighted in Attachment 1 were recommended for approval by the ULDC Review Committee. The ULDC Review Committee vote on a proposed revision of Sub-Section (D) (5) was split 2-2 (only 4 members in attendance). Two members supported the staff recommendation and two members supported retaining the current language. The staff recommendation for revision of Sub-Section (D) (5) was as follows:

“(5) Open air parking area lighting within the Commercial, Institutional, and Planned Unit Development zoning districts shall be controlled by automatic devices that extinguish-can be used to regulate the lighting between 11:00 p.m. and dawn to insure compliance with Section (D) (1)”.

Discussion of Sub-Section (D) (5) centered on the impacts of lighting upon adjacent residential properties versus the impacts of the 11:00 p.m. cutoff requirement on the ability of the Town to attract commercial businesses to the preferred Southern Boulevard corridor.

Following the 2-to-2 vote on the issue, the ULDC recommended that Council make a final determination on the wording of Sub-Section (D) (5) or direct alternative wording.

At the August 6, 2019 meeting the Town Council directed staff to retain the current wording of Sub-Section (D) (5) and allow property owners to apply for a variance. The following is the current wording of Sub-Section (D) (5):

“(5) Open air parking lighting shall be controlled by automatic devices that extinguish the lighting between 11:00 p.m. and dawn”.

At the October 3, 2019 meeting the Town Council approved Ordinance 2019-06 on First Reading

3. ATTACHMENTS

1. Ordinance 2019-06: Revision of ULDC Article 50 Public Nuisances Section 50-030. *Outdoor lighting*.

4. FINANCIAL IMPACT

Work on this project is funded by a Town Council Work Authorization.

5. RECOMMENDED ACTION

ULDC Recommendation: Approve revisions to Section 50-030 *Outdoor Lighting*, as presented in Attachment 1, with the exception of the wording of Sub-Section 50-030 (D) (5) which the Committee could not agree upon. It was recommended that the Town Council should determine the wording of Sub-Section 50-030 (D) (5). The Town Council directed that the wording of Sub-Section 50-030 (D) (5) remain unchanged. Staff included the Council direction in Ordinance 2019-06 which was adopted on First Reading.

Staff Recommendations: The Town Council approve Ordinance 2019-06 on Second Reading as presented in Attachment 1.

ORDINANCE 2019-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE TOWN’S UNIFIED LAND DEVELOPMENT CODE; AMENDING PART III, ENTITLED “SUPPLEMENTAL REGULATIONS,” ARTICLE 50 ENTITLED “PUBLIC NUISANCES”, SECTION 50-030 ENTITLED “OUTDOOR LIGHTING”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council directed the Unified Land Development Regulations Advisory Committee (ULDC Advisory Committee) to recommended revisions to the Town’s Unified Land Development Code (ULDC) related to Article 50 “Public Nuisances”, Section 50-030 “Outdoor Lighting”; and,

WHEREAS, pursuant to the direction of the Town Council, the ULDC Advisory Committee has reviewed the matter of revisions to Article 50 “Public Nuisances”, Section 50-030 “Outdoor Lighting”; and

WHEREAS, at its meeting on July 25, 2019, the Town’s ULDC Advisory Committee recommended revisions of Article 50 “Public Nuisances”, Section 50-030 “Outdoor Lighting” to the Town Council; and

WHEREAS, the Town Council of Loxahatchee Groves, Florida, believes it is in the best interest of the Town, based upon recommendations of the ULDC Advisory Committee and Town staff to amend ULDC Article 50 “Public Nuisances”, Section 50-030 “Outdoor Lighting”; and

WHEREAS, the notice and hearing requirements for adoption of ordinances contained in the Florida Statutes and the Town’s Code of Ordinances have been satisfied; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted a public hearing for amending Article 50 “Public Nuisances”, Section 50-030 “Outdoor Lighting”, the recommendations of the ULDC Advisory Committee, Town Staff, and comments from the public; and

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 166, Florida Statutes is authorized and empowered to adopt land development regulations within the Town.

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

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.

Section 2. The Town Council has considered the findings in the Agenda Report dated October 15, 2019 and the Town ULDC Advisory Committee, recommendation and makes the following findings of fact:

1. The Town Council finds the amendment of ULDC Article 50 “Public Nuisances”, Section 50-030 “Outdoor Lighting” to be generally consistent with the intent and direction of the Comprehensive Plan.

Section 3. Amendment of ULDC Article 50 “Public Nuisances”, Section 50-030 “Outdoor Lighting”, presented in Exhibit “A” which reflects the revised language of Article 50 “Public Nuisances”, Section 50-030 “Outdoor Lighting”, attached hereto, is hereby approved.

Section 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered eliminated and so not affecting the validity of the remaining portion or applications remaining in full force and effect.

Section 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 6. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, 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 7. Effective Date. This Ordinance shall take effect as provided by law.

[Signature page to follow]

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 3rd DAY OF OCTOBER 2019.

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>
ROBERT SHORR, MAYOR	☐	☐	☐
DAVE DEMAROIS, VICE MAYOR	☐	☐	☐
PHYLLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
LISA EL-RAMEY, COUNCIL MEMBER	☐	☐	☐
LAURA DANOWSKI, COUNCIL MEMBER	☐	☐	☐

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____ 2019.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor

Vice Mayor

Council Member

APPROVED AS T LEGAL FORM:

Town Attorney

Council Member

Council Member

EXHIBIT A

Sections revised are **highlighted in Yellow**; Words **underlined** are additions, and words **~~struck through~~** are deleted from the current text

Article 50 Public Nuisances Section 50-030. - Outdoor lighting.

