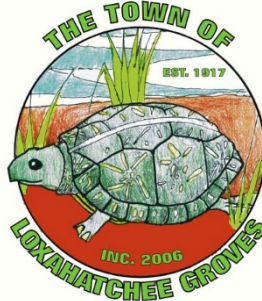


**TOWN OF LOXAHATCHEE GROVES
TOWN HALL COUNCIL CHAMBERS
TOWN COUNCIL REGULAR MEETING
AGENDA**

July 9, 2019 - 7:00 P.M.



Preceded by a Residents Discussion Workshop from 6:00-7:00 P.M.

Robert Shorr, Mayor (Seat 4)

Laura Danowski, Councilmember (Seat 2)

Phillis Maniglia, Councilmember (Seat 1)

Lisa El-Ramey, Councilmember (Seat 3)

Dave DeMarois, Vice Mayor (Seat 5)

Administration

Town Manager, James S. Titcomb

Assistant Town Manager, Francine L. Ramaglia

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.

Public Works Updates (Town & District) – Larry Peters

Financial Update (Discussion of budget schedule and preliminary tax rates) – Francine Ramaglia

REPORTS (Receive and File)

1. Advisory Committee Reports/Minutes (FAAC, ULDC, P&Z, RETGAG)
2. Status Report - Keshavarz & Associates, Inc- Randy Wert Wertepny
3. Status Report – Geoffrey B. Sluggett & Associates – Mary McNicholas
4. Status Report – Municipal Technologies LLC – Steven Murray
5. Status Report - Land Research Management, Inc. – James Fleishmann
6. Sheriff's (PBSO) Monthly Update Report – Lt. Craig Turner

CONSENT AGENDA

7. Minutes from May 7, 2019 Town Council Meeting.
8. Minutes from June 4, 2019 Town Council Meeting.
9. Minutes from June 18, 2019 Town Council Workshop.
10. Approval of Purchases in Accordance with Ordinance 2008-09 & Resolution No. 2019-36.

11. Resolution No. 2019-DD08 establishing the District's preliminary Road & Drainage non-ad valorem assessment rate for the fiscal year beginning October 1, 2019 proposed at \$200/unit which is the same rate as for FY 2019, the current year.
12. Resolution No. 2019-DD09 establishing the District's preliminary OGEM debt non-ad valorem assessment rates for the fiscal year beginning October 1, 2019 proposed as follows: \$ /unit North C; \$ /unit South C; \$ /unit North D; \$ /unit South D; \$ /unit UD1, all of which are based on the debt service schedule set forth by the Bank.
13. Resolution No. 2019-38 establishing the Town's preliminary ad valorem millage rate of 3 mills for Truth-in-Millage ("TRIM") purposes for the fiscal year beginning October 1, 2019 proposed at 3 mills which is the same rate as for FY 2019, the current year.
14. Resolution No. 2019-39 establishing the Town's preliminary non-ad valorem assessment rate for Solid Waste Collection and Recycling Services for the fiscal year beginning October 1, 2019 proposed at \$450/unit for residential curbside service which is the same rate as for FY 2019, the current year.

PUBLIC HEARING

15. First Reading Ordinance No. 2019-04 designating the Planning and Zoning Board as the Town's Local Planning Agency pursuant to section 163.3174 Florida Statutes, amending section 2 of Ordinance No. 2018-03.
16. Second Reading Ordinance 2019-03 revising of the Article 87 Native Tree Preservation and Invasive Exotics Removal of the Unified Land Development Code (ULDC).

REGULAR AGENDA

17. Resolution No. 2019-40 appointing Nancy Fried as voting members of the Roadway, Equestrian, Trails and Greenway Advisory Committee (RETGAC).
18. Resolution No. 2019-41 Revision of Town Resolution 2015-04 defining RETAG Advisory Committee duties and meetings.
19. Resolution No. 2019-42 supporting partnership for the 2020 Census with the United States Census Bureau and creating a Complete Count Committee for the Town.

TOWN STAFF REPORTS

20. Town Manager Report
21. Town Attorney Report

TOWN COUNCILMEMBER REPORTS

22. Councilmember Danowski requested discussion items:

- Parade Recap
- Royal Palm Beach Anniversary Gift
- Legislative Priorities/Water Projects

23. Councilmember DeMarois requested discussion items:

24. Councilmember El Ramey requested discussion items:

25. Councilmember Maniglia requested discussion items:

- Planning Workshop for Southern and Okeechobee
- Various Topics (see attached email)

26. Councilmember Shorr requested discussion items:

- Town Meet and Greet – “Coffee with a Cop”
- Public Lobby Terminal
- Charter Review Committee
- PBSO Civil Ticketing
- Key Access Policy - Public Space

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.

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

By Larry A. Peters, P.E.

Director of Public Works

July 9, 2019

Road Grading Schedule

Major Lettered Roads, Collecting Canal Road, North Road, Folsom Road, East "G" Square, and East 25th are now being graded **every Friday** and again on **every Monday**, weathering permitting. The schedule for remaining 27.5 miles of dirt roadways is being maintained in accordance with the new schedule.

Road Repairs and the additional Base Rock

Our road crew has placed **20,000 + tons** of base rock **YTD**, on multiple minor Town Roads, such as 6th Court, 131st., 160 Ave., 161 Terrace, Temple, Raymond Rd., Pineapple, Citrus, East Citrus, North (40 St.) and 43 Street North along with major roads, the South end of "B", North of Okeechobee, the North section of "E", Collecting Canal, South North Road, South "D" at the intersection of "D", at Southern Blvd., intersection, and Folsom.

The Road Crew also addresses, berm replacement, washouts, and potholes as the need arises.

On-going Road Projects:

OGEM Roads Resurfacing:

There are approximately 10 miles of OGEM Roads that should have been sealed after 5 years of installation. There is a product called "Micro-Resurfacing" where the surface of the OGEM is first cleaned, then a layer of the slurry is placed to level the uneven areas, and lastly a 3/8" thick "Micro-Surface" is applied. The contractor has suggested that if the Town choses to use this product, the installation should be postponed until October.

This procedure should only be applied to the sections of the OGEM Roads that are in fairly good condition. The cost for resurfacing with this product, installed, is \$3.30 +/-/SY. The total cost for resurfacing and the cost of leveling the pot holes that have occurred, due to not sealing and protecting the material in the first 5 years, is broken down by roadway segments.

A quote for leveling and resurfacing, by roadway segments, is attached.

OGEM Roads in Disrepair:

There are multiple areas throughout the Town that the OGEM roads are in varying degrees of disrepair. There are various ways of performing these repairs, therefore, we have designated a specific location, a "Pilot" project and requested bids from local paving repair companies.

The 480 LF x 20' wide section of OGEM on Folsom Drive between Okeechobee and Compton, was installed on Wednesday, July 3, 2019.

OGEM Roadways:

Due to the narrowness of the OGEM roadways, and inadequate roadway drainage, most all OGEM roadways throughout the Town, are in disrepair. The roadways are too narrow for two way traffic, therefore, in order to allow traffic to pass, the Northbound, (on Lettered Roads), or Eastbound (on North Road), or Westbound (on Collecting Canal Road), traffic must drive off the roadway in order to allow Southbound (on Lettered Roads), or Westbound (on North Road), or Eastbound (on Collecting Canal Road, traffic to pass. In most cases the edge of the roadway, has deteriorated, due to large trucks, at high rates of speed, driving on and off the roadway, in standing water. A solution to this circumstance is to obtain 'Roadway and Drainage Easements', for the length of the roadway. As easements are being obtained, drainage structures are now being installed. When all easements have been acquired, the drainage is in place, and funding is available, all OGEM roadways could be widened to a minimum of 20' wide, with a 2' stabilized berm on the East, South and North, side of each roadway.

Note: There are alternate methods for widening the roadways. One is to install a 12" x 12" steel re-enforced, concrete curb, along the edge of the roadway, and to fill in the remaining areas with millings. Another is to place asphalt millings along the side of the OGEM roadway, 2' to 4' wide, by 6" thick asphalt millings.

Canal Bank Repairs:

Many of the locations of the Towns 30 miles of Canal Banks and roadway berms are in disrepair and are falling into the Canals.

These banks need to be reconstructed with a 3' fit minimum rip rap base in order for the bank not to erode when the canals are rapidly lowered before and during a storm event. The banks then need to receive strippings soil, compacted to a 1.5 to 1 slope, and/or sodded. The estimated cost of the canal bank restoration is \$50.00 to \$65.00 per lineal foot, depending on the length of the repair.

The Canal Bank and Berm along the roadside of "A" Road, from Okeechobee Blvd. to 200 LF North, of Okeechobee, is currently being replaced.

RFP for Replacement of Collecting Canal

Culvert at "C" Road

We have been directed to advertise an RFP for the replacement of the Collecting Canal culvert at 'C'.

Canal Vegetation Control

Continued monitoring of Canal Vegetation Control by Aquagenix

Canal Gates and Telemetry

The Canal State at the West "D" is leaking and is need of repair.

All canal gates and control structures are currently receiving preventive maintenance and daily monitoring. We recently replaced a SCADA system electronic telemetry control circuit boards and replaced back up batteries. The Canal Gate structure system at "A" canal needs to have the transducer replaced. Materials cost \$1,400.00.

Intake Pump:

Our team currently runs the canal intake pump daily unless there is a predicted rain event including on Saturdays, by an on-call employee on overtime.

We are currently up to date with the quarterly reporting of the amount of withdraw from SFWMD's C-51 Canal.

There are three on-going projects associated with the intake pumping system.

1. **Pump:** The Pump should have been removed and maintenance performed every five (5) years. The costs for removing and repairing the pump was last quoted at not to exceed \$25,000.00.
2. **Motor:** There is an old 150 HP electric motor that drives the pump. This motor will need to be replaced at any time. We should have a stand-by motor ready for replacement for \$10,000.
3. **Motor Starting System:** We have a previous bid selected contractor to replace the existing antiquated electrical motor starter system with a "Soft Start", Float Controlled, and Timer for the "Non-Peak Hour use of FPL Power" starter system. The price was \$9,500.00.

Note: Now that the wet season is here, all the above vendors need to be notified to update any increase in cost from previous quotes

Hurricane Preparedness:

Emergency Generators: The Public Works Supervisors periodically starts with the existing Emergency Generator to ensure it will run when needed.

Note: The main control circuit board for the generator needs to be replaced. The cost for this board is \$1900.00.

ATS: The Automatic Transfer Switch does not currently work and we are working to solve the issue. One low voltage battery is obviously bad.

Hurricane Debris Removal

The Assistant Town Manager is currently reviewing multiple "Piggy Back" options for a debris removal company for the upcoming Hurricane season.

Roadway Signage

There have been multiple instances where large Horse trailers, Landscape company trailers, car haulers, etc. cut corners of our roadway intersections, too closely, and run over our street signs. We are continually replacing roadway signage.

The most significant a "Safety Issue", and "Stop" along with the "Speed Hump" signs.

All "Stop Signs" have been replaced and all 142 "Speed Hump Signs" have been repaired and/or replaced. Road Name signs are being replaced as time and resources permit.

Painting of the Speed Humps

Reflective Painting of the speed humps, for nighttime safety is needed ASAP.

Mowing:

Mowing of Equestrian Trails: continuously.

Mowing of Canal Banks, and Roadway Berms: Continuously

Mowing of Town Hall, and the Public Works Facility, each Friday.

Mowing of "Sight Triangles" for intersections, and signage: As needed.

Security Cameras:

The cameras at the Public Works are currently working with exception of two that are currently scheduled for repair.

Fuel Tanks and Oil Drum Containment Vessels

We are currently in compliance with DEP containment regulations for the fuel tanks, oil and filter containment area.

Fire Extinguishers:

We replaced and/or updated (tagged) all sixteen (16) Fire Extinguishers and are currently in compliance. Two (2) in the office, Two (2) in the shop, Two (2) in the shed, and one in each piece of equipment.

First Aid Kits:

First Aid "Eye Wash Stations", and all First Aid Kits, are in OSHA Compliance, and are being updated.

Equipment Maintenance and Repair

1996-Ford Pick-up: Replaced the brakes master cylinder. Replaced the breaks ABS Cylinder.

2000- Sterling Dump Truck:

Replaced the Rear wheel seals.

Replaced the Rear Brakes.

- The "Cover" Tarp.
- The Side Boards.
- A broken spring leaf.
- Batteries and alternator.

John Deere 5325 Tractor:

Replaced the mover blade hydraulic control cylinder.

- The PTO Systems Sight Glass

John Deere 5055:

Replaced a Rear Tire

- The Mower Blades for the bush hog.

John Deere 6105:

Replaced mower blades

- Batteries and new front tires.

John Deere- Grader

We are on our sixth set of blades at \$300.00/set.

We replace the Def Pollution every two (2) weeks.

Note: We are currently averaging 4.8 hours per day and could exceed our annual allowance of 1500 hours per year at the new schedule note.

Small Tools

An existing pressure cleaner, existing small portable pump generators, and various gasoline driven small tools and equipment have been rebuilt by own maintenance crew. We have replaced carburetors and fuel lines damaged by ethanol fuel. We have since changed our fuel to non-ethanol-rec 90 fuel.

Employee Uniforms

The Town being a Public Sector, now qualifies to participate in a Community Service Agreement offered to municipal communities. The Town Manager has signed this new contract at a 36% savings.

Note: Cintas has agreed to provide new uniforms to all employees, at no additional cost, upon signing the agreement. (See Attached).

Building Permit and Floodplain Development Applications

In addition to administration of all of the above activities, the Public Works Director meets with Town Residents, on site visits and reviews all permit and FPD applications

Ongoing Roadway Drainage Projects

The Public Works Director assist in obtaining easements, selecting roadway drainage locations, and monitoring of the construction, and payments, of all the Town Drainage projects which are critical to roadway maintenance.

Trash Bins

The Public Works Department has been an integral part in the assembling and distribution of Trash Bins.

Public Works Employee Training

The Public Works Team Members have completed additional training courses to bring the licenses up to date.

Mike Capocefalo is in the process of completing a 30-hour, additional OSHA training course, in order for Public Works to have a certified OSHA representative.

David Lewis has agreed to take additional MOT, Maintenance of Traffic, training, in order for the team to be in compliance, for flagmen to assist in road maintenance.

All employees have participated in a joint class for renewal of AED/CPR Certificates.

Governmental Regulatory Coordination

As a Licensed Professional Engineer, the Director, coordinates with the following governmental entities:

SFWMD – The South Florida Water Management District, requirement of the Town's twenty (20) year C-51 withdraw permit agreement.

FDOT – The Florida Department of Transportation, in concert with the ongoing Southern Boulevard roadway widening and drainage project.

FLC – The Florida League of Cities, Risk and Safety.

FEMA – Florida Emergency Management Association, Flood control projects.

DEP – Department of Environmental Protection, compliance.

and all other local municipalities, county, state, and federal, entities associated with Town activities.

FINANCE'S REPORT

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155 F Road Loxahatchee Groves, FL 33470

ADVISORY COMMITTEE REPORTS

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155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Randy Wertepny, Keshavarz and Associates

VIA: James Titcomb, Town Manager

SUBJECT: Keshavarz and Associates Project Status Report June 27, 2019

1. Roadway Drainage Program –

No further progress has occurred towards the roadway drainage program. The contractor's current inlet/swale locations have been put on hold. We have met with Town staff related to the program and discussed the option of conducting a workshop with the Town council to review the intent of the program, needs of the Town and alternative options for implementation.

We believe that a key component of the roadside drainage program is community outreach. The originally proposed program included, locating areas within the Town roadways where catch basins and swales were needed to provide drainage relief and water quality improvements for the Town roads. The next step of the project was to communicate with the Town to inform and educate the public of the benefits and needs of the program and to discuss what the Town is requesting to improve the roadways and provide drainage for the roadway as well a discharge location for the properties.

The next phase of the original program was to acquire easements for road and drainage purposes with priority given to the area with the highest need. Topographic survey information and roadway drainage and design would occur within those areas as the first phase of the project. Construction plans, details and specifications would be out for a public bid including the necessary improvements needed at each location. Each known component would be included with bid.

The program could be restructured to follow a similar process and/or altered as needed per the direction of the Town following the Town workshop. Please advise us on how you would like to proceed.

Easements – The Town still needs to prepare the sketch and legal descriptions for the easements and record them. K&A has submitted a proposal to provide these services and are awaiting a signed contract to continue.

2. We have not received revised plans / updated submit tab from the developer for the proposed infrastructure improvements within Groves Town Center Pod A Commercial, for the WAWA, Chase and Aldi.

We have received the construction plans and issued a comments letter for the Aldi portion of this development.

3. We have been working with Larry to provide general details for a turnaround, pull off area and intersection improvements for Timberlane Place. We have prepared an exhibit for the Town's use depicting these improvements and have researched warrantee deeds and updated the map to include known roadway easements along this corridor.
4. We are working with Larry assisting with drainage concerns F Road from Citrus Drive to Collecting Canal Road. We have surveyed the existing swale to help identify the existing drainage pattern of the swale and to locate potential areas where Stormwater runoff can breach the swale and overflow onto adjacent properties.
5. Citrus Drive Stormwater improvements - we have been coordinating with Town staff regarding potential options for Stormwater attenuation and water quality improvements within this area; including review of the option presented by Town staff to construct a wet detention pond with the conservation easement of the PBC park located south of Citrus Avenue.
6. We met with the Town staff to review the following items:
 - a. Floodplain Management – It is recommended to develop guidelines for the Town to follow. A surface water management study would also be beneficial to establish reasonable build out (impervious) percentages for each property. This model could also be used to analyze future stormwater improvements within the Town.
 - b. NPDES – Following the census in 2020; FDEP is planning on reviewing the NPDES program and will likely designate the Town to apply for an MS4 operating NPDES permit. This will require the Town to adopt resolutions for best management practices for nutrients, manure and other water quality related concerns. The Town will also be required to inventory and assess all stormwater management infrastructure operated and/or maintained by the Town and set up a assessment and maintenance plan. Water quality monitoring will also be required.

PBC has an NPDES program, but is now in phase 2 of the program, so the Town may not be able to join like other municipalities within the County. We could explore this action upon approval of Town Council. In 2016, Town Council decided not to join the PBC NDPEs program.



155 F Road Loxahatchee Groves, FL 33470

The Town has limited Stormwater detention and water quality treatment facilities. The development of a Town-wide SWM model / master plan would assist with this program.

- c. Town Land Development Code – Land Development regulations and protocols should be re-evaluated and updated. May want to consider different standards, south of Collecting Canal. Stormwater management related code is confusing and needs to be updated. Pavement design standards should be established for Town roadways and typical cross sections generated to include wearing surface (rock or asphalt), needed R/W, drainage components and utilities.
- d. Town Roadway Improvements – We assisted the Town in preparing conceptual plans for cost estimating / grant application purposes and are awaiting further direction for survey and the design of roadway improvements.
- e. Replacement of the Culverts at C Road and Collecting Canal Road; Design-Build bids were rejected due to budget constraints. Town should consider incorporating these into future budgets and consider design prior to bid.
- f. Town Maintenance Maps
 - i. Phase 2 maps have been completed for several months and can be recorded once the Town review period is finalized. Once recorded the Town will have legal rights to maintain the roadways. Phase 2 consists of the secondary roadways (non-lettered roads) providing access to several residential / agricultural properties.
 - ii. Phase 3 maps are near completion, awaiting feedback from the Town to finalize. These maps are for the main roadways within the Town that, if recorded, would provide the Town with road right-of-way instead of roadway easements.
- g. Facilities Map / GIS - Town has started a GIS database with roadway infrastructure. This could be expanded with the following categories:
 - i. Drainage culverts
 - ii. Permits
 - iii. Drainage
 - iv. R/W
 - v. Utility
 - vi. Building

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155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves
FROM: Mary McNicholas, Geoffrey B. Sluggett & Associates
VIA: James Titcomb, Town Manager
SUBJECT: Geoffrey B. Sluggett & Associates Monthly Report – June 2019

1) APPROPRIATIONS PROJECTS:

-HB 4543/SB 2500 — Town of Loxahatchee Groves North Road Equestrian

Trail \$ 47,500 matching funds

Status: Governor vetoed item- Presently seeking alternative funding for same.

-Working on options for road projects not included in Appropriations (See Additional Requests below).

-Next Legislative Session begins January 2020; imperative to begin process now to be in sync with PBC requests and assistance.

2) GRANTS STATUS: Palm Beach County Transportation Planning Agency

- F Rd. Trail had to be deleted from grant request, due to PBC ruling that they could not build on Town owned property- will seek alternative funding for F Rd segment;
- Received Letters from Palm Beach County to take the lead in design & construction for both Trails & Roundabout Grants by 7/1/19 TPA/FDOT deadline;
- Town Council, Loxahatchee Groves Briefing 7/9/19



155 F Road Loxahatchee Groves, FL 33470

Draft Inter-local Agreement with PBC for detail of responsibilities was substantially reviewed by. Town & PBC, under additional review; Will be requesting Council approval at 7/23/19 Workshop, to go to BCC 7/25/19;

- All requests by FDOT & TPA staff were revised & resubmitted by 7/1/19 deadline for eligibility by both Simmons & White Engineer, Tricia Barr and the undersigned.

3) Additional Requests (some jointly requested):

FDOT Assistance requested? pending responses:

- Aprons of Town's North/South Road aprons from truck damage from construction (associated millings during project, paving distances as construction completed),
- Drainage issues on Tangerine, C Rd, etc,
- South D Rd. for additional paving, guardrails, etc.

PBC BCC — Commissioner McKinlay

- Potential pilot project material for roads

- Mosquito control for above stated drainage issues

Swank Farm — has agreed to add the Town as a benefactor for their AgroTourism dinners next season (2020)

Signed:



155 F Road Loxahatchee Groves, FL 33470

Municipal Technologies LLC – Steven Murray

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155 F Road Loxahatchee Groves, FL 33470

MONTHLY STATUS REPORT

Town Planning Consultant
Jim Fleischmann

A. Current Consent Agenda Items: None.

B. Current Regular Agenda Items:

1. Second Reading of Ordinance 2019-03: Revision of the Article 87 Native Tree Preservation and Invasive Exotics Removal of the Unified Land Development Code (ULDC). The Staff Report and recommendation are included with the agenda item support documentation.
2. First Reading of Ordinance 2019-0x re-establishing the Planning and Zoning Board as the Local Planning Agency (LPA) per Town Council direction at the June 4, 2019 meeting. The Staff Report and recommendation are included with the agenda item support documentation.
3. Approval of Resolution 2019-0x revising Resolution 2015-04 relating to the duties, meetings and procedures of the Roadway, Equestrian Trails and Greenway Advisory Committee per Town Council direction at the June 4, 2019 meeting. The Staff Report and recommendation are included with the agenda item support documentation.

C. Non-Agenda Items:

1. 14563 Okeechobee Boulevard: Palm Beach County granted a Development Order (Resolution 98-11) approving a daycare center (maximum of 87 children) and a place of worship (maximum of 120 seats) on the 3.97 acre parcel of land located on the north side of Okeechobee Boulevard, west of "D" Road. The owner (Preschool Management, Inc.) submitted a Zoning Confirmation Request to allow an increase in the maximum number of children from 87 to 122 children. Staff, in a written Zoning Confirmation Response letter, replied that Comprehensive Plan and Zoning amendments to Institutional and Public Facilities designations and a site plan amendment are required to accommodate the proposed increase in daycare capacity.

The Owner's Agent submitted a request to be placed on a Town Council Agenda to appeal Staff's opinion that Comprehensive Plan, Zoning Map, and site plan amendments are required to permit the proposed increase.

The appeal requires a Quasi-Judicial Public Hearing. Due to advertising requirements, the earliest available date to appear on a Town Council Agenda is August 6th.

2. RETAG Advisory Committee Meeting on June 24, 2019. Prepared "Member Notebooks" and duties Resolution for Council approval. Meeting was cancelled due to lack of a quorum. Next meeting scheduled for July 22, 2019 at 5:30 p.m.
3. Planning and Zoning Board Meeting: Prepared LPA to PZB ordinance. Meeting cancelled due to the fact that no applications have been filed for their review.
4. ULDC Advisory Committee meeting on June 17, 2019. Prepared Ordinance 2019-03 and legal ad. The Committee discussed ULDC Section 50-030 *Outdoor Lighting*. Revisions to Section 50-030 include:
 1. Add a definition of "open air parking"; and
 2. Revisions to the Nonconforming outdoor lighting section.

In addition, there was considerable discussion regarding the section requiring open air parking lighting to be extinguished between the hours of 11:00 p.m. and dawn. Staff was directed to prepare wording alternatives for consideration by the Committee at its next meeting. The next meeting is scheduled for July 25, 2019 at 3:00 p.m.

The Council's direction to begin a comprehensive evaluation of the ULDC will also commence at the July 25th meeting.

5. WAWA/Chase/Aldi Clearing Permit Application. An Application was submitted for vegetation clearing of the Wawa/Chase/Aldi phase of Groves Town Center. Prepared draft mitigation tables and research tree mitigation prices.

District 17 The Town of Loxahatchee Groves

Monthly Report: June 2019



CAD Calls	Monthly
Business/Residence Checks	837
Traffic Stops	181
Calls for Service (Excluding 1061's)	380
All CAD Calls – Total*	1217

Traffic Summary	Monthly
Warnings (Written and Verbal)	155
Citations	80
Total	235

Data Source: Motorola Premier 1

*Omit Miscellaneous Calls

Summary: During the month of June, there were 1,217 generated calls within the district. 84% of these calls were self-initiated.

Crimes	Monthly
Murder	0
Shooting	0
Sexual Assault	1
Robbery	0
Burglary- Business	2
Burglary- Residential	0
Burglary- Vehicle	1
Burglary- Construction	1
Larceny	3
Motor Vehicle Theft	1
Vandalism	1
Fire	0
Total	10

Sexual Assault:

REPORT #	RECEIVED DATE/TIME	DATE/TIME FROM	DATE/TIME TO	ADDRESS	NOTATION
19088156	06/30/19 18:29	4/28/2019 0:00	6/30/2019 18:45		Victim's father reported that his juvenile daughter had sex with a 29 YO BM and he has attempted to contact the victim after she told him she does not want to see or talk to him again.

Business Burglary:

REPORT #	DATE/TIME FROM	DATE/TIME TO	ADDRESS	NOTATIONS
19079668	06/06/19 22:45	06/07/19 07:00		Unknown suspect(s) removed various pieces of lawn equipment from _____. No serial numbers were available at the time of the report. No CCTV or witnesses.
19081857	06/12/19 17:00	06/13/19 07:00		Unknown suspect(s) entered the property through the unlocked front gate and drove (2) John Deere lawn mowers off the property. The keys were left in the ignition. No CCTV or witnesses.

Vehicle Burglary:

REPORT #	DATE/TIME FROM	DATE/TIME TO	ADDRESS	NOTATIONS
19077731	6/1/19 21:38	6/1/19 21:45		Victim witnessed unknown suspects loading his 4-wheeler into a pickup truck and leaving the driveway. He also noticed his cellphone was taken from inside an unlocked vehicle in the driveway. Victim is in possession of the 4-wheeler key.

Construction Burglary:

REPORT #	DATE/TIME FROM	DATE/TIME TO	ADDRESS	NOTATIONS
19083343	06/16/19 20:00	06/17/19 06:00		Victim noticed an unknown trailer on the property around 20:00 on 6/16 and assumed it belonged to the contractor because it was holding (40) aluminum panels that were being used to build an Equestrian structure on her property. The next morning the contractor informed her that it was not their trailer and the panels were now missing. No CCTV or witnesses.

Larceny:

REPORT #	DATE/TIME FROM	DATE/TIME TO	ADDRESS	NOTATIONS
19079440	06/06/19 15:00	06/06/19 18:30		Victim had several equestrian jumps taken from his property. He is in the process of evicting a tenant who rents his stable and lives in the barn cottage and he suspects she took the horse jumps. No CCTV or evidence of the theft.
19082533	06/12/19 15:30	06/14/19 19:30		Victim's son took her cellphone from her desk at the Big Dog Ranch. He was located and arrested.
19085349	06/22/19 20:00	06/22/19 20:45	15625 Southern Blvd	Two unknown BMs removed (6) bottles of liquor from Publix.

Motor Vehicle Theft:

REPORT #	RECEIVED DATE/TIME	ADDRESS	NOTATION
19083934	06/18/19 19:52		Unknown suspect(s) removed a 4-wheeler from the victim's yard. Vehicle could not be entered into teletype due to owner's inability to show ownership.

Vandalism:

REPORT #	RECEIVED DATE/TIME	ADDRESS	NOTATIONS
19078176	06/03/19 09:49		Unknown suspect(s) pried the mailbox open but nothing was reported missing.

15845 Southern Boulevard, Loxahatchee, FL 33470

All CAD Incidents



Business Checks	46
Vehicle Stop	1
Alarm	1
Suicide Attempt	1
Totals	49

Data Source: Motorola Premier 1

Summary: There was one case for the month of June which was a suicide attempt.

Southern Blvd and B Rd Publix Plaza

All CAD Incidents excluding self-initiated calls

Suspicious Vehicle	1
Suspicious Person	1
Disturbance	1
Theft	1
Alarm	1
Total	5

Data Source: Crimeview Dashboard



Map Legend:

	THEFT - ALL OTHER
	SUSPICIOUS
	DISTURBANCE
	ALARM



155 F Road Loxahatchee Groves, FL 33470

TO: Mayor and Councilmembers

FROM: James Titcomb, Town Manager

VIA: Francine Ramaglia, Assistant Town Manager

SUBJECT: Purchases in Accordance with Ordinance 2008-09 & Resolution No. 2019-36

Background:

The OGEM roadways in the Town are in varying degrees of disrepair and specific areas have been identified by the Town as potential “pilot projects” with varying methods for performing repairs. More specifically, the 480 LF x 20’ wide section of OGEM on Folsom Drive between Okeechobee and Compton, has been identified as a safety hazard due to its significant deterioration such that at its May 7, 2019 Council Meeting, the Town Council directed Town staff to complete repairs immediately based on information provided in the Public Works Director’s report.

Given the immediacy of the need for the repairs, rather than a lengthy and formal competitive bidding process, the Town approved Resolution No. 2019-36 at its June 4th meeting which authorizes using other government agency contracts and authorizes execution of necessary documents to implement cooperative purchasing agreements. Pursuant to this Resolution, Public Works is utilizing an open purchase order with the City of Pompano Beach for paving using the same or equivalent products at equal or lower pricing of such Pompano Beach Purchase Order dated January 31, 2019.

The section of Folsom noted above was repaired on July 3rd by Hardrives using the Pompano Beach Purchase Order based on previous direction from Council. However, as the estimated cost of \$22,680 (see attached quotation) exceeds the \$10,000 threshold under the current purchasing Ordinance 2008-09, Council approval continues to be required until the updates to our purchasing ordinance are completed.

Recommendations: Staff recommends that Council approve and authorize payment to Hardrives for the paving of the above noted section of Folsom Road.

● SITEMARK ● ASPHALT PAVING ● ROADWAYS ● PARKING AREAS ● CONCRETE WORK

HARDRIVES, INC.

2101 SOUTH CONGRESS AVENUE
DELRAY BEACH, FLORIDA 33445-7398

PHONE 561-278-0456
FAX 561-278-2147

QUOTATION

May 13, 2019

Ph: (561) 793-2418

Email: LPeters@loxahatcheegrovesfl.gov

To: Larry Peters
Public Works Director
155 F Road
Loxahatchee Groves, FL 33470

Name of Project: Folsom Road Paving
Location: Folsom Road, Loxahatchee Groves
Plans and Specifications: As Described Below

WE PROPOSE TO FURNISH ALL LABOR & EQUIPMENT TO PERFORM THE FOLLOWING:

Broom clean roadway and fill existing potholes.

Tack and Pave with 2" Type S-III Asphalt. 490' x 20' approx. 1,089 SY

Lump Sum \$22,680.00

NOTES:

- All permits and fees by others.
- Price includes M.O.T. Flaggers for one-way traffic.
- If Town would consider 2" vs. 1 1/4" Type S-III Asphalt, it should help to last 5-10 years longer.

Prices are valid for 30 days.

ACCEPTED BY:

TITLE

DATE:

HARDRIVES, INC.


Craig K. Elmore, Vice President

HARDRIVES CANNOT GUARANTEE OR BE RESPONSIBLE FOR ROCK BASE WORK CONSTRUCTED BY OTHERS:

Power steering and fast starts will damage asphalt. We cannot be held responsible after completion of this project. Grass and weeds will grow through asphalt. The control of these is the responsibility of the owner of the property. Buyer's signed acceptance will constitute a binding contract. In the event there is any default in payments due under this contract and the same is placed in the hands of an attorney for collection, the purchaser and/or purchasers agree to pay all cost of collection, including a reasonable attorney's fee.



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: RESOLUTION NO. 2019-DD08 establishing the District's preliminary Road & Drainage non-ad valorem assessment rate for FY 2019-2020

Background:

Truth-in-Millage (TRIM) rates are due to the Palm Beach County Property Appraiser's office by July 26th though the office requests the rates earlier to facilitate preparation of TRIM notices which will be sent out by their office no later than August 19th. The accompanying Resolution 2019-39 specifies the District's preliminary non-ad valorem assessment rate for Roads and Drainage to be included on the annual TRIM notice for all taxable property within the boundaries of the Loxahatchee Groves Water Control District.

The proposed rate of \$200 per unit is set at the same rate as in FY 2018-2019 as we continue to develop the proposed budget and capital plan for FY 2019-2020 that will be presented to Council at its budget workshops.

The District's final non-ad valorem assessment rate for Roads and Drainage will be adopted following the required public hearing in September currently scheduled for September 5th. The Council may adopt final rates at or below the preliminary TRIM rates.

Recommendations:

Staff recommends approval of the Resolution No. 2019-DD08 establishing the District's preliminary Road & Drainage non-ad valorem assessment rate for the fiscal year beginning October 1, 2019 proposed at \$200/unit (the same rate as for FY 2019, the current year).

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT
RESOLUTION NO. 2019-DD08**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF DISTRICT SERVICES, INCLUDING WATER CONTROL MAINTENANCE AND REPAIR OF DRAINAGE AND ROADWAYS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR DISTRICT SPECIAL ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Loxahatchee Groves Water Control District (“District”), a former Independent Special District, has become a Dependent District of the Town of Loxahatchee Groves; and,

WHEREAS, the District has been authorized by the Florida Statutes to construct, improve, manage and maintain water control and drainage facilities, and by the Florida Legislature to construct, improve, maintain and repair roadways, within the geographical boundaries of the District; and,

WHEREAS, the District is authorized to impose non-ad valorem special assessments pursuant to section 189.05, Florida Statutes, and the Special Act; and

WHEREAS, it is fair and reasonable to impose a non-ad valorem special assessment upon specially benefited property to fund the costs of the District Services; and,

WHEREAS, the Board of Supervisors determines that such operations, repairs and maintenance of the District works are uniformly required within all Units of the District and properties receiving District Services, as each is connected and receive equal benefit through the operations and maintenance of the District’s Services; and

WHEREAS, the Board of Supervisors for the District finds that there are 7,787.9120 Assessable Units (acres) that receive the benefits of District and being assessed for such services through this Resolution; and

WHEREAS, the Board of Supervisors finds it in the best interest of the landowners and the District to levy and collect the special assessment to fund District Services.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, 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. AUTHORITY. This Resolution is adopted pursuant to the provisions of Chapter 2018-175, Laws of Florida, (the "Special Act"), Chapters 99-425 and 2004-410, Laws of Florida, which by virtue of the approval of the dependency referendum on June 25, 2018, became ordinances of the Town, Chapters 189 and 298, Florida Statutes, and other applicable provisions of law.

SECTION 3. PURPOSE AND DEFINITIONS.

(a) Purpose. This Resolution constitutes the Preliminary Rate Resolution which initiates the annual process for imposing the annual special assessments, as authorized Chapter 189, Florida Statutes, creates the Assessment Roll and directs the imposition of Loxahatchee Groves Water Control District Special Assessments for the Fiscal Year beginning October 1, 2019.

(b) Definitions. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Special Act and Chapters 189 and 197, Florida Statutes. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa.

- a. *Assessed Costs* shall include all costs of providing District Services to and for Assessed Properties that receive benefits from District Services, including water control and drainage services, and as well as road construction, improvement, repair and maintenance services associated with the District's responsibilities of providing water control and drainage services to Assessed Properties within the Town. These costs shall include, but not be limited to, the following components: (A) the cost of physical construction, reconstruction, or completion of any required facility or improvement; (B) the costs incurred in any required acquisition or purchase; (C) the cost of all labor, materials, machinery, and equipment; (D) the cost of fuel, parts, supplies, maintenance, repairs, and utilities; (E) the cost of computer services, data processing, and communications; (F) the cost of all lands and interest therein, leases, property rights, easements, and franchises of any nature whatsoever, (G) the cost of any indemnity or surety bonds and premiums for insurance; (H) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (I) the cost of uniforms, training, travel, and per diem; (J) the cost of construction plans and specifications, surveys and estimates of costs; (K) the cost of engineering, financial legal, and other professional services; (L) the costs of compliance with any contracts or agreements entered into by the District, or the Town as authorized by the Interlocal Agreement between the Town and District, to provide District Services; (M) all costs associated with the structure, implementation, collection, and enforcement of the special assessment, including any service charges of the Tax Collector, or Property Appraiser and amounts necessary to off-set discounts received for early

payment of special assessment pursuant to the Uniform Assessment Collection Act and Florida law; (N) all other costs and expenses necessary or incidental to the provision of District Service or construction of District facilities, or programs, and such other expenses as may be necessary or incidental to any related financing authorized by the District Board of Supervisors by subsequent resolution; (O) a reasonable amount for contingency and anticipated delinquencies and uncollectible special assessments; and (P) reimbursement to the Town or any other Person for any moneys advanced for any costs incurred by the Town or such Person in connection with any of the foregoing components of Assessed Cost or the provision of District Services.

- b. *Assessed Properties* shall mean all properties that are provided a special benefit by the District's provision of District Services.
- c. *District Services* are all services (including those items described above in the definition of Assessed Costs) provided by the District relating to water control and drainage services, and road construction, improvement, repair and maintenance services associated with the District's responsibilities.

SECTION 4. PROVISION AND FUNDING OF THE DISTRICT'S WATER MANAGEMENT SYSTEM.

(A) Upon the imposition of District Special Assessment, the District shall provide District Services to such Assessed Property.

(B) It is hereby ascertained, determined and declared that each Assessed Property will be benefited by the District's provision of District Services in an amount not less than the special assessment imposed upon such Assessed Properties, computed in the manner set forth herein.

SECTION 5. IMPOSITION AND COMPUTATION OF WATER MANAGEMENT

SYSTEM ASSESSMENTS. The special assessment for District Services shall be imposed upon all Assessable Units that receive District Services.

SECTION 6. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT, FAIR APPORTIONMENT, AND PARCEL APPORTIONMENT METHODOLOGIES.

(A) Special Benefit: The District is authorized to levy and collect the special assessment pursuant to the Special Act, Town Ordinances and Chapters 189 and 298, Florida Statutes.

Assessed Properties are benefitted by the provision of District Services:

1. Water control and drainage services enable the use of lands, including the development thereof;
2. The unique nature of the roads and water control and drainage facilities, including the canal networks, has resulted in an interconnection of the two types of facilities, such that the proper repair and maintenance of one directly affects the use and functionality of the other. Roadway drainage facilities, including culverts, must be so constructed, improved, repaired and maintained so as not to damage or threaten the integrity of the water control system, including the canals. The canals and related drainage facilities must be so constructed, improved, repaired and maintained so as not to damage or threaten the integrity of the roadways, including avoidance of washouts and roadway collapses, which affects the usability and safety of roadways and impairs access to Assessed Properties.
3. The importance of roadway construction, improvement maintenance and repair to the ability of the District to provide water control and drainage services was

recognized by the Florida Legislature in 1999, as evidenced by Chapter 99-425, Florida Statutes, which expressly provided the power to the previously independent water control district “to maintain roadways and roads necessary and convenient for the exercise of the powers and duties” of the district, and “to maintain roadways and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, and other beneficial use and development as a result of the reclamation operations of the district.” The Florida Legislature, further recognizing the importance of roads and roadways to the ability of the District to provide water control and maintenance services, authorized the formerly independent special district to “construct, maintain, improve and repair roadways and roads necessary and convenient for the exercise of any of the powers or duties of the district or board of supervisors thereof.”

4. The special benefits provided by the District Services to Assessed Property include, but are not limited to: (1) the ability to use and develop property; (2) enhancing safety and access to Assessed Property; (4) improved appearance; (5) rendering Assessed Property more adaptable to a current or reasonably foreseeable use; (6) alleviation of the burdens caused by drainage and accumulation attendant with the use of Assessed Property; and (7) ensuring that the interaction between the drainage and roadway facilities is facilitated so that both functions work in a coordinated fashion to ensure proper water control and drainage, and safety of travel and use of roads and roadways within the Town.

These findings provide the requisite special benefit and logical relationship between the District Services and real property so as to permit the District Services to be funded by non-ad valorem special assessment.

(B) Fair and Reasonable Apportionment: It is fair and reasonable to equally apportion the Assessed Costs of the Water Management System upon the assessed units, on a per acre basis, as the size of the Assessed Property corresponds with its impact with water control and drainage facilities, as well as the potential for use of roadways reliant on proper drainage, and the amount of the assessment on each of the assessed units does not exceed the benefits received by each assessed unit from the District's Services.