- (A) Purpose and intent. The purpose and intent of this section is to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Furthermore, it is to preserve the rural character of the Town of Loxahatchee Groves and promote the health, safety and welfare of the residents by establishing maximum intensities of lighting and controlling glare from lighting fixtures. The provisions of this section shall apply to all outdoor lighting from an artificial light source.
- (B) Definitions. In addition to terms defined in Article 10, "Definitions, Abbreviations, and Construction of Terms", the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning. In the absence of a specific technical definition, words and phrases shall have those definitions and meanings as provided by the Illuminating Engineering Society of North America.
- (1) Athletic field lighting. Any lighting greater than 35 feet in height utilized to illuminate sports facilities.
 - (2) Area light. Light that produces more than 1,800 lumens.
 - (3) Cutoff, full. A lighting fixture that emits zero percent of its light above 90 degrees and only ten percent above 80 degrees from horizontal.
 - (4) Floodlight. Any light that produces no more than 1,800 lumens in a broad beam designed to saturate or illuminate a given area with light. Generally, flood lights produce from 1,000 to 1,800 lumens. Floodlights are directional fixtures.
 - (5) Glare. The sensation produced by lighting that results in annoyance, discomfort or a reduction of visual performance and visibility, and includes direct and reflected glare. All directional fixtures and any fixture with an output of more than 1,800 lumens that is visible, either directly or by reflection, from adjacent properties or streets shall be considered to cause glare.
 - (6) Open air parking. Open air parking shall be synonymous with the term Vehicular Use Area, as defined in ULDC Section 85-015(E).**
 - (7) (6) Outdoor lighting. Lighting located outside of an enclosed building, or otherwise installed in a manner that lights any area other than the inside of an enclosed building.**
 - (8) (7) Residential and agricultural recreational lighting. Fixtures of a type or intensity designed or used to light sports courts or equestrian riding areas.**
 - (9) (8) Spotlight. Any lighting assembly designed to direct the output of a contained lamp in a specific, narrow and focused beam, with a reflector located external to the lamp. Spotlights are directional fixtures.**
 - (10) (9) Stadium lighting. See the definition for "athletic field lighting."**
 - (11) (10) Temporary lighting. Portable lights used for a special purpose, on a temporary and rare or infrequent basis, limited to motor vehicle lights during the normal operation of the vehicles, emergency services lights and handheld flashlights and spotlights.**

- ~~(12)~~ ~~(11)~~ Uplighting. Light projected above the horizontal plane formed by the top of fixture.
- (C) Prohibited outdoor lighting. The following types of outdoor lighting are not permitted in the Town of Loxahatchee Groves.
- (1) Uplighting, unless limited to 1,000 lumens and either shielded by an architectural overhang or landscape element, or used to illuminate the flag of the United States of America.
 - (2) Area lights other than those with full cutoff fixtures.
 - (3) Lighting that results in glare onto adjacent properties or streets.
 - (4) Athletic field lighting.
 - (5) Street lights within residential zoning districts, except as determined necessary by the Town Council to protect public health, safety and welfare based upon consideration of traffic volumes and roadway conditions.
- (D) Outdoor lighting standards. All applications for a development permit, submitted after the effective date of this Code, shall comply with the following standards.
- (1) The overspill of light originating from any plot, regardless of zoning, onto any other plot or street located within a residential zoning district in the Town shall not exceed one-tenth horizontal foot-candle measured at grade level at the property line.
 - (2) All ~~non-residential/non-agricultural~~ (Refer to Section 85-015 (U) for definition) ~~vehicular use open air parking~~ areas, ~~other than those that are accessory to a single family residence,~~ shall be lighted in compliance with the minimum standards established by the Illuminating Engineering Society of North America. using cutoff lighting with a maximum height of 25 feet. For purposes of this provision, "vehicular use area" does not include streets.
 - (3) Vegetation screens shall not be employed as the primary means for controlling glare. Glare control shall be achieved primarily through the use of cutoff fixtures, shields and baffles, and the appropriate application of fixture mounting height, lighting intensity, placement and angle.
 - (4) For development in districts other than Agricultural Residential, electrical feeds for all pole mounted fixtures installed after the effective date of this Code shall run underground, not overhead.
 - (5) Open air parking lighting shall be controlled by automatic devices that extinguish the lighting between 11:00 p.m. and dawn.
 - ~~(6)~~ ~~(7)~~ Outdoor lighting for ~~non-exempt~~ agricultural or residential uses that exceeds 1,800 lumens per fixture shall be full cutoff fixtures, ~~unless otherwise permitted by the Town prior to installation.~~
 - ~~(7)~~ ~~(6)~~ Outdoor lighting for ~~non-exempt~~ agricultural or residential uses that exceeds 1,800 lumens per ~~fixture that is not a full cutoff fixture,~~ and all residential and ~~non-exempt~~ agricultural recreational lighting shall be approved by the Town prior to installation, in accordance with the procedures set forth for outdoor lighting permits for nonresidential uses set forth in ~~Section (C)~~ ~~(F)~~ below.

- (E) ~~Nonconforming outdoor lighting. Any legally installed~~ Nonconforming outdoor lighting legally installed prior to November 1, 2010 is exempt from this section, except that approval of any application for a development permit that seeks to increase the existing total square footage of structures on a residential plot by 50 percent or more shall require that all lighting on site be brought into compliance with these regulations. Lighting illegally installed that does not conform to all of the provisions of this section shall come into compliance within one years of the effective date of these regulations; ~~except that approval of any application for a development permit that seeks to increase the existing total square footage of structures on a residential plot by 50 percent or more shall require that all lighting on site be brought into compliance with these regulations.~~
- F) Outdoor lighting permits for non-residential/~~non-agricultural~~ uses. All outdoor lighting on non-residential/~~non-agricultural~~ plots of greater than 4,000 lumens (separate fixture or combined) per plot shall be approved by the Town prior to installation.
- (1) Application. The application for an outdoor lighting permit shall be accompanied by a photometric plan, prepared by a licensed engineer, in sufficient detail to demonstrate compliance with these regulations, including mounting heights, fixture specifications, and isofootcandle plots for individual fixture installations or a ten by ten foot luminance grid for multiple fixture installations. All photometric plans shall overlay a site plan showing all structures, vehicular use areas (open air parking areas) and walkways. The plan shall also show all on-site and off-site existing and proposed trees within 25 feet of any existing or proposed open air parking area light fixture along the property line that abuts a residential zoning district ~~within the area that is the subject of the photometric plan.~~
 - (2) Prior to final inspection and the subsequent issuance of a final approval of any outdoor lighting, a letter of compliance from a registered professional engineer shall be provided to the Town stating that the installation has been field checked and meets the requirements of these regulations.
- ~~(G) (3)~~ The Town reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this section, and if appropriate, to require remedial action at no expense to the Town.
- ~~(H) (G)~~ Maintenance. Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this section.

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155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves
FROM: Francine Ramaglia, Assistant Town Manager
VIA: James Titcomb, Town Manager
SUBJECT: Second Reading of Ordinance No. 2019-05 Solid Waste

Background:

The attached ordinance 2019-05 is an update of our existing Solid Waste Ordinance to support award of the Solid Waste and Recycling Services contract. First reading of the ordinance was held on July 23, 2019. Generally, the update serves to:

- Update definitions to match Solid Waste Authority standards as well as those included in our RFP
- Matches most current ordinance language from other more recent Palm Beach County Ordinances
- Eliminates/revises conflicting and/or otherwise confusing wording
- Provides conformity with statutes (for instance, assessment collection and pro-rata billing)
- Provides for pre-determined collection locations and community piles subject to approval by both Town and Hauler
- Adjusts franchise provisions.

Recommendations:

Staff recommends that Ordinance 2019-05 be approved at Second Reading.

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE COLLECTION OF SOLID WASTE, RECOVERED MATERIALS, AND RECYCLABLE MATERIALS; AUTHORIZING THE TOWN TO APPROVE FRANCHISES FOR THE COLLECTION OF SUCH ITEMS; PROVIDING FOR DEFINITIONS, USE OF APPROVED CONTAINERS, DESIGNATED PLACEMENT, HOURS WHEN ITEMS CAN BE PLACED OUT FOR COLLECTION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to modify its current regulations for the collection and disposal of solid waste in order to provide that there are no conflicts between the Town Code and any agreements it may have with a franchisee hauler; and,

WHEREAS, the Town Council believes that authorizing the Town to enter into franchise agreements for the collection of waste materials will enhance the ability of the Town to ensure appropriate levels of service are provided and used within the Town and to compensate the Town for the use of its public roadways in the provision of such services.

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 incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby amends Ordinance 2018-05 as follows:

CHAPTER __ - ~~COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED~~ SOLID WASTE

Sec. - Definitions.

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

~~*Bulk Trash*, shall mean any non-vegetative item which cannot be containerized, bagged, or bundled; including, but not limited to, inoperative and discarded refrigerators, ranges, toilets, pool heaters, water softeners, pianos, washers, dryers, bath tubs, water heaters, sinks, bicycles, and other similar domestic appliances, household goods and furniture and shall not be commingled with Vegetative Waste. There shall be no weight limit for any item of Bulk Trash. No glass items, such as glass doors, windows or furniture, is permitted to be placed for bulk pickup.~~

~~*Commercial Solid Waste* shall include any Garbage, Bulk Trash, Trash, or Vegetative Waste that is not Residential Solid Waste. Substantial effort shall be made not to commingle Garbage, Trash, or Bulk Trash with Vegetative Waste.~~

~~*Commercial Solid Waste collection service* shall mean the collection and disposal of Commercial Solid Waste within the Service Area. Such service includes both Containers and Compactors but does not include Roll-off Collection Services.~~

~~*Construction and Demolition Debris*, as defined in Section 403.703, Florida Statutes, means discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste will cause the resulting mixture to be classified as other than construction and demolition debris. The term also includes:~~

- ~~(a) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;~~
- ~~(b) Except as provided in s. 403.707(9)(j), yard trash and unpainted, nontreated wood scraps and wood pallets from sources other than construction or demolition projects;~~
- ~~(c) Scrap from manufacturing facilities which is the type of material generally used in construction projects and which would meet the definition of construction and demolition debris if it were generated as part of a construction or demolition project. This includes debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; and~~
- ~~(d) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.~~

~~*Container* shall mean and include any container designed or intended for an automated or semi-automated collection system requiring the use of some other standard receptacle compatible with the Contractor's equipment supplied by the Contractor and approved by the Town. All Containers must be of the specifications as designated by the contract administrator, in writing.~~

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~~Garbage means all kitchen and table refuse, swill and every accumulation of animal and vegetable matter that attend the preparation, decay, dealing in or storage of meats, fish, fowl, game or vegetable matter. The term "garbage" shall include combustible waste such as paper, rags, boxes and boxes used in connection with the distribution or storage of food, and glasses, bottles, tin cans, or other disposable receptacles of food or food products.~~

~~Garbage Can shall mean any commonly available light gauge steel, plastic, or galvanized receptacle of a non-absorbent material, closed at one end and open at the other, furnished with a closely fitted top or lid and handle(s). A Garbage Can is also defined as a heavy duty, securely tied, plastic bag designed for use as a garbage receptacle. Such container including waste materials shall not exceed fifty (50) gallons in capacity or fifty (50) pounds in weight.~~

Pyrolysis means a process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and then cooled, condensed, and converted to any of the following:

- (a) Crude oil, diesel, gasoline, home heating oil, or another fuel.
- (b) Feedstocks.
- (c) Diesel and gasoline blendstocks.
- (d) Chemicals, waxes, or lubricants.
- (e) Other raw materials or intermediate or final products.

Pyrolysis Facility means a facility that receives, separates, stores, and converts post-use polymers, using gasification or pyrolysis.

~~*Recovered Materials*, as defined in Section 403.703, Florida Statutes, means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but the term does not include materials destined for any use that constitutes disposal. Recovered materials as described in this subsection are not solid waste.~~

~~*Recyclable Materials* shall mean those materials designated in writing by the Town to the Contractor which are capable of being recycled and which would otherwise be processed or disposed of as solid waste. The materials initially designated by the Palm Beach County Solid Waste Authority are newspapers (including inserts); magazines; catalogs; phone books; aluminum cans, foil, and pans; plastic containers #1 – #7 (except styrofoam); glass bottles and jars; gable-topped containers; aseptic containers; corrugated cardboard; kraft bags; and steel and ferrous cans. The Town reserves the right to designate Mixed Paper as a recyclable material at any time during the term of this Contract upon written notice to the Contractor at no additional cost.~~

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~~Recycling Containers shall mean bins as supplied by the Palm Beach County Solid Waste Authority to each unit that is to receive Curbside Residential Recycling Collection Service in the Service Area.~~

~~Residential Recycling Collection Service shall mean Curbside Residential Recycling Collection Services and Containerized Residential Recycling Collection Service.~~

~~Residential Solid Waste, shall mean Garbage, Trash and Bulk Trash resulting from the normal housekeeping activities of a Dwelling Unit, including Garbage and Trash, but shall not include Vegetative Waste. Residential Solid Waste shall also mean Construction and Demolition Debris (C&D) resulting from minor home repair from the Dwelling Unit.~~

~~Residential Solid Waste Collection shall mean roadside Residential Solid Waste collection service and/or Containerized Residential Solid Waste collection service, and disposal.~~

~~Solid Waste, means collectively, Commercial Solid Waste and Residential Solid Waste.~~

~~Solid Waste Collection Services shall mean Commercial Solid Waste Collection Services and Residential Solid Waste Collection Services.~~

~~Trash means other waste not included in the term "garbage," and wastepaper, glass, straw, excelsior or other rubbish, and waste not connected with the preparation, distribution or storage of food, excluding grass cuttings, leaves and other lawn or garden waste.~~

~~Vegetative Waste shall mean any vegetative matter resulting from yard and landscaping maintenance by any party and shall include materials such as tree and shrub materials, grass clippings, palm fronds, tree branches and similar other matter usually produced as refuse in the care of lawns, landscaping and yards. All items other than palm fronds, tree branches and Christmas trees such as grass clippings, leaves, pine needles, and similar small loose items must be bagged or containerized with each filled container weighing less than 50 pounds. Vegetative Waste, except palm fronds, must be no more than six (6) feet in length and no single item shall weigh more than 50 pounds, and shall be placed neatly at the curb. Natural Christmas trees will be collected as Vegetative Waste and any section must not be more than 8 feet in length or 50 pounds in weight.~~

Biomedical or Biohazardous Waste: As defined by F.S. § 403.703(2), as may be amended.