(C) Units: Assessable Units shall be calculated on a per acre basis. Each tract or parcel of land that is less than one acre shall be assessed as one full acre (one unit). Each tract or parcel of land of more than one (1) acre, which contains a fraction of an acre, shall be assessed at the actual number of acres rounded to a fraction of four digits.

SECTION 7. DETERMINATION OF WATER MANAGEMENT SYSTEM ASSESSED COSTS; ESTABLISHMENT OF ANNUAL WATER MANAGEMENT SYSTEM ASSESSMENT RATES.

(A) The District Services Assessed Costs to be assessed and apportioned among Assessed Properties for the Fiscal Year commencing October 1, 2019, is preliminarily \$2.5 million. The Assessable Unit Apportionment for the Fiscal Year commencing October 1, 2019, is \$200 per Unit. The adoption of this Preliminary Rate Resolution determines the amount of the District Services Assessed Costs. The remainder of such Fiscal Year budget for District Services shall be funded from available District revenue other than assessment proceeds.

(B) The estimated special assessment specified herein are hereby established to fund the costs of the District Services to be assessed in the Fiscal Year commencing October 1, 2019.

(C) The estimated special assessment established in this Preliminary Rate Resolution shall be the estimated assessment rates applied by the Palm Beach County Property Appraiser in the preparation of the Assessment Roll for the Fiscal Year commencing October 1, 2019 as provided in this Preliminary Rate Resolution.

SECTION 8. ANNUAL ASSESSMENT ROLL.

(A) The Palm Beach County Property Appraiser is hereby directed to prepare, or cause to be prepared, an Assessment Roll for the Fiscal Year commencing October 1, 2019, in the manner provided herein and Section 197.3632, Florida Statutes. The Assessment Roll shall include all units being assessed herein. The Palm Beach County Property Appraiser shall apportion the estimated Assessed Costs in the manner set forth in this Preliminary Rate Resolution. A copy of this Preliminary Rate Resolution, the Special Act, Town Ordinances, and the updated Assessment Roll shall be maintained on file in the office of the Secretary of the District and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll proposed for the Fiscal Year beginning October 1, 2019, be in printed form if the amount of the special assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(B) It is hereby ascertained, determined, and declared that the method of determining the special assessments for District Services as set forth herein is a fair and reasonable method of apportioning the Assessed Cost among units of Assessed Property.

SECTION 9. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held on September 5, 2019, at the Loxahatchee Groves Town Hall, 155 F Road, Town of Loxahatchee Groves, Florida, at which time the Board of Supervisors

of the District will receive and consider any comments on the special assessment from the public and affected property owners and consider imposing District Services Assessments for the Fiscal Year beginning October 1, 2019 and collecting the assessments on the same bill as non-ad valorem taxes.

SECTION 10. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the District from the special assessment will be utilized for the District Services. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund District Services.

SECTION 11. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 12. SEVERABILITY. 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 13. EFFECTIVE DATE. This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

Supervisor _____ offered the foregoing resolution. Supervisor _____ 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, CHAIRPERSON/PRESIDENT	☐	☐	☐
Dave DeMarios, SUPERVISOR	☐	☐	☐

Laura Danowski, SUPERVISOR

☐ ☐ ☐

Lisa El-Ramey, SUPERVISOR

☐ ☐ ☐

Phillis Maniglia, SUPERVISOR

☐ ☐ ☐

**ADOPTED BY THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A
DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA,
THIS 9th DAY OF JULY 2019.**

LOXAHATCHEE GROVES WATER
CONTROL DISTRICT

ATTEST:

Chairperson/President

Clerk for the Loxahatchee Groves
Water Control District

Supervisor/Treasurer

Supervisor

APPROVED AS TO LEGAL FORM:

Supervisor

Attorney for the Loxahatchee Groves Water
Control District

Supervisor

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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: RESOLUTION NO. 2019-DD09 establishing the District's preliminary
OGEM debt non-ad valorem assessment rates for FY 2019-2020**

Background:

Truth-in-Millage (TRIM) rates are due to the Palm Beach County Property Appraiser's office by July 26th though the office requests the rates earlier to facilitate preparation of TRIM notices which will be sent out by their office no later than August 19th. The accompanying Resolution 2019-DD09 specifies the District's preliminary non-ad valorem assessment rate for OGEM Debt to be included on the annual TRIM notice for the specified properties benefited within the areas delineated on the accompanying map of the Loxahatchee Groves Water Control District.

The proposed rates of \$97.85/unit North A; \$102.45/unit North C; \$162.65/unit South C; \$113.59/unit North D; \$627.16/unit UD1, all of which are based on the debt service schedule set forth by the Bank.

The District's final non-ad valorem assessment rate for OGEM Debt will be adopted following the required public hearing in September currently scheduled for September 5th. The Council may adopt final rates at or below the preliminary TRIM rates.

Recommendations:

Staff recommends approval of the Resolution No. 2019-DD09 establishing the District's preliminary OGEM debt non-ad valorem assessment rates for the fiscal year beginning October 1, 2019 proposed as follows: \$97.85/unit North A; \$102.45/unit North C; \$162.65/unit South C; \$113.59/unit North D; \$627.16/unit UD1, all of which are based on the debt service schedule set forth by the Bank.

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT
RESOLUTION NO. 2019-DD09**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE DEBT SERVICE PAYMENTS FOR CAPITAL IMPROVEMENTS FOR NORTH “A” ROAD, NORTH “C” ROAD, SOUTH “C” ROAD, NORTH “D” ROAD AND UNIT 1 DEVELOPMENT; CONFIRMING THE ASSESSMENT AMOUNTS TO BE LEVIED FOR EACH ASSESSMENT TO FUND CAPITAL IMPROVEMENTS FUNDED BY DISTRICT-ISSUED DEBT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ESTABLISHING THE MAXIMUM ASSESSMENT RATES FOR FUTURE YEARS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Loxahatchee Groves Water Control District (“District”), a former Independent Special District, has become a Dependent District of the Town of Loxahatchee Groves; and,

WHEREAS, the District is authorized to impose non-ad valorem special assessments pursuant to section 189.05, Florida Statutes, and the Special Act; and

WHEREAS, in 2011, the District undertook capital improvement projects on behalf and after a vote of the benefited property owners for the following projects: North “A” Road, North “C” Road, South “C” Road, North “D” Road and Unit 1 Development (collectively, the “Projects”), which were specially benefited by the capital improvements;

WHEREAS, since 2011, the specially benefited properties have paid special assessments for their contribution of the costs of the Projects, which has been used by the District to pay the debt service for the costs of the Projects; and,

WHEREAS, the Board of Supervisors finds it in the best interest of the landowners and the District to levy and collect the special assessment upon the specially benefitted properties for the Projects as described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, 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. AUTHORITY. This Resolution is adopted pursuant to the provisions of Chapter 2018-175, Laws of Florida, (the "Special Act"), Chapters 99-425 and 2004-410, Laws of Florida, which by virtue of the approval of the dependency referendum on June 25, 2018, became ordinances of the Town, Chapters 189 and 298, Florida Statutes, and other applicable provisions of law.

SECTION 3. PURPOSE AND DEFINITIONS.

(a) Purpose. This Resolution constitutes the Preliminary Rate Resolution which initiates the annual process for imposing the annual special assessments, as authorized Chapter 189, Florida Statutes, creates the Assessment Roll and directs the imposition of special assessments for the benefitted properties for the Fiscal Year beginning October 1, 2019, for the following Projects: North "A" Road, North "C" Road, South "C" Road, North "D" Road, and Unit Development 1.

SECTION 4. IMPOSITION AND COMPUTATION OF WATER MANAGEMENT SYSTEM ASSESSMENTS. The special assessment for the Projects shall be imposed upon all Assessable Units in the same manner as levied previously by the formerly independent special district.

SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT, FAIR APPORTIONMENT, AND PARCEL APPORTIONMENT METHODOLOGIES.

(A) Special Benefit: All previous resolutions, loan documents, records of and actions by the previously independent special districts related to the Projects and the special assessments levied herein are hereby incorporated herein to support the special benefit and fair apportionment of the special assessment on the assessed properties.

(B) Units: Assessable Units shall be calculated on a per acre basis. Each tract or parcel of land that is less than one acre shall be assessed as one full acre (one unit). Each tract or parcel of land of more than one (1) acre, which contains a fraction of an acre, shall be assessed at the actual number of acres rounded to a fraction of four digits.

SECTION 6. DETERMINATION OF ASSESSED COSTS AND ASSESSMENT RATES.

(A) The Assessed Costs to be assessed and apportioned among Assessed Properties for the Fiscal Year commencing October 1, 2019, for the Projects is \$_____.

(B) The Assessable Unit Apportionment for the Fiscal Year commencing October 1, 2019, for the assessed properties for each Project is as follows:

1. North "A" Road: \$___ per acre.
2. North "C" Road: \$___per acre.
3. South "C" Road: \$___per acre.
4. North "D" Road: \$___per acre.
5. Unit 1 Development: \$___per acre.

The adoption of this Preliminary Rate Resolution determines the amount of the Assessed Costs of the Projects and the Assessment Rates for FY 2019.

(C) The maximum assessment in future years for each of the Projects is as follows:

1. North "A" Road: \$98.32 per acre.
2. North "C" Road: \$102.94 per acre.
3. South "C" Road: \$163.53 per acre.
4. North "D" Road: \$114.19 per acre.
5. Unit 1 Development: \$668.69 per acre.

SECTION 7. ANNUAL ASSESSMENT ROLL.

(A) The Palm Beach County Property Appraiser is hereby directed to prepare, or cause to be prepared, the Assessment Roll(s) for the Fiscal Year commencing October 1, 2019, in the manner provided herein and Section 197.3632, Florida Statutes, for the amounts set forth in Subsection 6(B). The Assessment Roll(s) shall include all units being assessed herein. The Palm Beach County Property Appraiser shall apportion the estimated Assessed Costs in the manner set forth in this Preliminary Rate Resolution. A copy of this Preliminary Rate Resolution, District materials and information on the Projects and debt service, and the updated Assessment Roll(s) shall be maintained on file in the office of the Secretary of the District and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll(s) proposed for the Fiscal Year beginning October 1, 2019, be in printed form if the amount of the special assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(B) It is hereby ascertained, determined, and declared that the method of determining the special assessments for the Projects as set forth herein is a fair and reasonable method of apportioning the Assessed Cost among units of Assessed Property.

SECTION 8. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 7:00 p.m. on September 6, 2019, at the Loxahatchee Groves Town Hall, 155 F Road, Town of Loxahatchee Groves, Florida, at which time the Board of Supervisors of the District will receive and consider any comments on the special assessments from the public and affected property owners and consider imposing special assessments for the Fiscal Year beginning October 1, 2019 and collecting the assessments on the same bill as non-ad valorem taxes.

SECTION 9. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the District from the special assessment will be utilized for repayment of the debt service issued by the District to fund the Projects. In the event there is any fund balance remaining at the end of the Fiscal Year for a specific Project, such balance shall be carried forward and used only to fund the portion of future debt service payments attributable for that Project.

SECTION 10. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 11. SEVERABILITY. 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 12. EFFECTIVE DATE. This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

Supervisor _____ offered the foregoing resolution. Supervisor _____ 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, CHAIRPERSON/PRESIDENT	☐	☐	☐
Dave DeMarios, SUPERVISOR	☐	☐	☐
Laura Danowski, SUPERVISOR	☐	☐	☐
Lisa El-Ramey, SUPERVISOR	☐	☐	☐
Phillis Maniglia, SUPERVISOR	☐	☐	☐

**ADOPTED BY THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A
DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA,
THIS __ DAY OF JULY, 2019.**

LOXAHATCHEE GROVES WATER
CONTROL DISTRICT

ATTEST:

Chairperson/President

Clerk for the Loxahatchee Groves
Water Control District

Supervisor

Supervisor

APPROVED AS TO LEGAL FORM:

Supervisor

Attorney for the Loxahatchee Groves
Water Control District

Supervisor





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: RESOLUTION NO. 2019-38 establishing the Town's preliminary ad valorem millage rate for Truth-in-Millage ("TRIM") purposes for FY 2019-2020

Background:

Truth-in-Millage (TRIM) rates are due to the Palm Beach County Property Appraiser's office by July 26th though the office requests the rates earlier to facilitate preparation of TRIM notices which will be sent out by their office no later than August 19th. The accompanying Resolution 2019-39 specifies the preliminary millage rate to be included on the annual TRIM notice for all taxable property within the Town of Loxahatchee Groves.

The proposed rate of 3 mills is set at the same rate as in FY 2018-2019 as we continue to develop the proposed budget and capital plan for FY 2019-2020 that will be presented to Council at its budget workshops.

The Town's final millage will be adopted following the required public hearings in September currently scheduled for September 5th and September 19th. The Council may adopt final rates at or below the preliminary TRIM rates.

Recommendations:

Staff recommends approval of the Resolution No. 2019-38 establishing the Town's preliminary ad valorem millage rate for Truth-in-Millage ("TRIM") purposes for the fiscal year beginning October 1, 2019 proposed at 3 mills (the same rate as for FY 2019, the current year).

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2019-38

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ADOPTING A PROPOSED OPERATING MILLAGE RATE OF 3.000 FOR GENERAL OPERATING BUDGET PURPOSES FOR FISCAL YEAR 2019/2020; APPROVING AND AUTHORIZING TRANSMITTAL OF THE FORM DR-420 TO THE PROPERTY APPRAISER; PROVIDING FOR THE ESTABLISHMENT OF AND SETTING FORTH THE DATE, TIME AND PLACE OF THE PUBLIC HEARING TO CONSIDER THE FISCAL YEAR 2019/2020 PROPOSED MILLAGE RATE AND TENTATIVE BUDGET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Florida Statute 200.065 (TRIM), the Palm Beach County Property Appraiser has certified the taxable value within the jurisdiction of the Town of Loxahatchee Groves, including a copy of the Statement required to be submitted under Florida Statute Section 195.073(3) (a/k/a Form DR-420); and

WHEREAS, pursuant to Florida Statute Section 200.065(2)(b), the Town must advise the Palm Beach County Property Appraiser of its proposed millage rate, of its rolled back rate computed pursuant to Florida Statute Section 200.065(1), and of the date, time and place at which a public hearing will be held to consider the proposed millage rate, proposed millage levy for voted debt service, and the tentative budget;

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 Manager, or his designee, is hereby authorized and instructed to complete and transmit the DR-420 to the Palm Beach County Property Appraiser, and to take such further action as is reasonably required pursuant to Section 200.065, Florida Statutes.

Section 3: The Town Council hereby adopts a proposed operating millage rate of **3.000** for General Fund budget purposes for Fiscal Year 2019-2020.

Section 4: The Town Council of the Town of Loxahatchee Groves hereby sets September 5, 2019 at the Town of Loxahatchee Groves Town Hall, 155 F Road Loxahatchee Groves, Florida 33470, as the date, time and place of the Public Hearing to consider the proposed millage rate and the tentative budget.

Section 5: That if any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

Section 6: That all Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 7: That this Resolution shall be effective immediately 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 JULY, 2019.**

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Mayor

Town Clerk

Vice Mayor

APPROVED AS TO LEGAL FORM:

Council Member

Council Member

Office of the Town Attorney

Council Member



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: RESOLUTION NO. 2019-39 establishing the Town's preliminary non-ad valorem assessment rate for Solid Waste Collection and Recycling Services for FY 2019-2020

Background:

Truth-in-Millage (TRIM) rates are due to the Palm Beach County Property Appraiser's office by July 26th though the office requests the rates earlier to facilitate preparation of TRIM notices which will be sent out by their office no later than August 19th. The accompanying Resolution 2019-39 specifies the preliminary non-ad valorem assessment rate for Solid Waste Collection and Recycling Services to be included on the annual TRIM notice for all taxable property within the Town of Loxahatchee Groves.

The proposed rate of \$450 per unit is set at the same rate as in FY 2018-2019 as we continue to develop the proposed budget and capital plan for FY 2019-2020 that will be presented to Council at its budget workshops.

The Town's final non-ad valorem assessment rate for Solid Waste Collection and Recycling Services will be adopted following the required public hearing in September currently scheduled for September 5th. The Council may adopt final rates at or below the preliminary TRIM rates.

Recommendations:

Staff recommends approval of the Resolution No. 2019-39 establishing the Town's preliminary non-ad valorem assessment rate for Solid Waste Collection and Recycling Services for the fiscal year beginning October 1, 2019 proposed at \$450/unit for residential curbside service (the same rate as for FY 2019, the current year)

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2019-39

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES AND FACILITIES AND PROGRAMS ("SOLID WASTE COLLECTION SERVICES") IN THE TOWN OF LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Town of Loxahatchee Groves Ordinance No. 2008-05, entitled “Special Assessments,” adopted on July 1, 2008, provides for the home rule authority of the Town Council to levy and collect special assessments; and,

WHEREAS, Ordinance 2008-05, authorizes the Town to “create, install, improve, maintain and fund any and all costs associated with the Town establishing and operating a Town system of providing a solid waste collection services program (Solid Waste Collection Program) for residential and/or commercial service to the property owners, residents and citizens of the Town,” and provides findings of special benefit to real property as a result of such services; and,

WHEREAS, the Town has in place a Collection Agreement, pursuant to which the Town provides Solid Waste Collection Services to, among others, all residential properties that receive residential solid waste collection services within the Town; and,

WHEREAS, the Town believes it is in the best interests of the residents and residential property owners to collect funds for the costs of the Town’s Solid Waste Collection Services to all residential dwelling units that receive Solid Waste Collection Services provided by the Town, through its Collection Agreement, through the levy and collection of a special assessment, as such will permit the payment for the services on an annual basis along with property taxes and

other special assessments and reduce the costs of the Solid Waste Collection Program to the Town; and,

WHEREAS, the Town's Collection Agreement with Contractor provides for the levy and collection of a Solid Waste Collection Services Special Assessment by the Town, and remittance of payment to Contractor; and,

WHEREAS, Solid Waste Collection Services provided by the Town through its Collection Agreement as defined hereinafter provide the requisite special benefit to Assessed Property such that they may be funded through a special assessment; and,

WHEREAS, Town staff has reviewed the budget for Solid Waste Collection Services for residential dwelling units that receive residential Solid Waste Collection Services provided by the Town through the Collection Agreement to ensure that the Solid Waste Collection Services Special Assessment meets the legal requirements for special benefit and fair apportionment; and,

WHEREAS, the Town Council determines that it is fair and equitable to levy and collect a non-ad valorem special assessment to fund the Solid Waste Collection Services provided by the Town through its Collection Agreement, consistent with the methodology and allocation as provided hereinafter.

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

SECTION 1. RECITALS. The foregoing "WHEREAS" clauses are hereby ratified and confirmed by the Town Council and incorporated herein by this reference.

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of Ordinance No. 2008-05 (the "Ordinance"), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 3. PURPOSE. This Resolution constitutes the Preliminary Assessment Resolution which initiates the process for developing the annual Assessment Roll and directs the imposition of a Solid Waste Collection Services Assessment as described hereinafter, for the Fiscal Year beginning October 1, 2019. Its purpose is to provide procedures and standards for the imposition of a Solid Waste Collection Services Assessment for all Dwelling Units that receive solid waste collection services within the Town under the general home rule powers of a municipality to impose special assessments, and to authorize a procedure for the funding of Solid Waste Collection Services for these residential properties, facilities, or programs providing special benefits to Assessed Properties within the Town.

SECTION 4. DEFINITIONS. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this Resolution, the following terms shall have the following meanings unless the context hereof otherwise requires:

"Assessed Property" means all Residential Property that receive a special benefit from the delivery by the Town of the Solid Waste Collection Services, programs or facilities described herein.

"Assessment Coordinator" means the Town Manager or such other person designated by the Town Council to administer the Town's Solid Waste Collection Services, facility, or program, or such person's designee.

"Assessment Roll" means the special assessment roll relating to the residential Solid Waste Collection Services Assessment approved herein, or an Annual Rate Resolution pursuant to the Final Resolution.

“Billing Unit” means each Dwelling Unit receiving residential Solid Waste Collection Services.

"Cost Apportionment" means the apportionment of the residential Solid Waste Collection Services Assessed Cost among all Residential Properties that receive residential Solid Waste Collection Services pursuant to the apportionment methodology described in Section 8 of this Preliminary Assessment Resolution.

“Dwelling Unit” means (1) a Building, or a portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only, or (2) the use of mobile homes, travel trailers, or the like for residential purposes, with each mobile home, travel trailer, or the like used for residential purposes being a single Dwelling Unit.

"Estimated Solid Waste Collection Services Assessment Rate Schedule" means that rate schedule attached hereto as Appendix “A” and hereby incorporated herein by reference, specifying the Solid Waste Collection Services Assessed Costs determined in Section 9 of this Preliminary Assessment Resolution and the estimated Solid Waste Collection Services Assessments established in Section 9 of this Preliminary Assessment Resolution.