Biological Waste: As defined by F.S. § 403.703(3), as may be amended.

Bulk Waste: Any non-vegetative item which cannot be containerized, bagged, or bundled; including, but not limited to, inoperative and discarded refrigerators, ranges, toilets, pool heaters, water softeners, pianos, washers, dryers, bath tubs, water heaters, sinks, bicycles, and other similar domestic appliances or household goods. There shall be no weight limit for any item of Bulk Waste. The term "Bulk Waste" may be used interchangeably with the term "Bulk Trash."

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Business Days: shall mean Monday through Saturday, except for Holidays.

Cart: shall mean a curbside container meeting the Town's specifications intended for collection via automated or semi-automated means to be supplied by the Contractor to households receiving Curbside Residential Solid Waste Collection Service.

Collection: The process whereby Solid Waste, Garbage, Trash, Bulk Trash, Vegetative Waste or Recovered Material is gathered and transported to a Designated Facility.

Commercial Recycling Collection Service: shall mean the Dual Stream Recycling Collection of Recovered Materials by the Contractor for entities within the Service Area that are not serviced by Residential Recycling Collection Service.

Commercial Solid Waste: shall include Solid Waste that is not Residential Solid Waste.

Commercial Solid Waste Collection Service: shall mean the collection of Commercial Solid Waste within the Service Area. Such service includes both Containers and Compactors, but does not include Roll-off Collection Services

Compactor: Any container which has compaction mechanism(s), whether stationary or mobile, all inclusive.

Construction and Demolition Debris (C&D): Materials generally considered to be not water soluble and which are nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, roofing material, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project. Mixing of a de minimis amount of waste other than C&D from the construction site will not automatically cause it to be classified as other than C&D.

Container shall mean and include any container designed or intended to be mechanically dumped into a loader packer type truck or recycling vehicle. All Containers must be of the specifications as designated by the Town Manager, in writing.

Contractor: A person or entity that has entered into this Agreement to provide solid waste and recycling collection services for the Town.

Dwelling Unit: Any type of structure or building unit intended for or capable of being utilized for residential living other than a licensed Hotel or Motel unit.

Garbage: All putrescible waste which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with or results from the storage, preparation, cooking or handling of food materials whether attributed to residential or commercial activities, but shall not include Vegetative Waste or Special Waste.

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Hazardous Waste: A hazardous waste as identified by the State of Florida Department of Environmental Regulation in Florida Administrative Code 17-730, as may be amended, or the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., and implementing regulations, as may be amended.

Household Hazardous Waste (HHW): Solid Waste as defined by the State of Florida Department of Environmental Regulation as a hazardous waste in the State of Florida Administrative Code, or by any future legislative action or by federal, state or local law.

Land Clearing: The removal of vegetation for improving real property through remodeling, new construction or agricultural use. Land clearing shall include, but is not limited to, trees, brush, dirt, rocks or similar obstructions/materials being removed from a parcel of assessed residential land using mechanical devices such as a bobcat, backhoe, front-end loader, tractor, bulldozer, etc. Removal refers to the physical action of the equipment digging, scraping, bulldozing, and/or pulling debris from the ground. Transporting legally cut vegetation to the curb using a mechanical device does not constitute land clearing. A chainsaw is not to be considered a mechanical device in the removal process.

Recovered Materials shall mean metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and Source Separated or have been removed from the waste stream for sale, use, or reuse as raw materials, but the term does not include materials destined for any use that constitutes disposal. Recovered Materials as described above are not Solid Waste. Recovered Materials do not include any material or substance that does not fit within one of the six categories described in this definition (metal, paper, glass, plastic, textile or rubber). Among other things, unsorted Construction and Demolition Debris is not a Recovered Material.

Recyclable Materials (Recyclables): Those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

Recycling Cart: A Container intended for Recyclables collection with a ninety-five (95) gallons capacity on wheels for rolling, with a non-removable hinged lid, suited to automatic dumping equipment provided by the Contractor's collection vehicles and containing not over two hundred fifty (250) pounds.

Recycling Container: shall mean a rigid container made of plastic or other suitable substance or a paper bag that is used for the storage of Recovered Materials.

Residential Solid Waste Collection Service: Residential Solid Waste and Vegetative Waste Collection service for all Dwelling Units from which Garbage is collected at curbside or roadway and delivery to an Authority designated disposal facility or transfer station.

Residential User: A person, including, but not limited to, owners, lessees, and sublessees utilizing a building, a portion thereof, specifically designed for and used for occupancy of that

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person. For the purposes of this Agreement, Residential User shall include users of single family, dwellings.

Residue: The portion of the Recyclable Materials stream accepted by the Contractor that is not converted to Recovered Materials due to breakage and/or transportation or processing inefficiencies.

Roll-off Collection Service: The Collection of C&D-only roll-off containers, or the Collection of C&D by other mechanical means, within temporary locations in the Service Area, limited to new construction sites and remodeling or refurbishment sites.

Service Area: The corporate limits of the Town of Loxahatchee Groves, Florida for which the Contractor has been granted this Agreement.

Sludge: A solid or semi-solid, or liquid generated from any waste water treatment plant, water supply treatment plant, air pollution control facility, septic tank, grease trap, portable toilets and related operations, or any other such waste having similar characteristics or effects.

Solid Waste: As defined by F.S. § 403.703(32), as may be amended, including garbage, rubbish, trash, and other discarded waste. Residential Solid Waste and Commercial Solid Waste, but shall not include Special Waste, as defined in this Agreement, or Recovered Materials. Solid Waste shall mean Bulk Waste, Garbage, rubbish, refuse, Trash, Vegetative Waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations, but for this Agreement shall not include Special Waste.

Solid Waste Authority Disposal Facility: A place or places specifically managed or operated by the Solid Waste Authority of Palm Beach County or another facility if specifically designated in writing by the Authority.

Source Separated: Recovered Materials that are separated from Solid Waste at the location where the recovered materials and solid waste are generated. The term does not require that various types of Recovered Materials be separated from each other and recognizes de minimis Solid Waste may be included in the recovered materials. Materials are not considered Source Separated when two or more types of Recovered Materials are deposited in combination with each other in a Container located where the materials are generated and when such materials contain more than 10 percent solid waste by volume or weight, in which case the materials are Solid Waste. The term “various types of Recovered Materials” means metals, paper, glass, plastic, textiles and rubber.