“Improvement Codes” mean the building use codes (also known as DOR codes) assigned by the Property Appraiser to Tax Parcels within the Town.

"Residential Property" means those Tax Parcels with a Code Description designated as Single-Family "Residential" within the Improvement Codes and those otherwise designated as “Residential” within the Improvement Codes that receive residential Solid Waste Collection Services by the Town through the Collection Agreement.

“Solid Waste Collection Services” shall mean the collection of solid waste as described in Section 109 of Town Ordinance 2008-05, and as provided pursuant to the Collection Agreement with Contractor.

“Solid Waste Collection Services Assessment” means a special assessment lawfully imposed by the Town against Assessed Property to fund all or any portion of the cost for Town’s Solid Waste Collection Services for residential properties, facilities, or programs providing a special benefit to property as a consequence of a logical relationship to the value, use, or characteristics of property. Solid Waste Collection Services funded by this Solid Waste Collection Services Assessment include those services provided pursuant to the Town’s Collection Agreement for residential Solid Waste Collection Services.

“Solid Waste Collection Services Cost” means the amount necessary in any Calendar Year to fund the provision of the Town’s Solid Waste Collection Services for residential properties, facilities, or programs that provide a special benefit to Assessable Property, through the Collection Agreement. In addition, Solid Waste Collection Services Cost shall include all costs associated with the structure, implementation, collection, and enforcement of the Solid Waste Collection Services Assessment, including costs for providing required notice, legal and management staff costs, any service charges of the Tax Collector or Property Appraiser, and amounts necessary to off-set discounts received for early payment of Solid Waste Collection Services Assessments pursuant to the Uniform Assessment Collection Act.

“Tax Collector” shall mean the Tax Collector of Palm Beach County.

“Tax Parcel” means a parcel of property located within the Town to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

“Uniform Assessment Collection Act” means Sections 197.3632 and 197.3635, Florida Statutes, as amended, and any successor statutes authorizing the collection of non-ad valorem special assessments on the same bill as ad valorem taxes, and any regulations pertaining thereto.

SECTION 5. PROVISION AND FUNDING OF SOLID WASTE COLLECTION SERVICES.

(A) Upon the imposition of the Solid Waste Collection Services Assessment for Solid Waste Collection Services for residential properties, facilities, or programs against Assessed Property located within the Town, the Town shall provide Solid Waste Collection Services to such Assessed Property through the Collection Agreement. The cost to provide such Solid Waste Collection Services, facilities, or programs to residential properties, as described herein, shall be funded in whole or in part from proceeds of the Solid Waste Collection Services Assessments.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the Town will be benefited by the Town's provision of Solid Waste Collection Services for properties, facilities, and programs in an amount not less than the Solid Waste Collection Services Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Assessment Resolution.

SECTION 6. IMPOSITION AND COMPUTATION OF SOLID WASTE COLLECTION SERVICES ASSESSMENTS. Solid Waste Collection Services Assessments shall be imposed against all Residential Property Dwelling Units that receive residential Solid Waste Collection Services, as provided herein. The Cost Apportionment described herein is approved and adopted as the methodology to impose and compute the Solid Waste Collection Services Assessment.

SECTION 7. LEGISLATIVE DETERMINATIONS OF AUTHORITY, SPECIAL BENEFIT AND FAIR APPORTIONMENT. The Town Council adopts the following legislative

findings relating to the Solid Waste Collection Services special assessment:

AUTHORITY

7.1 Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the Town Council has all powers of local self-government to perform municipal functions and render municipal services except when prohibited by law and such power may be exercised by the enactment of Town ordinances or resolutions.

7.2 The Town Council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the Town Council may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes, are not relevant to the imposition of assessments related to Solid Waste Collection Services, facilities or programs.

7.3 Section 403.706(1), Florida Statutes, provides that the Town is responsible to collect and transport solid waste from within its boundaries to a solid waste disposal facility.

7.4 To fulfill its obligations, the Town entered into a Collection Agreement with a Contractor for the collection and transport of solid waste from residential properties that receive residential solid waste collection services within the Town.

SPECIAL BENEFIT

7.5 The Town provides Solid Waste Collection Services to the Assessed Properties through its Collection Agreement. All Assessed Properties receive residential Solid Waste Collection Services, and therefore are required to receive the Town's Solid Waste Collection Services through the Town's Collection Agreement.

7.6 The special benefit provided to the Assessed Properties as a result of the provision of Solid Waste Collection Services by the Town through its Collection Agreement, and as a result of the Solid Waste Collection Services Assessment include, by way of example and not limitation, the availability and use of Solid Waste Collection Services by the owners and occupants of the Assessed Properties, the enhancement of environmentally responsible use and enjoyment of developed residential properties in the Town, the protection of public health and safety, ensuring sanitary collection and disposal of solid waste from Dwelling Units on Residential Property in the Town, a potential increase in value to property, and better service to landowners and tenants.

7.7 The Town's provision of Solid Waste Collection Services through its Collection Agreement possesses a logical relationship to the use and enjoyment of the Assessed Properties by:

7.7.1 protecting and potentially increasing the value of the Dwelling Units on Residential Property by providing solid waste services;

7.7.2 enhancing the environmentally responsible use of residential land in the Town;

7.7.3 protecting the health of intended occupants in the use and enjoyment of Dwelling Units on Residential Property by ensuring the proper collection and disposal of solid waste from the Assessed Properties;

7.8 Commercial properties, and multi-family residential properties in the Town that receive commercial solid waste collection services are not specially benefited by the Town's Solid Waste Collection Services funded by the Solid Waste Collection Special Assessment in that those properties receive volume-based solid waste collection services. Commercial properties and multi-family residential properties in the Town that do not receive residential solid waste collection services are not benefited by the provision of the residential Solid Waste

Collection Services provided by the Town through its Collection Agreement. Therefore, it is fair and reasonable not to levy a special assessment for the funding of residential solid waste collection services upon those properties. The cost of services provided to properties that are not assessed shall not be paid by any funds collected pursuant to the Town's Solid Waste Collection Special Assessment.

IMPOSITION AND COLLECTION

7.9 The Solid Waste Collection Services Assessments to be imposed pursuant to this Resolution shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

7.10 The Solid Waste Collection Services Assessment imposed pursuant to this Resolution is imposed by the Town of Loxahatchee Groves' Town Council, not the Palm Beach County Board of County Commissioners, Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed as ministerial.

7.11 So long as the Solid Waste Special Assessment is levied, the Assessed Properties will not be billed directly by the Town for the Solid Waste Collection Services they receive from the Town through the Collection Agreement.

APPORTIONMENT

7.12 The size or the value of the Residential Property does not determine the scope of the required solid waste services. The potential demand for Solid Waste Collection Services is driven by the existence of a Dwelling Unit.

7.13 Apportioning the Solid Waste Assessed Costs for Solid Waste Collection Services attributable to Residential Property on a per Dwelling Unit basis (Billing Units) avoids cost inefficiency and unnecessary administration and is a fair and reasonable method.

7.14 Because commercial properties, and multi-family residential properties that receive commercial solid waste collection services, do not benefit from the provision of Solid Waste Collection Services by the Town through the Collection Agreement, the Solid Waste Collection Services Assessed Costs are not apportioned to those properties.

SECTION 8. COST APPORTIONMENT AND PARCEL APPORTIONMENT METHODOLOGIES. The Collection Agreement provides for an annual charge for the Solid Waste Collection Services provided by the Town through its Collection Agreement. The Solid Waste Collection Services Costs include other costs associated with the Solid Waste Collection Special Assessment, which are then allocated to the Assessed Properties in addition to the annual charge in the Collection Agreement to determine the Assessment Amount. The Assessment Amount is then multiplied by the number of Dwelling Units on such Tax Parcel. For the Fiscal Year commencing October 1, 2019, the annual charge per Dwelling Unit (Billing Units) in the Town is \$450.00.

SECTION 9. DETERMINATION OF SOLID WASTE COLLECTION ASSESSED COSTS; ESTABLISHMENT OF ANNUAL SOLID WASTE COLLECTION ASSESSMENT RATES.

(A) The Solid Waste Collection Service Assessed Costs to be assessed and apportioned among Assessed Properties pursuant to the Cost Apportionment for the Fiscal Year commencing October 1, 2019, is the amount determined in the manner described in Section 8 above, and within the Estimated Solid Waste Collection Services Assessment Rate Schedule, attached hereto as Appendix A. The approval of the Estimated Solid Waste Collection Services Assessment Rate Schedule by the adoption of this Preliminary Assessment Resolution determines the amount of the Solid Waste Collection Services Assessed Costs.

(B) The estimated Solid Waste Collection Services Assessments specified in the Estimated Solid Waste Collection Services Assessment Rate Schedule are hereby established to fund the Solid Waste Collection Services Assessed Costs determined to be assessed in the Fiscal Year beginning October 1, 2019.

(C) The estimated Solid Waste Collection Services Assessments established in this Preliminary Assessment Resolution shall be the estimated assessment rates applied by the Assessment Coordinator in the preparation of the updated Assessment Roll for the Fiscal Year beginning October 1, 2019, as provided in Section 10 of this Preliminary Assessment Resolution.

SECTION 10. ANNUAL ASSESSMENT ROLL.

(A) The Assessment Coordinator is hereby directed to prepare, or cause to be prepared, an Assessment Roll for the Fiscal Year beginning October 1, 2019, in the manner provided in this Preliminary Assessment Resolution. The Assessment Coordinator shall apportion the estimated Solid Waste Collection Service Assessed Cost to be recovered through Solid Waste Collection Services Assessments in the manner set forth in this Preliminary Assessment Resolution. A copy of this Preliminary Assessment Resolution, the Ordinance, and the Assessment Roll shall be maintained on file in the office of the Town Clerk and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll proposed for the Fiscal Year beginning October 1, 2019, be in printed form if the amount of the Solid Waste Collection Services Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(B) It is hereby ascertained, determined, and declared that the method of determining the Solid Waste Collection Services Assessments for the Town's Solid Waste Collection Services as set forth in this Preliminary Assessment Resolution is a fair and reasonable method of apportioning the Solid Waste Collection Services Assessed Cost among parcels of Assessed Property located within

the Town, as the methodology and apportionment assures that no property is assessed an amount greater than the benefit which it receives from the residential Solid Waste Collection Services provided by the Town through its Collection Agreement; and,

SECTION 11. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held on September 5, 2019, at the Loxahatchee Groves Town Hall, 155 F Road, Town of Loxahatchee Groves, Florida, at which time the Town Council will receive and consider any comments on the Solid Waste Collection Services Assessment from the public and affected property owners and consider imposing the Solid Waste Collection Services Assessment and collecting such assessments on the same bill as ad valorem taxes.

SECTION 12. NOTICE BY PUBLICATION. The Town Manager, or his designee, shall publish notice of the public hearing authorized by Section 11 hereof, in the manner and time provided within the Ordinance. The notice shall be published no later than twenty (20) days prior to the date of the public hearing authorized in Section 11 above, in substantially the form attached hereto as Appendix B.

SECTION 13. NOTICE BY MAIL. The Town Manager, or his designee, shall also ensure timely notice by use of the TRIM notice forwarded annually by the Property Appraiser's Office, or by U.S. Mail as may be required by law (including Chapter 2003-348 Laws of Florida, a special act relating to the annual TRIM notice in Palm Beach County), to the Owner of each parcel of Assessed Property, at least twenty (20) days prior to the public hearing, as required by the Ordinance, and the Uniform Assessment Collection Act.

SECTION 14. PROOF OF NOTICE. The Town Manager, or his designee, may provide proof of such notice by affidavit, if any is required pursuant to the Ordinance or Resolution.

SECTION 15. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the Town from the Solid Waste Collection Services Assessments will be utilized solely for the provision of Solid Waste Collection Services, facilities, and programs by the Town to Assessed Properties, through its Collection Agreement, as described herein.

SECTION 16. CONFLICT. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 17. SEVERABILITY. 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

SECTION 18. EFFECTIVE DATE. This Preliminary Assessment Resolution shall take effect immediately upon its passage and adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
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 JULY, 2019.**

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Mayor

Town Clerk

Vice Mayor

APPROVED AS TO LEGAL FORM:

Council Member

Council Member

Office of the Town Attorney

Council Member

APPENDIX A

ESTIMATED SOLID WASTE COLLECTION SERVICES ASSESSMENT RATE SCHEDULE

SECTION A-1 DETERMINATION OF SOLID WASTE COLLECTION SERVICES ASSESSED COSTS. The estimated Solid Waste Collection Services Assessed Costs to be assessed for the Fiscal Year commencing October 1, 2019, is \$.

SECTION A-2 ESTIMATED SOLID WASTE COLLECTION SERVICES ASSESSMENTS. The estimated Solid Waste Collection Services Assessments to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Solid Waste Collection Services Assessed Cost for the Fiscal Year commencing October 1, 2017, are hereby established as follows for the purpose of this Preliminary Assessment Resolution:

RESIDENTIAL DWELLING UNITS: **\$450.00 PER DWELLING UNIT (BILLING UNIT)**

APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

To be published no later than August 18, 2019.



**NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF SOLID WASTE COLLECTION SERVICES
SPECIAL ASSESSMENTS**

Notice is hereby given that the Town Council of the Town of Loxahatchee Groves will conduct a public hearing to consider imposing Solid Waste Collection Services Special Assessments upon residential dwelling units that receive residential solid waste collection services, for the Solid Waste Collection Services provided by the Town to such properties within the Town of Loxahatchee Groves.

The hearing will be held at 5:00 p.m., on September 5, 2018, at Loxahatchee Groves Town Hall, 155 F Road, Loxahatchee Groves, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice. If a person decides to appeal any decision made by the Town Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk's Office at (561) 793-2418, at least seven days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of dwelling units attributed to that parcel. The proposed Solid Waste Collection Services Assessment is as follows:

\$450.00 PER DWELLING UNIT

Copies of the Assessment Ordinance, the Preliminary Assessment Resolution and the preliminary Assessment Roll are available for inspection at the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida 33470.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2019, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

Resolution No. 2019-39

If you have any questions, please contact the Town Clerk at (561) 793-2418, Monday through Wednesday between 8:00 a.m. to 6:00 p.m. and Thursday until 5:00 p.m.

TOWN CLERK TOWN OF LOXAHATCHEE GROVES.



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: James Fleishmann, Planning Consultant

VIA: James Titcomb, Town Manager

SUBJECT: Revision of Town Ordinance 2018-03 to designate the Planning and Zoning Board (PZB) as the Town Local Planning Agency (LPA).

Background:

Florida Statutes 163.3174 *Local Planning Agency*, Section (1) requires each local government to designate a Local Planning Agency (LPA). LPA comprehensive planning responsibilities summarized from F.S. 163.3174 are as follows:

F.S. 163,3174(4): The local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall:

- (a) Be the agency responsible for the preparation of the comprehensive plan or plan amendment and shall make recommendations to the governing body regarding the adoption or amendment of such plan. During the preparation of the plan or plan amendment, the local planning agency shall hold at least one public hearing, with public notice, on the proposed plan or plan amendment. The final recommendation of the adoption of such plan or plan amendment to the governing body shall be the responsibility of the local planning agency.
- (b) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required.

The Town Council, by Ordinance 2011-011, designated the Planning and Zoning Board (PZB) to serve as the LPA in accordance with the requirements of F.S. 163,3174: “The Board shall make recommendations to the Town Council regarding the adoption of amendments to the plan or elements or portions thereof.”

In 2018 (Ordinance 2018-03) the Town Council designated itself as the LPA and amended Ordinance 2011-011 by rescinding the designation of the PZB as the LPA. Further, Ordinance



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2018-03 continued to have the PZB hear and make recommendations on proposed zoning ordinance amendments but only upon Town Council referral of such proposals.

The Planning and Zoning Board, at its April 24th meeting requested that the Town Council reconsider its decision to designate itself as the LPA and reassign that responsibility to the PZB. The Town Council, at its June 4, 2019 meeting, directed staff to draft an ordinance re-designating the PZB as the LPA.

Designation of the LPA must be accomplished by Ordinance.

Adopt Ordinance 2019-04 designating the PZB as the LPA

Recommendations:

The Town Council approve Ordinance 2019-04 (revision of Ordinance 2018-03) on First Reading, as presented in Attachment 1.

ORDINANCE NO. 2019-04

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO DESIGNATE THE PLANNING AND ZONING BOARD AS THE TOWN'S LOCAL PLANNING AGENCY PURSUANT TO SECTION 163.3174, FLORIDA STATUTES; AMENDING SECTION 2 OF ORDINANCE 2018-03, WHICH ESTABLISHED THE TOWN COUNCIL AS THE LOCAL PLANNING AGENCY, TO DESIGNATE THE PLANNING AND ZONING BOARD AS THE TOWN'S LOCAL PLANNING AGENCY; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, in 2011, the Town Council of the Town of Loxahatchee Groves adopted Ordinance 2011-011 which established the Town's Planning and Zoning Board and designated the Planning and Zoning Board as the Town's Local Planning Agency (LPA); and,

WHEREAS, in 2012, the Town Council adopted Ordinance 2012-02, and in 2015 the Town Council adopted Ordinance 2015-02 relating to participation by alternate members and terms of office; and,

WHEREAS, in 2018, the Town Council adopted Ordinance 2018-03 which designated the Town Council as the LPA; and,

WHEREAS, Section 163.3174(1), Florida Statutes, authorizes the Town Council to designate the Planning and Zoning Board to be the Town's Local Planning Agency; and,

WHEREAS, the Town Council finds it is in the best interest of the Town to designate the Planning and Zoning Board as the Town's LPA and to amend Ordinance 2018-03 and remove that designation from the Town Council.

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

Section 1: That 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 for the Town of Loxahatchee Groves hereby amends Ordinance 2018-03 to revise Section 2 thereof as follows (underline are additions to the text and ~~striketrough~~ are deletions to the text of Ordinance 2018-03):

“Section 2: Designation of ~~Town Council~~ the Planning and Zoning Board ~~the~~ as Local Planning Agency and the Town Council as the Land Development Regulation Commission.

A. The Town Council of the Town of Loxahatchee Groves hereby designates ~~itself~~ the Planning and Zoning Board as the Local Planning Agency for the Town of Loxahatchee Groves pursuant to Section 163.3174(1), Florida Statutes. A nonvoting representative of the School District of Palm Beach County shall also be included in the Town's Land Planning Agency for the purpose of reviewing applications that would increase the residential density of the subject property pursuant to Section 163.3174(1), Florida Statutes.

B. ~~As the Local Planning Agency for the Town, the~~ The Town Council will ~~also~~ continue to serve as the Land Development Regulation Commission, as defined in Section 163.3164, Florida Statutes for the Town.

C. The Planning and Zoning Board shall ~~continue to~~ have the authority to hear and make recommendations on ~~zoning ordinance amendments rezoning applications, but as of the effective date of this ordinance only upon referral of such proposed amendments by the Town Council.~~

D. The Planning and Zoning Board shall have the authority to hear and make recommendations on Unified Land Development Code amendments but, as of the effective date of this ordinance, only upon referral of such proposed amendments by the Town Council.”

Section 3: Conflicts. 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 section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 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, and that the

Sections of this ordinance may be re-numbered, 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 take effect immediately upon adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 9th DAY OF JULY 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

, Town Clerk

Vice Mayor

Council Member

APPROVED AS T LEGAL FORM:

Town Attorney

Council Member

Council Member

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155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: James Fleishmann, Planning Consultant

VIA: James Titcomb, Town Manager

SUBJECT: Ordinance 2019-03 Second Reading revising of Article 87 Native Tree Preservation and Invasive Exotics Removal of the Unified Land Development Code (ULDC)

Background:

The Town Council directed the Unified Land Development Code (ULDC) Review Committee to review and revise Article 87 *Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal* of the ULDC with the objective in mind of making the ordinance more reflective of the character and issues of the Town.

Article 87, as it is currently written, is difficult to interpret and does not adequately address some of the more pressing Town issues such as preservation of specimen trees, clearing of properties for agricultural use, and tree removal mitigation

The ULDC Review Committee reviewed the existing Article 87 and proposed a replacement version during 8 meetings from September 2018 to January 2019. Principal revisions to existing Article 87 include

1. Organization to a more concise, readable format.
2. Addition of key definitions
3. Clear distinction between, and approval requirements for, Exemptions, Waivers, and Permits.
4. Revised mitigation requirements (Tree Replacement Table).
5. Additional off-site tree relocation options.
6. Addition of a Specimen Tree list and additional replacement requirements for removal of Specimen Trees.
7. Cash contributions for parcels without an Agricultural Use Code but clearing in anticipation of receiving one.

Ordinance 2019-03, deleting current ULDC Article 87 and replacing it with a revised Article, was approved on First Reading by the Town Council on February 5, 2019 subject to adequately



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addressing six issues. Ordinance 2019-03 was referred back to the ULDC Review Committee to prepare responses to the Council issues.

The ULDC Review Committee reviewed and approved responses to the six Council issues at its April 24, 2019 meeting. A summary of ULDC Review Committee responses is provided in Attachment 1. Including its responses, the ULDC Review Committee recommended approval of Article 87 revisions which are included in Ordinance 2019-03 (Ref: Attachment 2)

ULDC Committee responses to Town Council Review of ULDC Article 87 and Proposed Ordinance 2019-03 are attached.

Recommendation:

The Town Council approve Ordinance 2019-03 (revised ULDC Article 87) on Second Reading, as presented in Attachment.



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TO: Town Council of Town of Loxahatchee Groves

FROM: James Fleishmann, Planning Consultant

VIA: James Titcomb, Town Manager

SUBJECT: ATTACHMENT 1: ULDC Committee responses to Town Council Review of ULDC Article 87

The Town Council considered first reading of the Article 87 (Ordinance 2019-03) rewrite at its February 5th meeting. Although complementary of the ULDC Committee efforts, several issues were raised by the Council. Following a lengthy discussion, the Council voted to approve Ordinance 2019-03 on first reading subject to incorporating responses to several issues prior to consideration of second reading.

The ULDC Committee, at its April 24th meeting, reviewed and prepared responses to each of the Article 87 issues that were discussed by the Town Council at the February 5th meeting. A summary of the issues along with proposed responses are presented in the attached summary for Town Council review.

The following editing features are utilized in the attached.

1. The issues discussed by the Council are highlighted in **yellow**.
2. Proposed additions to revised Article 87 text are underlined.
3. Proposed deletions of revised Article 87 text are ~~struckthrough~~.

Staff proposes to put Ordinance 2019-03 on the Council Agenda on July 9th meeting for consideration of approval on second reading.

Issue 1. Are invasive species required to be removed and does removal require a permit?

Summary and Recommendation: The issue of “invasive species” removal is addressed in several places in Revised Article 87. The following ULDC revisions to proposed Article 87 clarify that: (1) Removal of exotics within certain land uses (i.e. residential and agricultural) are voluntary and do not require a permit; and (2) removal of exotics in nonresidential/nonagricultural developments require the removal of exotics. (Recommendations are additions to, or ~~deletions of~~ current proposed Article 87 language).

1. Section 87-005 (A) *Purpose* Subsection (5) Requiring the removal of invasive, non-native or prohibited invasive non-native vegetation plants prior to occupancy or use of a nonresidential/nonagricultural parcel.

2. Section 87-020 *Exempt Activities*. Subsection (N) *Removal of Invasive Non-Native and Prohibited Invasive Non-Native Vegetation and Dead Trees*. Trees included on the lists of Invasive Non-Native and Prohibited Invasive Non-Native Trees-Vegetation maintained by the Town.

3. Section 87-035 *Tree Protection Standards*. Subsection (C) *Land Clearing Standards* (3) Development projects shall be designed to maximize removals from areas dominated by prohibited invasive non-native and invasive non-native vegetation.

4. Section 87-035 *Tree Protection Standards*. Subsection (F) *Removal of Prohibited Invasive, Non-Native and Invasive Non-Native Vegetation Plants*. All prohibited invasive, non-native and invasive non-native vegetation plant species on the lists maintained by the Town shall be removed from the site of a nonresidential/nonagricultural land use prior to issuance of a certificate of occupancy.

Issue 2. How is the issue of vegetation near a powerline addressed in Article 87?

Summary and Recommendation: The issue of vegetation near a powerline is addressed in the following sections of Article 87. The ULDC Committee recommended that no new or replacement tree planting be allowed under power lines. (Recommendations are additions to, or deletions of current proposed Article 87 language):

1. Section 87-020 *Exempt Activities*. Subsection (B) *Utilities and Easements*. Any ~~alteration to design specification,~~ vegetation removal pursuant to the direction of the Town of Loxahatchee Groves, public or private utility organizations or agencies, ~~water control district,~~ or water management district within drainage or utility easements where such activity direction has received all required ~~construction and/or operating~~ permits or approvals.

2. Add Subsection 87-035 (D) (2) (j) New or replacement trees shall not be located within a road or canal right-of-way or utility or drainage easement.

In addition, the ULDC Advisory Committee recommended that Town Ordinance 2017-21 *Nuisance Abatement Procedures* be amended to include the prohibition of new tree planting under powerlines. References to Florida Statutes 163.3209 *Electric Transmission and Distribution line Right-of-Way Maintenance* and FPL “Right Tree Right Place” guidelines should be included, as well.

Issue 3: The loss of tree canopy by clearing for agricultural uses prior to actually becoming an agriculture use. Specifically, should a change in agriculture use be required to mitigate and should the non-refundable cash contributions be increased?

Summary and Recommendation: The issue of clearing for a future agriculture use is addressed in Section 87-035 *Tree Protection Standards*. Subsection (D) *Mitigation* (4)



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Agricultural Mitigation, and Section 87-040 *Specimen Trees* Subsection (D) *Agricultural Requirements*. The ULDC Advisory Committee recommended that the requirement for maintaining an agriculture use for 5-years be deleted and the percentages of the initial non-refundable cash contribution permanently retained by the Town be increased. (Recommendations are additions to, or ~~deletions of~~ current proposed Article 87 language):

1. Section 87-035 (D) (4) *Agricultural Mitigation*. The Town shall provide for a parcel to be cleared for a proposed agriculture use consistent with state requirements without concurrent complete mitigation. Further, the cost to comply with the requirement to quantify the complete tree mitigation specification or a tree survey may be a deterrent to agriculture in some cases. In such case, an alternative tree survey and mitigation specification may be approved by the Town.

In combination with a mitigation specification, including the cost to mitigate, the Town shall require that the parcel owner:

(a) File a Tree Removal Permit Affidavit with the Town and record a Declaration of Restrictive Covenant on Town approved forms with the Palm Beach County Clerk of Courts limiting the parcel to agriculture use ~~for a period of five years, and~~ or requiring the parcel owner to make a cash donation to the Loxahatchee Groves Tree Mitigation Trust Fund, or to mitigate in accordance with the Tree Replacement Table at the time of a change to a non-agricultural use. ~~if such change in use is made within five years of the execution of the Declaration of Restrictive Covenant by the property owner.~~ The Tree Removal Permit Affidavit shall include language quantifying the complete tree mitigation specifications, including costs, required at the time of conversion. Any restrictions presently in place by county or state must be included.

(b) Make an initial non-refundable cash contribution to the Loxahatchee Groves Tree Mitigation Trust Fund according to the following schedule to be included in the tree mitigation specifications: For parcels 5 acres or less – 2% of the mitigation costs; for parcels of 5.01 to ~~20~~ 10 acres – 5% of the tree mitigation costs; for parcels of ~~20.01~~ 10.01 to 20 acres – ~~7.5%~~ 12.5% of the mitigation costs; and for parcels of 20.01 acres and more – ~~40%~~ 12.5% of the tree mitigation costs.

Issue 4: Revisit the minimum size of tree that needs to be mitigated. Is a 2 inch DBA too small? For example, when clearing Brazilian Pepper trees small native trees will also be removed. Property owners should not be penalized for removing smaller natives.

Summary and Recommendation: A two-inch DBA is referenced in the following sections of Article 87. The ULDC Committee recommended that the minimum size be increased to four inches. (Recommendations are additions to, or ~~deletions of~~ current proposed Article 87 language).

1. Section 87-025. *Agricultural Residential (AR) Zoning District Tree Removal Waivers*. Subsection (B) No healthy native trees that have ~~two~~ four inches DBH or greater are to

be removed or damaged unless exempted under Section 87-020 or permitted under Section 87-030 Tree Removal Permits or a Tree Removal Waiver.

2. Section 87-030 – *Tree Removal Permits*. Subsection (A) *General Application Requirements*. The following general application requirements apply to all applications.

(2) An application shall not be deemed complete until the application fee and all information necessary to understand the extent, nature and potential impacts of a proposed project are received by the Town. Application information may include, but is not limited to:

d. Identification of the type, size and location of native trees that are ~~two~~ four inches DBH and greater to be removed with representative color photographs.

3. Section 87-035 - *Tree Protection Standards*. Subsection (D) *Mitigation*.

(1) *Mitigation*. Mitigation, through tree replacement as specified under this section, shall be required for the removal of native trees that are ~~two~~ four inch DBH or greater.

4. Section 87-035 (D) (2) Tree Replacement Table

<u>Canopy</u> Tree Height and DBH	# of Replacement Trees Required
24 ft. up with a 6 inch or greater DBH	1 at same size, or two at 18 feet to 20 feet in height
16 feet to less than 24 ft. with a 4 inch to 6 inch DBH	1 at 18 feet to 20 feet in height, with a 4 inch to 6 inch DBH
12 feet to less than 16 feet, with a 2-inch to 4 inch DBH	1 at 12 to 16 feet in height, with a 2-inch to 4 inch DBH
Less than 12 ft. <u>to 16 ft.</u> , with less than 4 inch DBH	0

5. Section 87-035 - *Tree Protection Standards*. Subsection (D) *Mitigation*

(6) *Mitigation for violations*. When native trees that are ~~two~~ four inches DBH or greater are removed or are damaged without a permit, or when trees that were to be preserved in place are damaged or destroyed by activities conducted with a permit, those native trees shall be replaced at double the rate shown in the Tree Replacement Table, according to a tree restoration plan approved by the Town, and may be subject to additional fines at the discretion of the Town Council.

Issue 5: Are violations too punitive and difficult to monitor and enforce?

Summary and Recommendation: The issue of enforcement is addressed in the following sections of Section 87-055 *Enforcement*. The ULDC Committee recommended that a



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violation be changed from a “per tree” basis to a “square footage of removal area” basis. (Recommendations are additions to, or ~~deletions of~~ current proposed Article 87 language):

1. Subsection (B) *Violations*. It shall be a violation of this section to remove ~~any native trees~~ without first obtaining a tree removal permit or tree removal waiver from the Town unless expressly exempt under the provisions of Sections 87-020 or 87-035 (C) (8).

(1) ~~The removal of any tree, in violation of this section, shall constitute a separate violation.~~ Removal of up to 1,500 sq. ft. of native tree land area shall constitute a violation. Each day a violation exists for such unlawful removal shall constitute a separate violation.

(2) Removal of each additional ~~tree in~~ 1,500 sq. ft., or portion thereof, of native tree land area in violation of this section shall constitute ~~a~~ an additional and separate violation. Each day a violation exists for such unlawful removal shall constitute a separate violation.

2. Subsection (C) *Penalties*. In addition to code enforcement and fines imposed through the process, the following may be applied to any violations of this Article.

(1) Native Trees.

(a) Replacement. The violator shall be required to mitigate for the removed tree(s) pursuant to the provisions of Section 87-035 above. A tree restoration plan shall be submitted to the Town for review and approval. Once approved, the violator shall post a bond, letter of credit, or cash equivalent in an amount equivalent to the costs for implementing the tree restoration plan.

(b) Mitigation per Section 87-035 (C) (6) shall be required.

(c) Suspension of Review. If a tree restoration plan for unlawfully removed native trees is not approved and bonded within thirty (30) days following notice of violation, the Town may suspend issuance of further permits for the property (including building permits, inspections, and Business Tax Receipts).

(d) Liens. If, after sixty (60) days of the notice of violation a tree restoration plan has not been approved and bonded, the Town may place a lien on the property in an amount equal to the sum of any unpaid fines and the reasonable costs for replacing and installing the unlawfully removed tree(s) on public property.

~~(2) Specimen Trees. The amount of the fines assessed in each Specimen Tree case shall be the maximum permitted by law.~~

Issue 6: Should the clearing distance waiver for installation of a fence be increased?

Summary and Recommendation: A waiver for removal of trees to install a fence is addressed in Section 87-015 *Agricultural Residential (AR) Zoning District Tree Removal Waivers* Subsection (A) (1). The ULDC Committee recommended that the waiver for a clearing

distance for a fence be increased from 5 to 10 feet. (Recommendations are additions to, or ~~deletions of~~ current proposed Article 87 language):

(1) The minimal removal of native trees or understory necessary to install a fence, provided that the path cleared for the fence does not exceed ~~five~~ ten feet in width, ~~with an additional five feet, not to exceed a total of ten feet, width permitted in cases where a total of five feet is not physically possible, as determined by Town staff.~~

ORDINANCE 2019-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE TOWN'S UNIFIED LAND DEVELOPMENT CODE; REPEALING EXISTING PART III, ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 87 ENTITLED "NATIVE TREE PRESERVATION, SOIL STABILIZATION AND INVASIVE EXOTIC REMOVAL" IN ITS ENTIRETY; REPLACING REPEALED ARTICLE 87 WITH PART III, ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 87 ENTITLED "NATIVE TREE PRESERVATION AND INVASIVE EXOTIC REMOVAL" IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; 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 Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal"; and,

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 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal"; and,

WHEREAS, pursuant to the direction of the Town Council, the ULDC Advisory Committee has reviewed the matter of revisions to Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal"; and

WHEREAS, at its meetings on January 23, 2019 and May 13, 2019, the Town's ULDC Advisory Committee recommended revisions of Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" to the Town Council; and

WHEREAS, at its meeting of February 5, 2019, the Local Planning Agency (LPA), sitting as the Town's Land Development Regulation Commission recommended repealing and replacing Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" to the Town Council in its entirety as set forth herein; 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 Land Development Regulation Commission to repeal and replace ULDC Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" in its entirety as set forth herein; 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 conducted a public hearing on July 9, 2019 for repealing and replacing ULDC Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal", 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 and recommendation in the Staff Report dated July 9, 2019, and the recommendations of the Town’s ULDC Advisory Committee and the Town’s LPA, sitting as the Town’s Land Development Regulation Commission, and makes the following findings of fact:

1. The Town Council finds repeal and replacement of ULDC Article 87 “Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal” in its entirety, to be generally consistent with the intent and direction of the Comprehensive Plan.

Section 3. Repeal and replacement of ULDC Article 87 “Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal”, presented in Exhibit “A” which reflects the repeal of Article 87 in its entirety, and Exhibit “B” which reflects the new language replacing Article 87 in its entirety, attached hereto, are 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.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 5th DAY OF FEBRUARY 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	☐	☐	☐
LAURA DANOWSKI, COUNCIL MEMBER	☐	☐	☐
LISA EL-RAMEY, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN
LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING,
THIS 9th DAY OF JULY 2019.**

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor

Town Clerk

Vice Mayor

APPROVED AS T LEGAL FORM:

Council Member

Town Attorney

Council Member

Council Member

ATTACHMENT A - DELETED ARTICLE 87

(Strikethroughs are deleted Article 87 language).

~~Article 87— NATIVE TREE PRESERVATION, SOIL STABILIZATION AND INVASIVE EXOTIC REMOVAL~~

~~Section 87-005.— General.~~

~~(A) Goals. The goals of this article are:~~

- ~~(1) To avoid the unnecessary destruction of native vegetation;~~
- ~~(2) To encourage eradication of invasive non-native vegetation;~~
- ~~(3) To minimize adverse impacts to native vegetation during parcel improvements;~~
- ~~(4) To mitigate the removal of native vegetation; and~~
- ~~(5) To protect exposed and disturbed soils from stormwater or wind forces.~~

~~(B) Purpose. This article shall:~~

- ~~(1) Establish a program to preserve and protect native vegetation;~~
- ~~(2) Prohibit unnecessary destruction of native vegetation;~~
- ~~(3) Establish the standards for the eradication of invasive non-native vegetation;~~
- ~~(4) Establish the standards to mitigate for the removal of native trees; and~~
- ~~(5) Encourage procedures to minimize siltation and sedimentation from disturbed and exposed soil surfaces.~~

~~(C) Applicability.~~

- ~~(1) This article shall apply within the corporate boundaries of the Town of Loxahatchee Groves, Florida, hereinafter referred to as the "Town".~~
- ~~(2) The Town shall have regulatory authority over the alteration, abuse or removal of non-native and native upland vegetation, and the stabilization of exposed soil surface areas.~~
- ~~(3) No person may conduct land clearing or tree trimming operations unless such operation is exempted by, or expressly approved by this article.~~
- ~~(4) The provisions of this article may be suspended or waived by the Town Manager during a period of officially declared emergency, such as a hurricane, windstorm, tropical storm, flood, wildfire or similar disaster.~~

~~(D) Authority. This article is adopted under the authority of F.S. ch. 166, as amended. The Town shall administer the requirements of this article.~~

~~Section 87-010.— Definitions.~~

~~For the purpose of this article the definitions in this section shall apply unless the context clearly indicates or requires a different meaning. In construing the provisions of this article, if no definition is provided herein and when context will permit, publications recognized as authoritative in the scientific and engineering fields shall apply. Such publications shall include: "Dig Manual" by the State of Florida, "ANSI A300-Trees, Shrubs and Other Woody Plant Maintenance Standard Practices" by the American National Standards Institute, "Grades and Standards for Nursery Plants Parts I and II" by the Florida Department of Agriculture, and Chapter 62 of the Florida Administrative Code.~~

~~Agriculture, bona fide. Bona fide agriculture are those uses conducted on lands which are engaged in farming as defined in F.S. § 823.14(3).~~

~~Clear trunk. The distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.~~

Ordinance 2019-03

~~Champion tree. A champion tree is the largest tree of its species within the state as recognized by the Florida Department of Agriculture's Division of Forestry based on trunk circumference, vertical tree height, and average crown spread.~~

~~Crown spread. The average distance of the diameter of the extent of the upper portion of a tree, consisting of limbs, branches, and leaves.~~

~~Diameter breast height (DBH). The diameter, in inches, of the trunk of a tree measured at a height of four and one-half feet above the natural grade (breast height). The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than four and one-half feet of clear trunk shall be measured as the diameter of the largest vertical branch or leader at breast height.~~

~~Effectively destroy. To purposefully cause, suffer, allow, or permit any act which will cause a tree to die or go into a period of unnatural decline within a period of one year from the date of the act. Destruction by naturally occurring diseases, or acts of nature such as storm events or lightning strikes are not considered purposeful acts of destruction. Examples of such acts may include but are not limited to:~~

- ~~(1) Girdling of trees by improper guying, staking, support, string trimmers, or non-removal of planting materials from root balls and uncontrollable livestock.~~
- ~~(2) Introduction of any type of poison or reactive material for the purpose of causing the tree to die or become diseased.~~
- ~~(3) Placement of excess materials or soils within the tree drip line causing the death or disease of the tree.~~
- ~~(4) Peeling or stripping of bark to the extent that if a line is drawn at any height around the circumference of the tree, over one-third of the length of the line falls on portions of the tree where bark no longer remains.~~
- ~~(5) Removal of the majority or near entirety of canopy.~~

~~Invasive non-native vegetation. For the purposes of this article, only those species included but not limited to those identified in F.S. § 369.251 shall be recognized as invasive non-native vegetation within the Town.~~

~~Land clearing. The removal of trees, shrubs, and/or undergrowth by stripping or any other process, with the intention of preparing real property for development, as defined in F.S. § 380.04. Land clearing shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed, the removal of dead or nuisance trees; or normal mowing operations.~~

~~Mulch. Non-living organic material customarily used in landscape design to retard erosion, retain moisture and control weeds.~~

~~Tree. Any living, self-supporting woody perennial plant which at maturity attains a trunk diameter at least one and one-half inches or more when measured at a point four and one-half feet above ground level and which normally attains an overall height of at least 15 feet, usually with one main stem or trunk and many branches.~~

~~Tree, specimen. A tree recognized as very old, exceptionally beautiful, tall or large.~~

~~Wetland, jurisdictional. A jurisdictional wetland, is defined in subsection F.S. § 373.019(25), as may be amended.~~

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

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

- ~~(1) Tree mitigation, as specified in Section 87-030, shall be required for all work conducted under a general permit.~~