Special Services: Any services requested or required by the customer which are in addition to or a change in, Residential Solid Waste Collection Service or Residential Recycling Collection Service, as set out or like those listed in Exhibit I as may be amended from time to time.

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Special Waste: For the purposes of this Agreement, Special Waste refers to wastes that can require special handling and management, including but not limited to, Biohazardous Waste, Biological Waste, Hazardous Waste, lead-acid batteries, automobiles, boats, internal combustion engines, non-automobile tires, Sludge, dead animals, livestock waste, septic tank waste. Special Waste may also include items determined by the Town Manager to be reasonably unmanageable.

Trash shall mean all refuse accumulation of paper, rags, wooden or paper boxes and containers, sweepings, broken toys, tools, utensils, and all other accumulations of a similar nature other than Garbage, which are usual to housekeeping and to the operation of stores, offices and other business places, but shall not include Vegetative Waste.

Vegetative Waste shall mean any vegetative matter resulting from yard and landscaping maintenance by any party and shall include materials such as tree and shrub trimming materials, grass clippings, palm fronds, tree branches and similar other matter usually produced as refuse in the care of lawns, landscaping and yards.

Sec. – Franchise for Collection of Solid Waste and Residential Recycling Collection Service.

- (a) The Town may enter an exclusive franchise for the collection of Solid Waste and Residential Recyclable Materials from all locations in the Town to the extent not prohibited by state law or may enter any number of franchises that the Town determines is in the best interest of the Town.
- ~~(b) The Town shall grant franchises through agreements with solid waste collectors approved by the Town council. The agreement shall provide:~~
 - ~~(1) The right and obligation to provide Solid Waste Collection Services and Residential and Recyclable Materials Collection Services within the Town boundaries, present and future, for all residences;~~
 - ~~(2) The right to provide Solid Waste Collection Services and Residential and Recyclable Materials Collection Services within the Town boundaries for all non residential uses in existence on June 5, 2018, located within the Town which use bulk containers for their Solid Waste Collection, and which have contracts for the collection of Solid Waste in place as of June 5, 2018, when such contracts shall expire;~~
 - ~~(3) The right to provide Solid Waste Collection and Services to any newly annexed areas as permitted by state statute;~~
 - ~~(4) The right and obligation to provide Solid Waste Collection Services and Residential and Recyclable Materials Collection Services within the Town boundaries, present and future, for all residential and non-residential establishments, that are certified for occupancy after June 5, 2018, and governmental establishments to the extent~~

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~~permitted by law; provided, however, that a certificate of occupancy issued as a result of remodeling with no change in ownership of the property shall not require the customer to change to collector;~~

~~(5) As of June 5, 2018, the right and obligation to provide Solid Waste Collection Services and Residential and Recyclable Materials Collection Services within the Town boundaries for: collector's existing customers; customers/property owners in the Town that have a change in ownership; and customers/property owners whose contract for Solid Waste Collection and disposal services expires.~~

(eb) In the event that the Town grants an exclusive contract, or a Solid Waste or Recyclable Materials collection entity is not granted a franchise by the Town and has existing contracts within the Town, then only existing contracts as of June 5, 2018, for Solid Waste Collection Services and Residential and Recyclable Materials Collection Services are exempt until such time as the contract expires at which time the customer/property owner must use a solid waste collection entity that is franchised by the Town.

(dc) The Town Council may require businesses performing Solid Waste Collection, disposal, and recycling services within the Town to pay a franchise fee to the Town, in an amount determined by the Town Council, for the privilege of conducting and operating solid waste collection, disposal, and recycling services on the public streets, roads, alleys, and other thoroughfares of the Town. The franchise fee, as indicated below, shall be based on a percentage of the amount charged for solid waste collection, that is described in a franchise agreement between the Town and a contractor. ~~disposal, and recycling services, as reflected in the business' financial books and records, and in the agreements between the business and all of its customers in the Town. The amount charged to customers shall be the amount charged to customers for solid waste collection, disposal, and recycling services exclusive of any franchise fee. Any franchise fee required by the Town Council shall be paid to the Town in a manner as set forth in a franchise agreement with the contractor.; following receipt of the revenue from the customer, in monthly installments, by the 15th day of the month.~~

(ed) Any franchise fee collected by the Town shall be a sum of money equal to ~~25~~ 3 percent of the gross fees paid to the franchisee for residential and commercial solid waste collection. ~~(By way of example only, if the business' charge to its customer for solid waste collection, disposal, and recycling services is \$100.00, then the franchise fee will be \$25.00. The business will be required to remit to the Town the \$25.00 franchise fee, following receipt of the \$100.00 service charge from the customer. Consequently, the total amount billed to the customer would be \$125.00.)~~

(fe) In the event the Town Council requires a franchise fee, then such fee shall be paid in accordance with the terms of the Franchise Agreement. ~~then annually on the 30th business day of September each year, each solid waste collection and disposal company operating in the Town shall file with the Town manager, or his designee, an application, in the form provided by the Town, which shall set forth all of the business' gross receipts for the previous year for collection and disposal of solid waste originating in~~

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~~the Town, and permit the Town, or its authorized agent, to inspect and audit the financial books, reports, and records of the solid waste collection and disposal business to insure proper payment of the franchise fee amount to the Town. Any shortfall or overage discovered by the Town during any inspection of the business' records shall be paid by the party owing same no later than 30 days following receipt of written notice from the Town of such shortfall or overage.~~

Sec. - Collection to be by Town or franchisee

- (a) Each residential owner or lessee, each apartment owner and each owner-operator of a non-residential use shall subscribe to a regularly scheduled Solid Waste Services or Recyclable Materials Collection as may be provided either by the Town or by such private individual or concern as may be franchised by the Town, except as may be exempted by Town ordinance or state law. The levels of necessary service shall be determined based upon the use. Any collection services in addition to regularly scheduled collection services shall be scheduled through the Town. Verification of adequate Solid Waste and Recyclable Collection Services must be provided to the Town upon the Town's request. ~~So long as the Town levies and collects its Residential Solid Waste Collection Special Assessment, the Town shall collect the costs of such service and remit to the franchisee. The franchisee shall collect all other costs of service provided within the Town.~~
- (b) No individual, corporation or other entity will be permitted to collect Solid Waste or Recyclable Materials within the Town either on a regularly scheduled basis or, alternatively, on a non-scheduled short-term, or temporary, basis unless such individual, corporation or other entity is properly franchised by the Town, except as may be required or exempt by state law or Town ordinance.

~~Sec. —Customer Fees.~~

- ~~(a) Fees for solid waste service may be collected as a special assessment levied and collected by the Town or collected by the Town or franchise operator by billing the owner and/or lessee for the solid waste collection service within the Town. The Town may also provide, by agreement, for the billing and collection of the Town's fee for solid waste service by another governmental entity. Any residential owner or lessee, apartment owner or non-residential user who shall fail to make appropriate payment related to solid waste collection service shall have his solid waste collection service terminated. Any residential owner or lessee, apartment owner or non-residential user whose solid waste collection service shall be so terminated shall be deemed in violation of this chapter.~~
- ~~(b) Fees for refuse and recycling collection, which shall be collected by the Town, franchisor, or other authorized governmental entity, shall be as established by the Town Council.~~

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Sec. - Solid waste collection special assessments shall constitute a lien on improved real property.

All solid waste collection special assessments imposed against the owners of assessed units pursuant to this chapter shall constitute, and are hereby imposed as, liens against such real property as of January 1 of each year or as soon thereafter as the certified roll is received by the tax collector. Until fully paid and discharged or barred by law, the solid waste collection special assessments shall remain liens equal in rank and dignity with the lien of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. If any solid waste collection special assessment liens become delinquent by not being fully paid by April 1 following the year in which they are assessed, or immediately after 60 days have expired from the mailing of the original notice set forth by the uniform method, whichever is later, and remain delinquent, such liens shall be enforced by the tax collector in the same manner as any other special assessment lien of the Town.

Sec. - Containers—Required.

It shall be unlawful within the Town for any person to place any solid waste ~~or vegetative waste~~ out for collection unless such solid waste ~~or vegetative waste~~ is in a Container, if such Container is required and approved by the Town Council. A Garbage Can may not be used if a Container has been required and approved by Town Council.

~~Sec.—Maintenance of Exterior of Premises relating to Collection~~

~~(a) All items placed out for collection shall be placed in the area designated by the property owner for the placement of such items. Should the Town of a franchisor request, the property owner shall designate such location in writing. Any items placed in an area not designated for pickup shall be deemed a blighting condition and/or nuisance pursuant to paragraph (b) below.~~

~~(b) At all times, any exterior premises adjacent to a public roadway used for access to the property shall be maintained by the owner or operator of such premises such that the appearance of such premises shall not constitute a blighting condition, blighting factor or nuisance. Items placed for collection in violation of Section, “Containers—Required” shall be deemed a violation of this Section.~~

~~Sec.—Designated debris placed for collection.~~

~~It shall be unlawful within the Town for any person to place upon the area adjacent to a public roadway used for access to the property for solid waste collection and designated pursuant to Section any item other than for collection pursuant to the terms of this ordinance.~~

~~Sec.—Location for placing debris for collection~~

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~~All debris placed out for collection shall be placed on the property from which the debris was generated, at a location adjacent to the public roadway used for access to the property, but not within swales or recorded drainage or roadway easements. It shall be unlawful to place debris for collection within swales, or recorded drainage or roadway easements, or within public roadways, that about the property of another or on the property of another.~~

Sec. - Precollection procedures—generally.

(1) The placement of garbage in a loose and uncontained manner on the roadside, swale, other locations adjacent to the roadway, or in dumpster enclosures shall be strictly prohibited.

(2) No person shall place for curbside collection any garbage, bulk waste, vegetative waste, or recyclable materials upon any property other than in the swale adjacent to and directly in front of the same property from which the garbage, bulk waste, vegetative waste, or recyclable materials was generated or accumulated, unless a predetermined location has been approved by the Town and the Town's franchised hauler.

(3) All garbage containers, when placed for curbside collection, shall be at ground level, not within the paved right-of-way, and immediately accessible to collection crews.

(4) No person shall place any garbage containers, or any accumulation of garbage, bulk waste or vegetative waste in any portion of a right-of-way or upon private property in any part of a front yard or a side yard abutting a right-of-way except during the day scheduled for collection or during the day immediately preceding the day scheduled for collection, as provided herein. No person in possession of real property shall allow any garbage containers or roll-out cart, or any accumulation of garbage, bulk waste or vegetative waste to remain in any portion of a right-of-way abutting his property to the centerline of the right-of-way, or in any part of the front yard or side yard abutting the right-of-way, except during the day scheduled for collection or during the day immediately preceding the day scheduled for collection.

(5) Private roads shall be fully accessible to the Town's contractor and equipment in order for collections to be made by the Town's contractor without delay.

(6) Unacceptable materials shall be stored and properly disposed of by the person responsible for their generation or accumulation.

(7) Privately employed tree trimmers, tree surgeons, landscape contractors, lawn maintenance services, and operators of tree and shrubbery maintenance services and other like services who receive a fee from the property owner or resident shall remove all trash and debris from the premises on which they are working, including but not limited to limbs, tree trucks, roots, shrubbery, grass clippings, vegetative waste and other debris emanating from their work and dispose of it as provided in this chapter.

(8) Hazardous wastes shall be stored and properly disposed of by the person responsible for their generation or accumulation.

Sec. - Hours when garbage, etc., may be placed out for collection.

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It shall be unlawful within the Town for any person to place any Solid Waste or Recyclable Materials adjacent to the public road used for access to the property any earlier than 6:00 p.m. on the day before the scheduled solid waste collection day applicable to such person's property. It shall be unlawful within the Town for any person to fail to remove from the public roadway used for access to the property or adjacent to such public roadway any Container by 6:00 a.m. of the day following the scheduled Solid Waste or Recyclable Materials collection day applicable to such person's property.

Sec. – Construction and Demolition Debris.

Source separated construction and demolition that qualifies as Recoverable Materials shall not be part of the franchise; otherwise, Construction and Demolition Debris may be included with a franchise granted pursuant to this chapter.

Sec. – Registration of Recovered Material Dealers.

- (a) A recovered materials dealer or pyrolysis facility must register with the Town before engaging in business within the jurisdiction of the local government. Such registration process is limited to requiring the dealer or pyrolysis facility to:
 - (b) (1) register its name, including the owner or operator of the dealer or pyrolysis facility, and, if the dealer or pyrolysis facility is a business entity, its general or limited partners, its corporate officers and directors;
 - (2) its permanent place of business;
 - (3) evidence of its certification under Section 403.7046, Florida Statutes, and;
 - (4) a certification that the recovered materials or post-use polymers will be processed at a recovered materials processing facility or pyrolysis facility satisfying the requirements of Section 403.7046.
- (c) The Town shall charge the dealer or pyrolysis facility a registration fee commensurate with and no greater than the cost incurred by the local government in operating its registration program, as established by resolution by the Town Council. Registration program costs are limited to those costs associated with the activities described in this ordinance.
- (d) The Town's reporting or registration process with regard to recovered materials or post-use polymers is governed by Section 403.7046 and rules of the Florida Department of Environmental Protection or any successor agency performing a like function, adopted pursuant to Section 403.7046.
- (e) The Town may temporarily or permanently revoke the authority of a recovered materials dealer to do business within the Town. If the Town believes that the recovered materials dealer finds the recovered materials dealer has consistently and repeatedly violated state or local laws, rules, regulations, and the Town's ordinances, it shall notice the recovered

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materials dealer of the charges and schedule a hearing before the Town's special magistrate using the notice and hearing process of Chapter 162, Florida Statutes.