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- ~~(2) In conjunction with the construction of any structure, a general permit also requires the removal or eradication of invasive non-native vegetation for the area of the authorized site plan extending out from the structure a distance of 40 feet. The parcel owner shall thereafter maintain this area free of invasive non-native vegetation.~~
- ~~(B) Vegetative permit. A residential landowner may apply for a vegetative permit for clearing and control of invasive exotic plant species and the selective relocation of native plant material within the property. A tree survey is not required~~
- ~~(C) Exempt activities. The following activities do not require a permit under this article.~~
- ~~(1) Vegetation alteration associated with Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or Bona fide Agricultural Operations that is a part of the on-going activities of the existing operation including the maintenance and upkeep of agricultural and pasture lands. Initial clearing of a parcel not previously used for these purposes is not an exempt activity.~~
 - ~~(2) The minimal removal of native trees or understory necessary to install a fence, provided that the path cleared for the fence does not exceed five feet in width. Clearing required for building accessory structures on residential property is exempted from requiring a permit. Traversing a jurisdictional wetland requires approval from the applicable agency.~~
 - ~~(3) The removal of dead and hazard trees that constitutes a peril to life or property.~~
 - ~~(4) Wetland mitigation or enhancement activities conducted pursuant to a permit from the South Florida Water Management District or the Florida Department of Environmental Protection under Chapter 62-312, F.A.C. as amended.~~
 - ~~(5) Alteration of vegetation pursuant to an adopted management plan for government maintained parks, recreation areas, wildlife management areas, conservation areas and preserves, excluding new construction or parcel improvement.~~
 - ~~(6) Pruning of all trees in accordance with the American National Standards Institute (ANSI) A300, to allow for healthy growth, to promote safety, and to remove dead or hazard trees.~~
 - ~~(7) Routine maintenance mowing operations or "bush hog" type mowing operations in areas that are regularly maintained.~~
 - ~~(8) Pruning and removal of vegetation within a utility easement, for maintenance and where the vegetation is interfering with services provided by a utility. Including public utility, water control, water management, and road right-of-way activities within utility and drainage easements.~~
 - ~~(9) The necessary minimal removal of vegetation by, or at the direction of, a State of Florida licensed professional surveyor and mapper, professional geologist, or professional engineer to conduct a survey or other required test.~~
 - ~~(10) Management activities in areas designated by deed restriction, plat, restrictive covenant, or conservation easement dedicated to a public entity or approved private conservation group for preservation provided the activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns or construction of fences; and the preserve area has a preserve management plan approved by the Town, or another governmental entity.~~
 - ~~(11) Selective tree removal for forest management activities as defined in the current Forest Management Plan as approved by the State of Florida Division of Forestry.~~
 - ~~(12) Removal of vegetation certified by the Florida Department of Forestry or PBC Fire Rescue such that a 30-foot buffer should be cleared around designated structures through the Fire Wise program.~~
 - ~~(13) Removal or trimming of non-native and invasive vegetation.~~
 - ~~(14) Routine landscape maintenance activities such as edging, hedge trimming, and on-going gardening operations.~~

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~~(D) Prohibited activities. The purposeful planting or installation and cultivation of vegetation identified as invasive non-native vegetation is prohibited.~~

~~Section 87-020. Application requirements and fees.~~

~~(A) Application requirements. The following application requirements apply.~~

- ~~(1) Permit applications shall be made on forms provided by the Town.~~
- ~~(2) An application shall not be deemed complete until the application fee and all information necessary to understand the extent, nature and potential impacts of a proposed project are received by the Town. Application information may include, but is not limited to:
 - ~~a. A completed application form with the signature of the parcel owner, or authorized agent of the parcel owner with agent authorization letter;~~
 - ~~b. A description of the work to be performed;~~
 - ~~c. Parcel information including legal description and a location map;~~
 - ~~d. Identification of the type, size and location of native trees that are three inches DBH and greater to be removed with representative color photographs; and~~
 - ~~e. A tree replacement or tree relocation table, if applicable.~~~~

~~(B) Fees. Permit application filing fees shall be required, as established by a Resolution of the Town Council. Fees shall be non-refundable and non-transferable. An additional administrative fee may be required where projects require specific detailed site plan assistance by the Town, or where site plans significantly change after initial review pursuant to the Town's cost recovery policies. Application fees paid by check shall be payable to the Town of Loxahatchee Groves.~~

~~(C) Inspections. An application for a vegetation removal permit constitutes consent by the property owner and/or applicant for the Town to conduct site inspections in furtherance of this article on the subject property, pursuant to permit requirements.~~

~~Section 87-025. Standards and conditions.~~

~~(A) Standards of permit issuance.~~

- ~~(1) A permit will be in effect for up one year after the issuance date. The Town may extend the authorization for one year upon written request submitted at least 30 days prior to expiration of the permit.~~
- ~~(2) Trees authorized for removal during the effective dates of a permit may not be removed after the expiration of the permit without issuance of a new permit based upon a new application.~~
- ~~(3) Any application received that is substantially the same as a previous application that has been denied by the Town subsequent to the effective date of this article shall be denied with a written response provided to the applicant stating the reason for denial.~~
- ~~(4) Any parcel where there is an unresolved violation of any chapter administered by the Town, shall not be eligible for a permit under this article until such violation has been resolved.~~
- ~~(5) Any application containing false information, or any permit issued based upon false information, may be denied or revoked and may subject the applicant to enforcement proceedings pursuant to the provisions of this Code.~~

~~(B) Permit conditions. The Town may include, but not be limited to the following permit conditions with the approval of a permit.~~

- ~~(1) Conditions reasonably necessary to protect the environmental integrity of any on-site or adjacent wetlands, mitigation areas and preserve areas, and to prevent potential harm to native plant and animal species.~~
- ~~(2) Conditions for vegetation debris removal.~~

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- ~~(3) The use of barriers and flagging during construction to establish appropriate setbacks to protect and preserve existing native vegetation.~~
- ~~(4) Conditions reasonably necessary to stabilize exposed and disturbed land surfaces.
 - A performance guarantee in an amount equal 110 percent of the cost of the required tree mitigation for tree removal on vacant lands.~~
- ~~(C) Land clearing standards. The landowner shall take all reasonable measures during the land clearing process to avoid damage to trees and other native vegetation designated to remain after construction, and to protect exposed and disturbed soils from stormwater and wind forces.
 - ~~(1) Best management practices shall be implemented to protect exposed and disturbed soils from stormwater or wind forces during construction.~~
 - ~~(2) The design plan shall limit the removal of existing native vegetation only to that area needed to implement the project.~~
 - ~~(3) The design plan shall strive to maximize removals from any areas dominated by invasive non-native vegetation.~~
 - ~~(4) Native trees in the footprint of the proposed development that can reasonably be transplanted with an anticipated high degree of success should be incorporated into other areas on the parcel to the maximum extent practicable. If movement is not practical, trees should be replaced and by a greater number and on the same property. (See Section 87-0306(B), tree replacement, for trees that die within one year of relocation.)~~
 - ~~(5) All exposed and disturbed surfaces shall be mulched, seeded, sodded, vegetated or otherwise stabilized by the time of Certificate of Occupancy or final inspection. Failure to stabilize disturbed surfaces, as well as the removal of vegetation resulting in on-site or off-site erosion (sedimentation or siltation or both) or the windblown loss of soil shall be deemed a violation of this article.~~~~
- ~~(D) Vacant land standards. The speculative removal of native vegetation in advance of parcel improvement on vacant lands is not consistent with the goals of this article. However, certain conditions can provide assurances that parcel improvement will proceed in good faith. A general permit will not be issued by the Town in advance of issuance of a land development permit or building permit unless the following is provided:
 - ~~(1) Evidence that the anticipated work for which the land clearing permit is sought shall commence within one year of issuance of the general permit;~~
 - ~~(2) A performance guarantee in an amount equal to 110 percent of the cost to restore native vegetation on the parcel in the event that improvement of the parcel is abandoned or the permits expired. Deposits should be refunded upon completion of the structure to allow purchaser to buy the trees. CO will be withheld until trees are purchased.
 - ~~a. The performance guarantee shall be executed by a person with a bona fide legal interest in the parcel.~~
 - ~~b. Two estimates of the cost to restore native vegetation on the parcel may be required for purposes of establishing the applicable amount of the performance guarantee.~~
 - ~~c. The form of guarantee shall be:
 - ~~1. A cash deposit or certificate of deposit assigned to the Town; or~~
 - ~~2. An escrow agreement for the benefit of the Town, in a form satisfactory to the Town Attorney and approved by the Town Council; or~~
 - ~~3. A performance bond issued by a State of Florida registered guarantee company in a form satisfactory to the Town Attorney and approved by the Town Council; or~~~~~~~~

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- ~~4. An irrevocable letter of credit in a form satisfactory to the Town Attorney and approved by the Town Council.~~
- ~~(3) The performance guarantee shall be kept in full force until authorized site improvements commence on the parcel and any required tree mitigation is installed.~~
- ~~(4) The vacant land standards of this section only apply to general permit activities.~~
- ~~(5) Parcels of vacant land shall be allowed to remove overgrown herbaceous understory vegetation to preserve tree canopy in areas where natural fire has been suppressed and where a prescribed burn would not be feasible. No healthy trees that have six inches DBH or greater are to be removed or damaged.~~
- ~~(E) Off-site tree relocation. Re-locatable native vegetation that cannot be incorporated into the parcel may be relocated off site. An applicant requesting off site relocation shall provide reasonable evidence that on-site planting is not feasible.~~
 - ~~(1) An applicant conducting tree relocation shall provide a tree relocation management plan which shall include, but not be limited to, the relocation schedule and likelihood of success for each relocated tree, installation location of each relocated tree, identification and size of each relocated tree, and the replacements required pursuant to Table A-2. Tree Replacement per this article to be implemented if the relocated material does not survive for a period of at least one year from the date of relocation.~~
 - ~~(2) An applicant conducting tree relocation shall provide irrigation, mulch, and other practical means to assist the survival of any relocated tree.~~
 - ~~(3) The Town shall retain jurisdiction to ensure compliance with any tree replacement required by this subsection.~~
 - ~~(4) All off site relocation requires approval by the Town Council.~~
 - ~~(5) Off site relocation shall optimally be placed in or adjacent to a public park parcel or a preserve or mitigation area.~~
 - ~~(6) All off site relocation shall be located within the Town or the Town needs to be compensated for tree loss. Exceptions are permitted at the discretion of the Town Council.~~
- ~~(F) Debris disposal. Every effort shall be made by the landowner to minimize the amount of land clearing debris deposited in a landfill. Mulching or other appropriate utilization should be pursued whenever feasible.~~
 - ~~(1) The Town may include permit conditions for vegetation debris disposal by open burning, but the conditions shall not be in conflict with required burn permits from jurisdictional agencies.~~
 - ~~(2) The burying of rubbish, logs, lumber, underbrush or other organic matter and materials from pruning, clearing or grubbing operations which would decompose or allow the land to thereafter settle is determined to be change or modification of the grade of the land and is not authorized under this article.~~
 - ~~(3) All felled materials shall be promptly and carefully removed in such a manner as to avoid potential damage to remaining trees and vegetation, the harboring of insects or promotion of disease, the harboring of rodents or undesirable wildlife, or increases in fire hazards.~~
- ~~(G) Pruning standards. Trees intended for shade purposes shall be allowed to reach mature canopy. Acts, which effectively destroy a tree exclusive of invasive trees, are a violation of this article.~~
- ~~(H) Champion tree standards. Notwithstanding any other provisions of this article, champion or co-champion trees, as recognized by the Florida Department of Agriculture's Division of Forestry, shall not be removed except for extraordinary circumstances and hardships. Removal of any champion or co-champion or specimen tree shall require Town Council approval.~~

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~~(I) External agency standards. The applicant is responsible for obtaining all required permits and authorizations from external agencies having jurisdiction for the proposed work; including, but not limited to:~~

- ~~(1) Prior to applying for a permit from the Town, the applicant must obtain all required permits and authorizations from external agencies having jurisdiction for the proposed work.~~
- ~~(2) The property owner is subject to and must ensure compliance to the water quality rules and standards as set forth in Chapter 62.302, of the Florida Administrative Code (F.A.C.). When applicable, the property owner shall obtain any required environmental resource permit from the South Florida Water Management District or the Florida Department of Environmental Protection.~~

~~Section 87-030. Tree mitigation.~~

~~(A) Mitigation. Mitigation, through tree replacement as specified under this section, shall be required for the removal of native trees that are three inch DBH or greater. A tree replacement table identifying and quantifying all replacement trees to be installed shall be submitted with the permit application. The tree replacement plan shall also identify the size of each replacement tree and location for installation. The tree replacement plans shall maximize tree and vegetative buffering between properties. Tree replacement can be done by the landowner.~~

~~(B) Tree replacement. Removed native trees shall be mitigated through replacement in accordance with Table A-2: Tree Replacement, shown below. For relocated trees which die within one year of relocation, the replacement value shall be that as shown in Table A-2. Those trees less than six inches DBH shall be replaced with the same size tree as the relocated tree.~~

Table A-2: Tree Replacement	
Tree Height and DBH	# of Replacement Trees Required
30 ft. up or 9" DBH	6
Less than 30 ft. or 9" DBH	4
Less than 5 ft. or 3" DBH	0

- ~~(1) Replacement trees greater than 30 feet tall in Table A-2 shall be at least ten feet in height and two and one-half inches DBH. Replacement trees less than 30 [feet] tall shall be at least ten inches in height and one and one-half inches DBH. Palm replacement trees shall have an overall height of no less than ten feet and approved for Zone 10a.~~
- ~~(2) Tree mitigation may be addressed by the use of Florida Friendly Landscaping and/or the introduction of wetlands and upland pines areas and may include mid-size and smaller trees.~~
- ~~(3) All replacement trees shall consist of native vegetation indigenous to the area, and have an appropriately sized root ball and be free of disease, defects or damage that will prohibit the tree from attaining its natural growth habit. Pine trees that are selected as replacement trees shall be South Florida Slash Pine trees only. Five-gallon container native trees may be used for mitigation.~~
- ~~(4) If the required replacement trees cannot be purchased within 60 miles of the parcel, an alternate replacement may be approved by the Town.~~
- ~~(5) At least 25 percent of the trees planted as mitigation shall be the same species as the trees removed.~~
- ~~(6) All replacement plants specified in the general permit are required to be accepted prior to the release of the Certificate of Occupancy, unless otherwise approved by the Town.~~
- ~~(7) Monitoring time frames for all replacement plants specified in the general permit shall be established as permit conditions.~~

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- ~~(8) Mitigation vegetation, other than trees, may be approved by the Town providing the vegetation is native and indigenous to the area.~~
- ~~(9) For parcels that have a conservation easement requirement from the SFWMD, where the dedication of upland buffers around a wetland is included as wetland mitigation, any trees installed within the dedication upland buffer may apply to the tree replacements required in Table A-2.~~
- ~~(10) All replacement trees must survive at least within one year of planting and must be replaced as often as necessary for the replacement to live beyond one year.~~
- ~~(11) Specimen or champion trees are not subject to cutting, relocation or mitigation without approval of the Town Council.~~
- ~~(C) Mitigation waivers. Mitigation requirements may be waived for residential single family properties for the clearing area of the house pad and attached structures, the septic system, driveway and a 50 foot buffer area around the house. This shall be determined by the Town on a case-by-case basis, after determination that the parcel owner is providing a building location that minimizes impacts to native vegetation to maximum extent practicable.~~
- ~~(D) Mitigation deferrals. The Town shall provide for a parcel to be cleared for bona fide agriculture use consistent with state requirements without concurrent mitigation. The cost to comply with the requirement to quantify the complete tree mitigation specification or a tree survey may be a deterrent to bona fide agriculture in some cases. The Town may shall require that the parcel owner record a restrictive covenant on a Town approved form limiting the parcel to bona fide agriculture use, and requiring the parcel owner to make a cash donation to the Loxahatchee Groves Tree Mitigation Trust Fund, or to mitigate in accordance with Table A-2 at the time of a zoning or land use change. The restrictive covenant shall include language quantifying the complete tree mitigation specifications required at the time of conversion. Any restrictions presently in place by county or state must be included.~~
- ~~(E) Alternative mitigation. Alternative mitigation proposals that meet the purpose and intent of this article may also be submitted and will be reviewed on a case-by-case basis. Alternative mitigation proposals require approval by the Town Council prior to issuance of a general permit. Any alternative mitigation which is proposed must remain within the Town.~~
- ~~(F) Mitigation for violations. When native trees that are three inches DBH or greater are removed or are damaged without a permit, or when trees that were to be preserved in place are damaged or destroyed by activities conducted with a permit, those native trees shall be replaced at double the rate shown in the Table A-2 and may be subject to additional fines at the discretion of the Town Council.~~

~~Section 87-035. Appeals.~~

- ~~(A) Appeal. An applicant for any permit may appeal a final determination made by the Town's permitting authority to the Town Council.~~
- ~~(B) Submittal. A written request for an appeal and the filing fee must be submitted within 45 calendar days of the applicant's receipt of the decision by the Town's permitting authority. The appeal must state with specificity the reasons for the appeal and shall contain such data and documentation upon which the applicant seeks to rely. Failure to file within such time frame shall constitute a waiver of a person's right of review by the Town Council.~~
- ~~(C) Hearing. The appeal shall be reviewed at a hearing by the Town Council no later than 60 calendar days following the Town's receipt of a request and the required filing fee. The hearing shall be quasi-judicial and shall be conducted pursuant to the procedures set forth within the Town's Unified Land Development Code.~~
- ~~(D) Judicial relief. An applicant may appeal a final written order of the Town Council to the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, as provided by law.~~

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~~Section 87-040. -- Violations.~~

- ~~(A) Violations. A violation shall be the failure to comply with the requirements of this article or with a condition of a permit issued by the Town pursuant to this article. Each condition or requirement violated and each occurrence of a violation shall constitute as a separate violation.~~
- ~~(B) Enforcement. The Town shall enforce the provisions of this article by any lawful means including, but not limited to, issuing a civil citation, bringing charges before the Town Special Magistrate, and seeking injunctive and equitable relief. To enforce compliance with this article, the Town may issue a cease and desist order or require that a building permit or Certificate of Occupancy be withheld. A violation of this article shall be punishable by one or more of the following:~~
- ~~(1) Up to quadruple permit fees for violations involving activities conducted without a valid permit that may otherwise have been permitted;~~
 - ~~(2) Up to quadruple permit modification fees for activities conducted with a valid permit that are inconsistent with the stated permit conditions and result in a need to modify the existing permit;~~
 - ~~(3) Any applicable remedies under F.S. chs. 166 and 162, as may be amended from time to time, including without limitation daily fines of up to \$250.00 per day for an initial violation and \$500.00 per day for repeat violators;~~
 - ~~(4) A fine of up to \$5,000.00 per tree when a tree is effectively destroyed, and up to \$10,000.00 per tree for champion trees that are effectively destroyed;~~
 - ~~(5) Remedial actions to restore the property to pre-violation conditions;~~
 - ~~(6) The Town may take any other appropriate legal action including, but not limited to, administration action and the issuance of temporary and permanent injunctions to enforce the provisions of this article;~~
 - ~~(7) Costs of enforcement; and~~
 - ~~(8) On-site mitigation pursuant to this article.~~
- ~~(C) Violation fees. Violation fees may be required as established by Resolution of the Town Council. All monies collected as civil penalties for violations of this article shall be paid to the Town of Loxahatchee Groves for the Loxahatchee Groves Tree Mitigation Trust Fund.~~

ATTACHMENT B - REPLACEMENT ARTICLE 87

(Underlines are new Article 87 language).

ARTICLE 87 – NATIVE TREE PRESERVATION AND INVASIVE EXOTIC REMOVAL

Section 87-005 - Purpose and Intent.

(A) **Purpose.** The purpose of this section is to implement the policies of the Future Land Use and Conservation Elements in the Town of Loxahatchee Groves Comprehensive Plan by establishing an administrative review and permitting process to prohibit the unnecessary removal or destruction of native trees and requires the removal of certain invasive, non-native plant species by:

- (1) Limiting the removal of native trees from a site until the approval of a site development plan.
- (2) Preserving and incorporating specimen trees into the site design.
- (3) Prohibiting speculative clearing and clear cutting.
- (4) Providing protection for individual trees located outside preserve areas.
- (5) Requiring the removal of invasive, non-native or prohibited invasive non-native vegetation prior to occupancy or use of a nonresidential/nonagricultural parcel.
- (6) Protecting exposed and disturbed soils from stormwater or wind forces.
- (7) Encouraging procedures to minimize siltation and sedimentation from disturbed and exposed soil surfaces.

(B) **Intent.** It is the intent of the Town to protect the health, safety, and welfare of its residents by encouraging the protection of native trees. The minimum standards of this section help achieve this goal by:

- (1) Conserving Natural Resources. Existing trees individually, in significant grouping, or in natural ecosystems, are essential elements of the Town's environmental heritage.
- (2) Serving Functional Values. Trees serve a number of invaluable environmental, economic, social, educational, and aesthetic functions, including:
 - (a) Maintaining air quality through photosynthesis.
 - (b) Maintaining permeable land areas for aquifer recharge and surface water filtration.
 - (c) Reducing and reversing air, noise, heat, and water pollution.
 - (d) Promoting energy conservation through the creation of shade, reducing heat gain in or on buildings or paved areas, and reducing the temperature of the microclimate through evapotranspiration.
 - (e) Reducing erosion by stabilizing the soil.
 - (f) Providing habitat and corridors for wildlife.
 - (g) Serving as educational, aesthetic, historic, and cultural resources.
 - (h) Buffering and providing a transition area between otherwise incompatible types of development.
 - (i) Increasing economic value of land by serving as a capital asset in site design.
 - (j) Promoting the use of plant species native to South Florida through relocation and installation.
- (3) Preventing Destructive Land Development Practices. The land clearing practices of grubbing or speculative clearing of lots without an approved site development plan or a comparable preservation management plan may result in the removal of native trees that may have otherwise been preserved or relocated.