Sec. - Recycling program.

(a) Single-family collection.

- (1) *Paper Goods.* Paper Goods placed out for collection as Recyclable materials shall be segregated from all other solid waste material by all single-family homeowners and residential units not using containerized refuse service. It shall be in a Container provided by the Town's Contractors and placed out for collection according to a scheduled day established by the Town along with all other Solid Waste or next to the Container or Garbage Can used by such Solid Waste customers. Recyclable Materials shall not be placed in plastic bags, and adequate precaution shall be made to prevent newspapers from being scattered by the elements.
- (2) *Clear glass and aluminum cans.* All clear glass and aluminum cans placed out for collection as Recyclable Materials shall be placed in the Container provided for by the contractor of the Town and placed out for collection according to a scheduled day established by the Town along with all other Solid Waste or next to the Container or Garbage Can used by solid waste customers. No other waste besides clear glass and aluminum cans shall be placed in the container that is provided for by the Town.

(b) Multifamily collection.

- (1) *Paper Goods.* Paper Goods placed out for collection as Recyclable Materials shall be segregated from all other solid waste material by all multifamily home owners and residential units using containerized Solid Waste Collection Service. At least one container for each trash dumpster shall be provided for each condominium or apartment complex for deposit of all Paper Goods and for collection of same. Collection of Paper Goods shall be made at least once weekly in accordance with a schedule approved by the Town. Paper Goods shall not be placed in plastic bags, and adequate precaution shall be made to prevent Paper Goods from being scattered by the elements.
- (2) *Clear Glass and Aluminum cans.* Clear Glass and Aluminum Cans placed out for collection as Recyclable Materials shall be segregated from all other solid waste material by all multifamily unit owners and residential units using containerized Solid Waste Collection Service. At least one container for each trash dumpster shall be provided for each condominium or apartment complex for deposit of all Clear Glass and Aluminum Cans and for collection of same. All Clear Glass and Aluminum Cans shall be placed in the container provided and placed out for collection at least once weekly in accordance with a schedule approved by the

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Town. No other waste besides Clear Glass and Aluminum Cans shall be placed in the container that is provided for recyclables.

- (c) *Unauthorized collection.* It shall be a violation of this section for any person not authorized by the Town to collect or remove any Recyclable Materials as provided for above which has been specifically placed for collection in any recycling container in any single-family residential area or any multifamily residential area of the Town.

Sec. – Interim rates for new structures.

The Town shall have the ability to charge property owners, who receive a certificate of occupancy after the solid waste collection services non-ad-valorem assessment roll has been provided to the Tax Collector, on a pro-rata basis, as part of the fee for the granting of the certificate of occupancy or final permit.

Sec. – Community piles.

The Town may provide for the establishment of vegetative piles that may be used by more than one property owner for residential vegetative waste.

Section 3. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. If any clause, section, or other part or application of this Ordinance 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 5. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __ DAY OF _____, 2019.

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>
ROBERT SHORR, MAYOR	☐	☐	☐
DAVID DEMAROIS, VICE MAYOR	☐	☐	☐
LISA EL-RAMEY, COUNCIL MEMBER	☐	☐	☐
LAURA DANOWSKI, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCILMEMBER	☐	☐	☐

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2019.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

Mayor Robert Shorr

Vice Mayor David Demarois

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Council Member Laura Danowski

Council Member Lisa El-Ramey

Council Member Phillis Maniglia

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155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Larry Peters, Director of Public Works

VIA: James Titcomb, Town Manager

SUBJECT: Roads Reconstruction Schedule for Council prioritization and direction.

Background:

In the past 6 months, staff has rebuilt the road beds for approximately ___ miles of unpaved roads (see accompanying list) using approximately 42 thousand tons of road rock purchased from Palm Beach Aggregates at a total cost of just under \$600,000. This represents reconstruction of approximately 50% of the Town's unpaved roads. In addition, we have also reconstructed ___ miles of paved and OGEM roads (F Road and Folsom) at a total cost of just under \$100,000.

For the coming fiscal year 2019-2020, staff intends to rebuild the remaining unpaved roads (assuming materials plus rental of equipment cost of roughly \$50,000 per mile) shown below:

- Collecting Canal from D to Folsom
- South D from Collecting Canal to Southern Boulevard
- D Road adjacent to Big Dog Ranch (partial funding of \$100,000 contributed)
- B Road from Okeechobee to Morrow Court

In addition, staff is developing a "service level" road map (see attached working document) and seeks Council input and direction on priority roads for both paved and unpaved roads in order to develop the capital improvement and maintenance plan.

Recommendations:

Staff seeks Council direction as noted above.

**Public Works Report of
Dependent Water Control District Activities**

By Larry A. Peters, P.E.

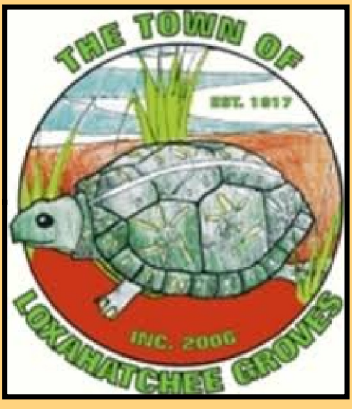
Director of Public Works

October 15, 2019

Dirt Roadway Repairs and the addition of Base Rock

Our road crew has placed **42,002 tons** of base rock **YTD**, on below listed Town Roadways:

<u>Road</u>	<u>Miles</u>
6 th Court East	1.733
24 th Court North 'E'	0.194
24 th Court North E & W of 'F'	0.591
24 th Circle North 'C'	0.247
25 th Place North 'C'	0.136
43 rd Road North off 140	0.250
131 Street	0.135
160 Ave	0.423
161 Terrace	1.974
April Drive	0.160
Casey Road	0.733
Citrus Drive	0.238
Collecting Canal	1.450
East Citrus	0.495
Edith Road	0.191
Folsom	0.248
Global Drive	0.501
Hyde Park Road	0.447
Los Angeles Drive	0.241
Pineapple Drive	0.200
Raymond Drive	0.327
Snail Trail	0.240
South North Road	1.482
Temple Drive	0.082
Timberlane Drive	0.119
Valencia	0.125
North (40 St.)	2.965
South end of 'B'	0.125
North end of 'B'	0.125
North section of 'E'	1.000
South 'D' (at the intersection of Southern)	0.250
West 'G',	0.250
West 25 th	<u>0.125</u>
Total miles of improved roadways	17.792