Section 87-010- Applicability.

(1) The provisions of this section shall apply to all property within the Town of Loxahatchee Groves. This section is intended to complement and not conflict with other Town, state, and federal environmental regulations. However, in cases of conflict, the more restrictive regulations shall apply to the extent of the conflict.

(2) The Town shall have regulatory authority over the alteration, abuse or removal of non-native and native upland trees, and the stabilization of exposed soil surface areas.

(3) No person may conduct a tree removal operation unless such operation is exempted by, or expressly approved by this Article.

Section 87-015. - Definitions.

For the purpose of this article the definitions in this section shall apply unless the context clearly indicates or requires a different meaning. In construing the provisions of this article, if no definition is provided herein and when context will permit, publications recognized as authoritative in the scientific and engineering fields shall apply. Such publications shall include: "Dig Manual" by the State of Florida, "ANSI A300-Trees, Shrubs and Other Woody Plant Maintenance—Standard Practices" by the American National Standards Institute, "Grades and Standards for Nursery Plants—Parts I and II" by the Florida Department of Agriculture, and Chapter 62 of the Florida Administrative Code.

Agriculture. Agriculture includes those uses conducted on lands which are engaged in farming as defined in F.S. § 823.14(3), as follows: "Farm means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

Caliper. Thickness of a tree.

Canopy. The upper portion of a tree consisting of limbs, branches and leaves.

Canopy spread. The longest horizontal distance between the tips of limbs across the crown of a tree.

Champion tree. A champion tree is the largest tree of its species within the state as recognized by the Florida Department of Agriculture's Division of Forestry based on trunk circumference, vertical tree height, and average crown spread.

Clear Cut or Clear. Removal of all native trees from a site.

Clear trunk. The distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.

Clear wood. The portion of a palm trunk which is mature hardwood measured from the top of the root ball to the base of green terminal growth or fronds.

Crown. The branches, leaves and reproductive structures extending from the trunk of a tree.

Crown spread. The average distance of the diameter of the extent of the upper portion of a tree,

Diameter breast height (DBH). The diameter of the trunk of a tree measured at four and one-half feet above grade.

Effectively destroy. To purposefully cause, allow, or permit any act which will cause a tree to die.

Ground cover. A low-growing plant that, by the nature of its growth characteristics, completely covers the ground and does not usually exceed two feet in height.

Grubbing. Removal of roots that remain in the soil after clearing of a site.

Hatracking. The cutting back of limbs to the extent that trees are damaged to the extent that they will never regrow a natural canopy and must be replaced.

Invasive non-native vegetation. For the purposes of this article, those species included but in a list maintained by the Town shall be recognized as invasive non-native vegetation within the Town.

Land clearing. The removal of trees, shrubs, and/or undergrowth by stripping or any other process, with the intention of preparing real property for development, as defined in F.S. Section 380.04. Land clearing shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed, the removal of dead or nuisance trees; or normal mowing operations.

Mulch. Organic material such as wood chips, pine straw or bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and enrich the soil.

Native plant species. Plant species scientifically documented to be indigenous to the ecological communities of South Florida.

Natural destruction. Destruction of a tree by naturally occurring diseases such as Pine Boars, etc., or acts of nature such as storm events or lightning strikes.

Nonresidential/nonagricultural land uses. Uses permitted in the Town's Commercial Low (CL), Commercial Low Office (CLO), and Institutional and Public Facilities (IPF) zoning districts and uses that are not residential or agriculture in the Town's Agricultural Residential (AR) zoning district.

Preferred plant species. Plant species scientifically documented to be indigenous to the ecological communities of South Florida and included on the list of locally indigenous species maintained by the Town.

Prohibited Invasive non-native vegetation. For the purposes of this article, those species included in a list maintained by the Town shall be recognized as invasive non-native vegetation within the Town.

Specimen Tree. A tree that has attained an age where its size, stature, health, and appearance contributes to the aesthetics of the Town. Trunk sizes designating specimen stature of the most commonly found native trees are identified on the Specimen Tree List compiled and maintained by the Town of Loxahatchee Groves. Other trees are specimen trees, if the trunk has attained a diameter of at least 33 percent of that of the State of Florida Division of Forestry's listed State of Florida champion for the applicable tree.

Speculative Clearing. Clear cutting or clearing of non-exempt trees on a site without a permit or waiver issued by the Town.

Tree. A self-supporting woody perennial plant, usually with one vertical stem or main trunk which naturally develops a distinct, elevated crown and provides, at maturity, natural characteristics of the species.

Understory. The vegetation layer, including plants growing between the tree canopy and ground cover.

Wetland, jurisdictional. A jurisdictional wetland is defined in subsection F.S. Section 373.019(25), as may be amended.

Section 87-020 - Exempt Activities.

The following activities are exempt from these requirements:

(A) Land Surveying. The minimal removal of trees or understory by a Florida licensed land surveyor necessary for the performance of his or her duties provided the swath cleared shall not exceed five (5) feet in width and hand clearing shall be used to remove vegetation. If survey lines greater than five (5) feet in width are required, the Town shall be notified, and a permit shall be required.

(B) Utilities and Easements. Any vegetation removal pursuant to the direction of the Town of Loxahatchee Groves, public or private utility organizations or agencies, or water management district within drainage or utility easements where such direction has received all required permits or approvals.

(C) Management Plan Activities. Alterations or activities associated with the adopted management plan for government-maintained parks, recreation areas, wildlife-management areas, conservation areas, and preserves.

(D) Enhancements and Restoration. The removal of trees by the Town, Palm Beach County, the State of Florida, or their agents, for the purposes of environmental enhancement or environmental restoration.

(E) Natural Emergencies. The provisions of this section may be suspended or waived by the Town Manager or designee during a period of officially declared emergency, such as a hurricane, a windstorm, a tropical storm, flood, or other similar disaster.

(F) Forest Management Activities. Selective tree removal for forest management activities as defined in the current Forest Management Plan as approved by the Florida Division of Forestry for that specific site.

(G) Botanical Gardens, Botanical Research Centers, or Licensed Commercial or Wholesale Nurseries. Following the approved initial clearing of the site for one (1) of these activities, subsequent harvesting or other plant removal shall not require a tree removal permit.

(H) Agricultural Operations. Clearing that is part of the on-going activities of an existing agricultural operation including the maintenance and upkeep of agricultural and pasture lands. Initial clearing of a parcel not previously used for these purposes is not an exempt activity. Assignment of an Agricultural Residential (AR) zoning designation to a property does not, in itself, qualify said property for an exemption under this Article.

(I) Dead and Hazard trees. Removal of dead or hazard trees that constitute a peril to life or property

(J) Alteration of Trees Pursuant to an Adopted Management Plan. For government maintained parks, recreation areas, wildlife management areas, conservation areas and preserves, subject to review and comment by the Town, excluding new construction or parcel improvement.

(K) Tree Pruning. Pruning of all trees in accordance with the American National Standards Institute (ANSI) A300, to allow for healthy growth and to promote safety.

(L) Routine Landscape Maintenance. Mowing, hedging, hedge trimming, and ongoing gardening operations or "bush hog" type mowing operations in areas that are regularly maintained.

(M) Conservation or Preservation Area Management. Subject to review and comment by the Town, management activities in areas designated by deed restriction, plat, restrictive covenant, or conservation easement dedicated to a public entity or approved private conservation group for preservation provided the activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns or construction of fences; and the preserve area has a preserve management plan approved by the Town, or another governmental entity.

(N) Removal of Invasive Non-Native and Prohibited Invasive Non-Native Vegetation and Dead Trees. Trees included on the lists of Invasive Non-Native and Prohibited Invasive Non-Native Vegetation maintained by the Town.

(O) Removal of Trees within a "Sight Distance Triangle". Trees within the site distance triangle of a site, as defined in Section 105.005 *Sight distance triangle* of the Unified Land Development Code.

Section 87-025 – Agricultural Residential (AR) Zoning District Tree Removal Waivers.

(A) A landowner in the Agricultural Residential (AR) zoning district may apply for approval by the Town of a Tree Removal Waiver for the following activities within a property containing an existing legal use or a vacant parcel whose proposed use is legal. The Waiver may be approved by the Town on a case-by-case basis, after determination that the parcel owner is providing a building location that minimizes impacts to native trees to maximum extent practicable. Additional clearing activities may be required by the Town to obtain a Tree Removal Permit. A tree survey is not required in order to apply for a Tree Removal Waiver.

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- (1) The minimal removal of native trees or understory necessary to install a fence, provided that the path cleared for the fence does not exceed ten feet in width.
 - (2) Clearing required for the house pad and attached structures, the septic system, driveway and a 50 foot cleared buffer area around the house
 - (3) Clearing required for building accessory structures, including a 30-foot cleared buffer around such structures.
 - (4) Pruning and removal of trees within a utility easement, for maintenance and where the trees are interfering with services provided by a utility. Including public utility, water control, water management, and road right-of-way activities within utility and drainage easements.
 - (5) Wetland mitigation or enhancement activities conducted pursuant to a permit from the South Florida Water Management District or the Florida Department of Environmental Protection under Chapter 62-312, F.A.C. as amended. A copy of the permit shall be attached to the Waiver granted by the Town.
 - (6) Parcels of vacant land shall be allowed to remove overgrown herbaceous understory vegetation to preserve tree canopy in areas where natural fire has been suppressed and where a prescribed burn would not be feasible.
 - (7) One-time removal of up to 5 non-specimen native trees on an existing developed property.
- (B) No healthy native trees that have four inches DBH or greater are to be removed or damaged unless exempted under Section 87-020 or permitted under Section 87-030 Tree Removal Permits or a Tree Removal Waiver.

Section 87-030 – Tree Removal Permits.

A landowner may apply for approval by the Town of a Tree Removal Permit within a property containing an existing legal use or a vacant parcel whose proposed use is legal. A tree removal permit shall be required for the removal of all trees unless exempt under Section 87- 020 or awarded a Tree Removal Waiver by the Town under Section 87-025.

(A) **General Application Requirements.** The following general application requirements apply to all applications.

- (1) Permit applications shall be made on forms provided by the Town.
- (2) An application shall not be deemed complete until the application fee and all information necessary to understand the extent, nature and potential impacts of a proposed project are received by the Town. Application information may include, but is not limited to:
 - a. A completed application form with the signature of the parcel owner, or authorized agent of the parcel owner with agent authorization letter;
 - b. A description of the work to be performed;
 - c. Parcel information including legal description and a location map;
 - d. Identification of the type, size and location of native trees that are four inches DBH and greater to be removed with representative color photographs; and
 - e. A tree replacement or tree relocation table, if applicable.
- (3) Fees. Permit application filing fees shall be required, as established by a Resolution of the Town Council. Fees shall be non-refundable and non-transferable. An additional amount may be required where projects require specific detailed processing assistance by the Town, or where plans significantly change after initial review pursuant to the Town's cost recovery policies. Application fees and cost recovery amounts paid by check shall be payable to the Town of Loxahatchee Groves.

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(4) Inspections. An application for a tree removal permit constitutes consent by the property owner and/or applicant for the Town to conduct site inspections in furtherance of this article on the subject property, pursuant to permit requirements.

(B) **Existing Development.** The property owner of an existing development shall submit a tree removal permit application to the Town, along with the associated review fee and any additional cost recovery amount established by the Council. The property owner shall submit any additional information the Town Manager, or designee deems necessary to complete the review of the application. Applications to remove more than five (5) native trees shall include a tree survey.

(C) **Proposed Development.** As part of the site plan or building permit review process, the applicant for a proposed development shall include a tree survey of all native trees located within the proposed development area(s), or areas to be cleared. For any tree(s) that are to be removed or relocated, the applicant shall submit a tree removal permit or waiver application along with a copy of the tree survey that indicates the current location of and proposed method of mitigation for the tree(s) to be removed mitigated.

(D) **Criteria for Review.** A tree removal permit for existing or proposed development shall be issued if one (1) or more of the following criteria are evidenced in the application:

(1) The trees interfere with utility services.

(2) The trees create unsafe vision clearance for pedestrian and vehicular traffic.

(3) The trees are located in the buildable area of the site, unreasonably restrict the permitted use, and cannot be relocated on site due to viability, age, type, or size.

(E) **Permit conditions.** The Town may include, but not be limited to the following permit conditions with the approval of a permit.

(1) Conditions reasonably necessary to protect the environmental integrity of any on-site or adjacent wetlands, mitigation areas and preserve areas, and to prevent potential harm to native plant and animal species.

(2) Conditions for vegetation debris removal.

(3) The use of barriers and flagging during construction to establish appropriate setbacks to protect and preserve existing native vegetation.

(4) Conditions reasonably necessary to stabilize exposed and disturbed land surfaces.

(5) A performance guarantee in an amount equal 110 percent of the cost of the required tree mitigation for tree removal on vacant lands.

(F) **Issuance and Expiration.**

(1) Tree Removal Permit applications shall be reviewed and approved according to the Category B Special Exception procedure pursuant to ULDC Article 170 *Special Exception Uses*.

(2) Existing Development. Tree Removal Permits will be issued following review and approval of the application.

(3) Proposed Development. Tree Removal Permits shall be issued concurrent with an application for a building permit or other site development permit where trees are affected.

(3) Expiration. Tree Removal Permits shall expire one hundred twenty (120) days after the date of issuance unless extended by a condition of approval of the Tree Removal Permit. Any work not completed within the standard or extended period shall require submission of a new Tree Removal Permit Application and associated review fees. The Town Manager or designee may administratively approve an additional extension in conjunction with an approved development order.

Section 87-035 - Tree Protection Standards.

(A) Prohibition on Speculative Clearing. Clearing or grubbing of a site is prohibited, unless allowed under Sections 87-20, 87-25, or 87-30.

(B) Preservation of Native Trees.

(1) Native trees, on a list compiled and maintained by the Town, shall be maintained on site and in their existing locations unless otherwise permitted by this Article or any other applicable code provisions.

(2) In the event a native tree is to be relocated on a proposed development site, the tree may be relocated to one (1) of the following areas on the site (listed in order of preference): preserve area, buffer, interior landscaping, or other area on-site authorized in the Tree Removal Permit by a condition(s) of approval.

(3) In the event a native tree cannot be maintained or relocated on site, the tree may be relocated to an off site property included on the Town's list of approved native tree recipients.

(4) Hatracking, as defined herein, of trees is prohibited.

(C) Land clearing standards. The landowner shall take all reasonable measures during land clearing activities to avoid damage to trees and other native vegetation designated to remain, and to protect exposed and disturbed soils from stormwater and wind forces.

(1) Best management practices shall be implemented to protect exposed and disturbed soils from stormwater or wind forces during construction activities.

(2) Removal of existing native vegetation shall be limited to that area necessary to implement an approved project.

(3) Development projects shall be designed to maximize removals from areas dominated by prohibited invasive non-native and invasive non-native vegetation.

(4) Native trees in the footprint of the proposed development that can reasonably be transplanted with an anticipated high degree of success should be incorporated into other areas on the parcel to the maximum extent practicable. If movement is not practical, trees shall be mitigated (See Section 87-035 (C) Mitigation).

(5) All exposed and disturbed surfaces shall be mulched, seeded, sodded, vegetated or otherwise stabilized by the time of Certificate of Occupancy or final inspection. Failure to stabilize disturbed surfaces, as well as the removal of vegetation resulting in on-site or off-site erosion (sedimentation or siltation or both) or the windblown loss of soil shall be deemed a violation of this article.

(D) Mitigation.

(1) Mitigation. Mitigation, through tree replacement as specified under this section, shall be required for the removal of native trees that are four inch DBH or greater. A tree replacement table identifying and quantifying all replacement trees to be mitigated shall be submitted with the permit application.

The tree replacement plan shall also identify the size of each replacement tree and location for installation. The tree replacement plans shall maximize tree and vegetative buffering between properties. Tree replacement can be done by the landowner.

(2) Tree replacement. Removed native trees shall be mitigated through replacement in accordance with the Tree Replacement Table, shown below. For relocated trees which die within one year of relocation, the replacement value shall be that as shown in the Tree Replacement Table. Those trees less than six inches DBH shall be replaced with the same size tree as the relocated tree.

(a) All replacement trees shall consist of native trees indigenous to the area and have an appropriately sized root ball and be free of disease, defects or damage that will prohibit the tree from attaining its natural growth habit. Pine trees that are selected as replacement trees shall be South Florida Slash Pine trees only.

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- (b) If the required replacement trees cannot be purchased within 60 miles of the parcel, an alternate replacement may be approved by the Town.
- (c) At least 50 percent of the trees planted as mitigation shall be the same species as the trees removed.
- (d) All replacement plants specified in the Tree Removal Permit are required to be accepted prior to the release of the Certificate of Occupancy, unless otherwise approved by the Town.
- (e) Monitoring time frames for all replacement plants specified in the Tree Removal Permit shall be established as permit conditions.
- (f) Mitigation vegetation, other than trees, may be approved by the Town providing the vegetation is native and indigenous to the area.
- (g) For parcels that have a conservation easement requirement from the SFWMD or the Town, where the dedication of upland buffers around a wetland is included as wetland mitigation, any trees installed within the dedication upland buffer may apply to the tree replacements required in the Tree Replacement Table.
- (h) All replacement trees must survive at least within one year of planting and must be replaced as often as necessary for the replacement to live beyond one year.
- (i) Specimen trees are not subject to cutting, relocation or mitigation without approval of the Town Council.
- (j) New or replacement trees shall not be located within a road or canal right-of-way or utility or drainage easement.

Tree Replacement Table

<u>Tree Height and DBH</u>	<u># of Replacement Trees Required</u>
<u>24 ft. up with a 6 inch or greater DBH</u>	<u>1 at same size, or two at 18 feet to 20 feet in height</u>
<u>16 feet to less than 24 ft. with a 4 inch to 6 inch DBH</u>	<u>1 at 18 feet to 20 feet in height, with a 4 inch to 6 inch DBH</u>
<u>12 feet to less than 16 feet, with a 4 inch DBH</u>	<u>1 at 12 to 16 feet in height with a 4 inch DBH</u>
<u>12 feet to less than 16 feet, with a 2 inch to 4 inch DBH (all zoning Districts other than AR)</u>	<u>1 at 12 to 16 feet in height, with a 2 inch to 4 inch DBH</u>
<u>less than 4 inch DBH (AR zoning District only)</u>	<u>0</u>

(3) Mitigation waivers. Mitigation requirements may be waived by the Town per Section 87-025

(4) Agricultural Mitigation. The Town shall provide for a parcel to be cleared for a proposed agriculture use consistent with state requirements without concurrent complete mitigation. Further, the cost to comply with the requirement to quantify the complete tree mitigation specification or a tree survey may be a deterrent to agriculture in some cases. In such case, an alternative tree survey and mitigation specification may be approved by the Town.

In combination with a mitigation specification, including the cost to mitigate, the Town shall require that the parcel owner:

- (a) File a Tree Removal Permit Affidavit with the Town and record a Declaration of Restrictive Covenant on Town approved forms with the Palm Beach County Clerk of Courts limiting the parcel to agriculture use or requiring the parcel owner to make a cash donation to the Loxahatchee Groves Tree Mitigation Trust Fund, or to mitigate in accordance with the Tree Replacement Table at the time of a change to a non-agricultural use. The Tree Removal Permit Affidavit shall include language quantifying the complete tree mitigation specifications,

including costs, required at the time of conversion. Any restrictions presently in place by county or state must be included.

(b) Make an initial non-refundable cash contribution to the Loxahatchee Groves Tree Mitigation Trust Fund according to the following schedule to be included in the tree mitigation specifications: For parcels 5 acres or less – 2% of the mitigation costs; for parcels of 5.01 to 10 acres – 5% of the tree mitigation costs; for parcels of 10.01 to 20 acres – 7.5% of the mitigation costs; and for parcels of 20.01 acres and more – 12.5% of the tree mitigation costs.

(c) File an amended Tree Removal Permit Application, subject to mitigation requirements per Sections (C) (1) and (2) above, for those portions of the property not assigned an agriculture Use Code by the Palm Beach County Appraiser.

(5) Alternative mitigation. Alternative mitigation proposals that meet the purpose and intent of this article may also be submitted and will be reviewed on a case-by-case basis. Alternative mitigation proposals require approval by the Town Council prior to issuance of a Tree Removal Permit. Any alternative mitigation which is proposed must remain within the Town.

(6) Mitigation for violations. When native trees that are two inches DBH or greater are removed or are damaged without a permit, or when trees that were to be preserved in place are damaged or destroyed by activities conducted with a permit, those native trees shall be replaced at double the rate shown in the Tree Replacement Table, according to a tree restoration plan approved by the Town, and may be subject to additional fines at the discretion of the Town Council.