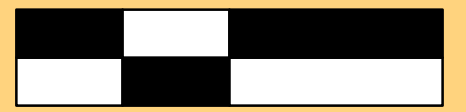


October 2019

Town of Loxahatchee Groves

Town Road Grid

Levels of Service for Discussion



Feet

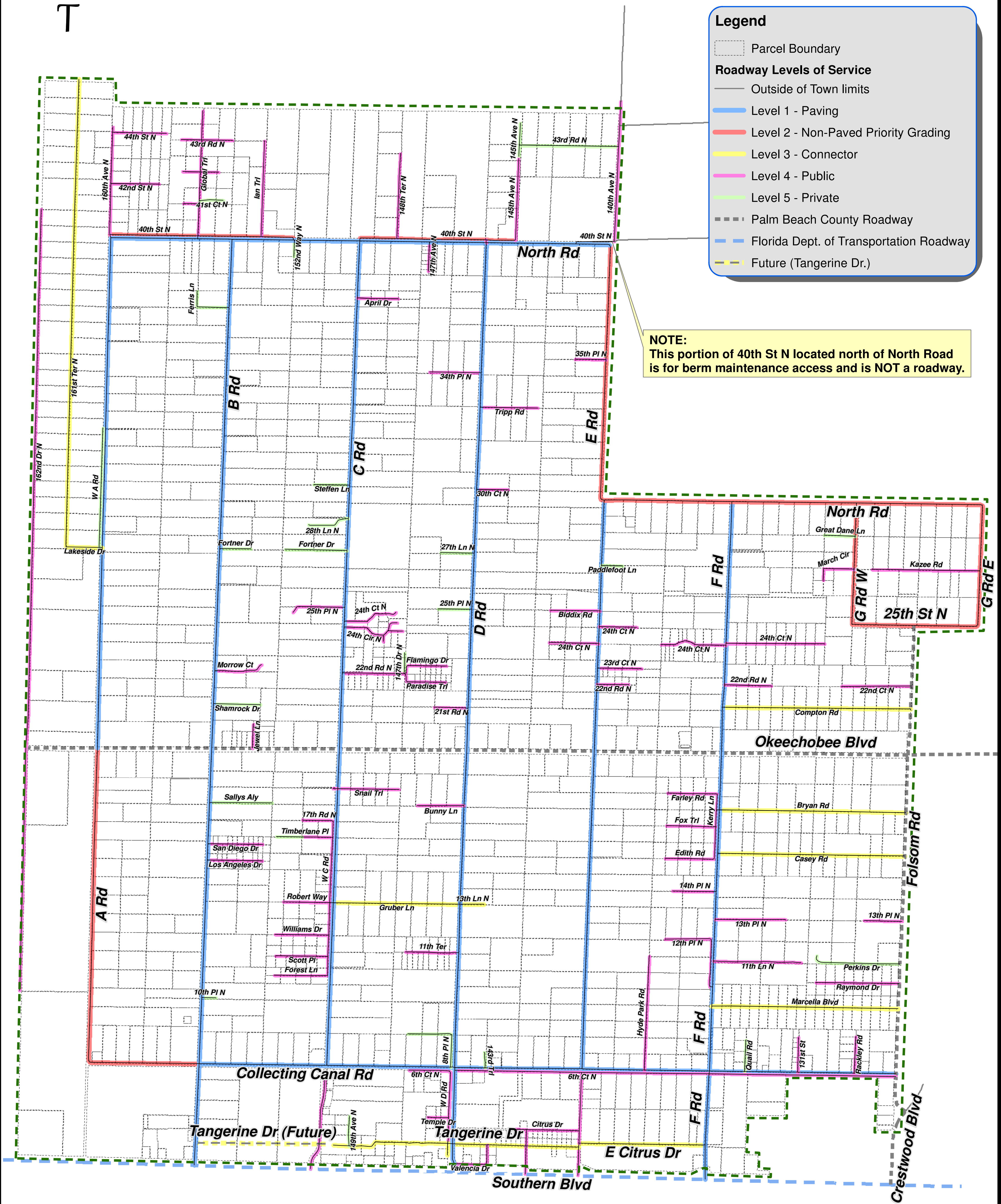
0

2,000

Legend

- Parcel Boundary
- Roadway Levels of Service
 - Outside of Town limits
 - Level 1 - Paving
 - Level 2 - Non-Paved Priority Grading
 - Level 3 - Connector
 - Level 4 - Public
 - Level 5 - Private
- Palm Beach County Roadway
- Florida Dept. of Transportation Roadway
- Future (Tangerine Dr.)

NOTE:
This portion of 40th St N located north of North Road is for berm maintenance access and is NOT a roadway.



Note:
Major roadway ownership/ maintenance responsibility other than Town of Loxahatchee Groves includes:

Okeechobee Boulevard: Palm Beach County
Folsom Road: Palm Beach County
Southern Boulevard: Florida Department of Transportation



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155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: R. Brian Shutt, Town Attorney

VIA: James Titcomb, Town Manager

SUBJECT: Demand for Payment by Underwood Management Services Group, LLC

Background:

On September 10, 2018, the prior Town Council (3-2, DeMarois and Maniglia dissenting) entered into a successor agreement with Underwood Management Services Group, LLC (“Underwood”) effective October 1, 2018. After termination of the agreement, Underwood submitted an invoice for payment of \$78,750. On May 9, 2019 for a purported “vacation benefit.” On June 17, 2019, Underwood’s attorney sent a demand for payment of \$201,250.00 advising that the initial invoice failed to include all the amounts allegedly due to Underwood. After communications with the Town Attorney’s office, Underwood’s attorney sent a revised demand for payment of \$ 109,375.00 to resolve the matter prior to litigation with a deadline to respond by October 7, 2019. Upon request of the Town Attorney’s office, Underwood’s attorney has provided a brief extension to respond.

The Town Attorney’s office is seeking direction regarding next steps.

Recommendations:

The Town Attorney’s office recommends the Town Council provide the office with authority to negotiate with Underwood’s attorney in an attempt to resolve this matter without incurring the additional cost of litigation, with any proposed settlement subject to the Town Council’s acceptance and approval.