(7) Nonresidential/nonagricultural Land Uses. If any native trees cannot be preserved, relocated or mitigated on site and off site relocation or mitigation on a property on the Town maintained list of approved sites is not possible, then a fee-in-lieu equivalent to three (3) times the retail value of each tree, plus installation costs, shall be required for each native tree not preserved, relocated, or mitigated on the property or relocated or mitigated off-site. This fee shall be paid to the Town and used for the installation of native trees on publicly owned land within the Town.

(8) Residential Land Uses Greater Than Two (2) Acres in Size. If any native trees cannot be preserved, relocated, or mitigated on site and off site mitigation within the Town is not possible, then a fee-in-lieu equivalent to three (3) times the retail value of each tree shall be required for each native tree not preserved, relocated, or mitigated on the property or mitigated off-site to properties on the list of approved native tree recipients maintained by the Town. This fee shall be paid to the Town and used for the installation of native trees on publicly owned land, or other land within the Town, as determined by the Town Council. Non-conforming lots of less than two (2) acres in size are exempt from this requirement.

(E) Tree Credits. Native trees preserved, relocated, or mitigated on site may be credited towards meeting the landscaping requirements of Article 85 Landscaping. Preserved or relocated trees shall be credited at replacement rates in the Tree Replacement Table.

(F) Removal of Prohibited Invasive, Non-Native and Invasive Non-Native Vegetation. All prohibited invasive, non-native and invasive non-native vegetation on the lists maintained by the Town shall be removed from the site of a nonresidential/nonagricultural land use prior to issuance of a certificate of occupancy.

(G) Protection of Preserved/Relocated Trees During Construction. In order to protect preserved and relocated trees from damage during construction, the following measures shall be implemented:

(1) No excess soil, additional fill, equipment, liquids, or construction debris shall be placed within the drip line of any tree preserved in its original location.

(2) No attachments or wires other than those of a protective or non-damaging nature shall be attached to any tree.

(3) No soil shall be removed from within the drip line of any tree to remain in its original location, unless otherwise authorized by the tree removal permit.

(4) Protective barriers shall be installed and maintained for the period of time described in the Landscape Plan required by Section 85-050 *Landscape plans* on a nonresidential/nonagricultural construction site.

(H) Nonresidential/nonagricultural Tree Management Plan. Native trees preserved on a proposed development site shall be protected by a tree management plan. The tree management plan shall be submitted as part of a site plan approval application and shall be subject to review and approval by the Town Council. The tree management plan shall be incorporated into the site plan approval and shall include provisions for:

- (1) Replacement of trees damaged during construction and those that do not survive the first year following transplantation.
- (2) Submission trees.
- (3) Proper maintenance of preserved trees.

Section 87-040 Specimen Trees.

Trees that have attained the size and stature to meet the "specimen" designation are trees that are an important natural resource of the Town and deserve special protection. All applications for development approval shall comply with the conditions and requirements of this subsection.

(A) Specimen Tree List. The following list includes the most commonly found native trees in Palm Beach County with the specimen size trunk diameter at breast height (DBH) and circumference calculations in inches:

Specimen Tree Trunk DBH and Circumference Table

<u>Common Tree Name</u>	<u>Scientific Name</u>	<u>Specimen Trunk Size (in inches)</u>	
		<u>DBH</u>	<u>Circumference</u>
Bald Cypress	<u>Taxodium distichum</u>	13	42
FL Strangler Fig	<u>Ficus aurea</u>	25	78
Dahoon Holly	<u>Ilex cassine</u>	4	13
Green Buttonwood	<u>Conocarpus erecta</u>	13	42
Gumbo Limbo	<u>Bursera simaruba</u>	13	41
Laurel Oak	<u>Quercus laurifolia</u>	17	56
Live Oak	<u>Quercus virginiana</u>	22	72
Mahogany	<u>Swietenia mahogany</u>	14	43
Pond Cypress	<u>Taxodium ascendens</u>	13	42
Red Bay	<u>Persea borbonia</u>	14	43
Red Maple	<u>Acer rubrum</u>	13	40
Red Mulberry	<u>Morus rubra</u>	13	43
Sand Pine	<u>Pinus clausa</u>	8	27
Seagrape	<u>Coccoloba uvifera</u>	10	32
Slash Pine	<u>Pinus ellioti var. densa</u>	14	45
Southern Red Cedar	<u>Juniperus silicicola</u>	21	64
Swamp Bay	<u>Persea palustris</u>	14	43
Sweet Bay	<u>Magnolia virginiana</u>	12	38

(B) Non-specimen Trees. The following trees are not considered specimen trees:

- (1) Trees listed in the Specimen Tree Trunk DBH and Circumference Table that do not meet the specimen trunk size criteria.
- (2) Native trees not listed in the Specimen Tree Trunk DBH and Circumference Table.
- (3) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, such as citrus, avocados, mangos.
- (4) Invasive, non-native plant species on the list maintained by the Town.
- (5) All non-native, multi-trunk palms.

(C) **Requirements.** All sites proposed for development containing specimen trees shall comply with the following conditions shall be developed to incorporate specimen trees in place in the site design to the greatest extent possible:

(1) Site plans, building plans or tree removal permits, including those for proposed residential use shall be developed to incorporate specimen trees in place in the site design to the greatest extent possible.

(2) Specimen trees on nonagricultural/nonresidential sites shall be relocated on site if there is no construction alternative that allows incorporation of the tree into the site design.

(3) If specimen tree on a nonagricultural/nonresidential site cannot be preserved in place, or relocated on site, then the specimen tree can be relocated off site.

(4) Relocated specimen trees shall be provided with irrigation, mulching, and other means to ensure survivorship. If relocated specimen trees do not survive, they shall be replaced with native tree species on a one-for-one or DBH inch-by-inch basis, whichever maintains the greatest amount of tree canopy.

(5) Trees planted in mitigation shall comply with the requirements in the Specimen Tree Trunk DBH and Circumference Table.

(6) If on-site mitigation is not possible on a nonagricultural/nonresidential site, off-site mitigation within the Town shall be required consistent with the requirements of Section 87-035 (C) (7).

(7) If any specimen trees cannot be preserved, relocated, or mitigated on a nonagricultural/nonresidential site and off-site mitigation within the Town is not possible, then a fee-in-lieu equivalent to three (3) times the retail value of each tree, plus installation costs shall be required for each specimen tree not preserved, relocated, or mitigated on the property or mitigated off-site. This fee shall be paid to the Town and used for the installation of specimen species trees on publicly owned land within the Town, or sites on the list of approved native tree recipients maintained by the Town.

(D) **Agricultural Requirements.** All proposed agricultural development containing specimen trees shall be developed to incorporate specimen trees in place in the site design to the greatest extent possible. Agriculture uses are encouraged to incorporate existing specimen trees or mitigate for their removal.

Section 87-045 Other Jurisdiction Approvals.

(A) Prior to applying for a permit from the Town, the property owner must obtain all required permits and authorizations from external agencies having jurisdiction for the proposed work.

(B) The property owner is subject to and must ensure compliance to the water quality rules and standards as set forth in Chapter 62.302, of the Florida Administrative Code (F.A.C.). When applicable, the property owner shall obtain a wetlands determination and any required environmental resource permit from the South Florida Water Management District or the Florida Department of Environmental Protection.

Section 87-050 Appeals.

An applicant may appeal a determination by the Town Manager, or designee to the Town Council.

Section 87-055 Enforcement.

(A) **Enforcement.** Violations of this section shall be subject to enforcement procedures in Chapter 162, Florida Statutes, including code enforcement process, fines, and Special Magistrate, and supplemental Town code enforcement procedures. Additionally, violations may be subject to abatement procedures and/or may be subject to any other means of enforcement allowed by law, including Subsection (c) herein.

(B) Violations. It shall be a violation of this section to remove native trees without first obtaining a tree removal permit or tree removal waiver from the Town unless expressly exempt under the provisions of Section 87-020 or 87-035 (C) (8).

(1) Removal of up to 1,500 sq. ft. of native tree land area shall constitute a violation. Each day a violation exists for such unlawful removal shall constitute a separate violation.

(2) Removal of each additional 1,500 sq. ft., or portion thereof, of native tree land area in violation of this section shall constitute an additional and separate violation. Each day a violation exists for such unlawful removal shall constitute a separate violation.

(C) Penalties. In addition to code enforcement and fines imposed through the process, the following may be applied to any violations of this Article.

(1) Native Trees.

(a) Replacement. The violator shall be required to mitigate for the removed tree(s) pursuant to the provisions of Section 87-035 above. A tree restoration plan shall be submitted to the Town for review and approval. Once approved, the violator shall post a bond, letter of credit, or cash equivalent in an amount equivalent to the costs for implementing the tree restoration plan.

(b) Mitigation. Mitigation per Section 87-035 (C) (6) shall be required.

(c) Suspension of Review. If a tree restoration plan for unlawfully removed native trees is not approved and bonded within thirty (30) days following notice of violation, the Town may suspend issuance of further permits for the property (including building permits, inspections, and Business Tax Receipts).

(d) Liens. If, after sixty (60) days of the notice of violation a tree restoration plan has not been approved and bonded, the Town may place a lien on the property in an amount equal to the sum of any unpaid fines and the reasonable costs for replacing and installing the unlawfully removed tree(s) on public property.

Section 87-060 Variation from Minimum Property Development Regulations.

In order to accommodate the preservation of native and specimen trees, the Town Council may provide the following incentives: (1) Waive up to twenty (20) percent of a required property line setback standard on a nonresidential/nonagricultural land use which does not abut a residential land use; or (2) Waive up to ten (10) percent of the required parking spaces, or permit a portion of the required standard spaces to be reduced in size, for nonagricultural/nonresidential development. If the applicant has requested a variance to either of these standards for other reasons, the decision to allow a further waiver for preservation purposes shall be made by the Town Council.

RESOLUTION NO. 2019-40

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

WHEREAS, Resolution No. 2011-005, adopted by the Town Council on May 17, 2011, established the Town's Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC), and provided for terms of voting members to run concurrently with the term of the appointing Council Member; and

WHEREAS, Resolution No. 2015-014, adopted by the Town Council on April 21, 2015, amended Section 2(I) (e) of Resolution No. 2011-005 and established the terms of all members of the Roadway, Equestrian Trails and Greenway Advisory Committee to one (1) year; and

WHEREAS, the Town Council now finds it in the best interests of the Town to appoint voting members to the RETGAC for the upcoming year.

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

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

Section 2. The Town Council hereby appoints the following persons to serve as voting members of the Town's Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC) for a term of one (1) year:

Dave DeMarios, Vice Mayor

Nancy Fried

Robert Shorr, Mayor

William "Bill" Louda

Laura Danowski, Councilmember

Darcy Murray

Lisa El-Ramey, Councilmember

Vacant

Phillis Maniglia, Councilmember

Geoffrey Sluggett

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.

_____ offered the foregoing resolution.
_____ 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 9TH DAY OF JULY 2019

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor

Town Clerk

Vice Mayor

Council Member

APPROVED AS TO LEGAL FORM:

Council Member

Office of the Town Attorney

Council Member



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: James Fleischmann, Planning Consultant

VIA: James Titcomb, Town Manager

SUBJECT: Revision of Town Resolution 2015-04 defining RETAG Advisory Committee duties and meetings.

Background: RETAG Advisory Committee duties are detailed in Town Resolution 2015-04. General duties are defined in Section 2.I. (B). However, Section 2.III. (B) limits RETAG Advisory Committee business meetings to items specifically directed to it by the Town Council. At this time, the only active Council direction is to recommend standards to be used in the design of Town equestrian and multi-use trails.

The Committee requested that the Town Council more specifically define its responsibilities. The Town Council, at the June 4, 2019 meeting, directed staff to prepare a resolution to revise Resolution 2015-04 to detail more specific ongoing responsibilities and meeting schedule

Definition of RETAG Advisory Committee is accomplished by Town Resolution.

Per Town Council direction, adopt Resolution 2019-41 redefining RETAG Advisory Committee responsibilities. Staff has drafted proposed Resolution 2019-41 redefining RETAG Advisory Committee duties for consideration by the Town Council.

Recommendations:

The Town Council approve Resolution 2019-41 (revision of Resolution 2015-04) as presented in Attachment 1.

RESOLUTION 2019-41

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES FLORIDA AMENDING RESOLUTION 2015-04, RELATING TO THE TOWN "ROADWAY, EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE" TO AMEND THE PROVISIONS RELATING TO DUTIES, MEETINGS AND PROCEDURES OF THE COMMITTEE; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution 2011-05, the Town Council of the Town of Loxahatchee Groves, Florida, created the "Roadway, Equestrian Trails and Greenway Advisory Committee" to advise the Town Council as to issues related to roadways, multi-purpose and equestrian trails, greenways, parks and related water issues; and

WHEREAS, pursuant to Resolution 2015-04, the Town Council of the Town of Loxahatchee Groves, Florida, amended Section 2 of Resolution 2011-05 to revise Roadway, Equestrian Trails and Greenway Advisory Committee duties and meetings; and

WHEREAS, the Town Council finds that further amending the duties and meetings of the Roadway, Equestrian Trails and Greenway Advisory Committee is in the best interests of the residents of the Town.

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

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

Section 2. Section 2 of Resolution 2015-04 is amended as follows (underlines are additions and strikethroughs are deletions):

I. Creation of the "Roadway, Equestrian Trails and Greenway Advisory Committee." There is created the Roadway, Equestrian Trails and Greenway Advisory Committee to act as an advisory board to the Town Council, as follows:

- (A) Qualifications. Each member of the Roadway, Equestrian Trails and Greenway Advisory Committee shall be a resident of the Town.
- (B) Duties. The Roadway, Equestrian Trails and Greenway Advisory Committee's duties are to review only those matters directed to it by the Town Council through the Town Manager, ~~or by the Town Manager~~, which matters may include: but are not limited to:
 - 1. Reviewing and analyzing projects relating to roadways, multi-purpose and equestrian trails, greenways, parks, ~~and related water issues, road crossings, signage, and related issues as may be assigned to it by the Town Council from time to time;~~
 - 2. Making recommendations to the Town Council on the enhancement, improvement and development of roadways, multi-purpose and equestrian trails, greenways, parks and related water issues within the Town; and,
 - 3. Any other matter relating to roadways, multi-purpose and equestrian trails, greenways, parks and related water issues the Town Council may determine should be reviewed by the Committee.
- (C) The Committee shall be comprised of five (5) voting members, to be appointed by individual Town Council Members.
- (D) The Town Council shall appoint one member of the Town Council to serve as a non-voting liaison to the Roadway, Equestrian Trails and Greenway Advisory Committee. The Town Council liaison shall serve as a conduit to provide information between the Town Council and the Roadway, Equestrian Trails and Greenway Advisory Committee.
- (E) The voting members shall serve at the pleasure of the Town Council. The terms of the voting members shall run concurrently with the term of the Council Member who nominated the voting member to the Committee.
- (F) An attendance requirement shall be imposed on all members of the Roadway, Equestrian Trails and Greenway Advisory Committee. Unless excuse of absence is granted by the Roadway, Equestrian Trails and Greenway Advisory Committee, a member of the Roadway, Equestrian Trails and Greenway Advisory Committee shall be removed by the Town Council if he/she has missed three (3)

consecutive meetings of the Committee within a twelve (12) month period.

Committee members, and/or companies or employers in which the members have a direct financial interest, shall not do business with the Town, in accordance with Florida Statutes 112.313, and pertinent opinions of the Florida Commission on Ethics. If any member of the Committee finds that his/her personal interests are involved in any matter coming before the Town Council, he/she shall disqualify himself/herself from all participation in the matter.

- (G) If a regular member of the Roadway, Equestrian Trails and Greenway Advisory Committee resigns or is removed from his or her position, ~~the nominating~~¹ Council Member shall appoint the replacement.

- II. **Advisory Only.** The actions, decisions, and recommendations of the Roadway, Equestrian Trails and Greenway Advisory Committee shall be advisory only.

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

(A) The Roadway, Equestrian Trails and Greenway Advisory Committee shall hold an organizational meeting at the first scheduled meeting following the appointment of the members of the Roadway, Equestrian Trails and Greenway Advisory Committee. The purpose of the Roadway, Equestrian Trails and Greenway, Advisory Committee organizational meeting is for the members to elect a Chair and Vice Chair from its voting membership for terms of one (1) year.

(B) The Roadway, Equestrian Trails and Greenway Advisory Committee will meet only when needed to review matters directed to it by the Town Council pursuant to subsection I (B) above. At such meetings, the Roadway, Equestrian Trails and Greenway Advisory Committee shall limit its business to the matters directed to it by the Town Council.

The Roadway, Equestrian Trails and Greenway Advisory Committee shall meet on a regular or as needed basis, as determined by the Roadway, Equestrian Trails and Greenway Advisory Committee.

- (C) All meetings, records and files of the Roadway,

Equestrian Trails and Greenway Advisory Committee shall be open and available to the public, consistent with Chapter 119, Florida Statutes (the Public Records Law) and Chapter 286, Florida Statutes (the "Sunshine Law"). In addition, members of the Roadway, Equestrian Trails and Greenway Advisory Committee shall ensure that their actions are following Chapter 119, Florida Statutes (the "Public Records Law") and Chapter 286, Florida Statutes (the "Sunshine Law").

(D) Notice for any meeting of the Roadway, Equestrian Trails and Greenway Advisory Committee shall be posted in accordance with Chapter 286, Florida Statutes (the "Sunshine Law") and on the Town's website and at the Town Office no later than 24 hours prior to the scheduled meeting.

(E) Three (3) voting members in attendance shall constitute a quorum of the Roadway, Equestrian Trails and Greenway Advisory Committee.

(F) The Town Manager or his/her designee shall prepare the agendas, set the dates of meetings, act as secretary to the Roadway, Equestrian Trails and Greenway Advisory Committee, and be responsible for attending all meetings and providing the items necessary for conducting meetings, and for recording and preparation of meeting minutes. The Town Attorney or his/her designee shall act as attorney for the Roadway, Equestrian Trails and Greenway Advisory Committee, on an as-needed basis.

(G) Town staff will reasonably provide adequate support to the Committee to discharge its responsibilities as assigned by the Town Council.

(H) Members of the Roadway, Equestrian Trails and Greenway Advisory Committee shall serve without compensation for the performance of their duties.

Section 3. Severability. If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated, and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

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

Section 5. Effective Date. This Resolution shall take effective immediately upon its adoption.

ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, FLORIDA, this 9th day of July 2019.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

Lakisha Burch, Town Clerk

Robert Shorr Mayor

David DeMarios Vice-Mayor

Phillis Maniglia Council Member

Laura Danowski Council Member

Lisa El-Ramey Council Member

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney



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: Resolution 2019-42 2020 Census Partnership & Complete Count Committee

Background:

The attached Resolution 2019-43 commits that the Town will partner with the U.S. Census Bureau to help ensure a full and accurate count. It recognizes the importance of the Census for informing local, state and federal decisions and that an estimated \$2,000 per person in Federal funds is dispersed annually to Florida based on census population counts.

The attached resolution would also establish a Complete Count Committee for the 2020 Census and grant the Town Manager the authority to solicit and appoint members to serve on the committee. A Complete Count Committee is composed of a team of diverse community members appointed for developing and implementing a 2020 Census awareness campaign--one of the best ways to help ensure a complete count. The more diverse the makeup of the Committee, the more effective in reaching people and obtaining results. The Census Bureau provides training and resources to the Committee and recommends we seek out representatives from Faith Based Organizations, Education (Schools, Pre-k, Charter, Private etc.), Healthcare organizations, not for profits/foundations, Businesses, Media/Technology groups, and other civic community groups, including both youth and millennial representation.

The Census Bureau provides training and resources to the Town and its Count Committee, so they may develop outreach plans tailored to the unique characteristics of our community and work together (and with the Town) to implement their plans. The goals of the Committee are to:

- Motivate the community to self-respond,
- Educate the public about the importance of the Census to the local community,
- inform the community about Census activities and timelines,
- involve the community in activities to build awareness of the upcoming Census, and
- increase the response rate



155 F Road Loxahatchee Groves, FL 33470

Recommendations:

Staff recommends approval of the Resolution 2019-43 to partner with the U.S. Census Bureau and to establish a Complete Count Committee for the 2020 Census.

RESOLUTION NO. 2019-42

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUPPORTING THE 2020 CENSUS PARTNERSHIP WITH THE UNITED STATES CENSUS BUREAU AND CREATING A COMPLETE COUNT COMMITTEE FOR THE TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY, FLORIDA.

WHEREAS, the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy;

WHEREAS, the Town of Loxahatchee Groves, Palm Beach County, Florida (“Town”) is committed to ensuring every resident is counted;

WHEREAS, federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing;

WHEREAS, census data helps determine how many seats each state will have in the U.S. House of Representatives and is necessary for the accurate and fair redistricting of state legislative seats, county and city councils and voting districts;

WHEREAS, information from the 2020 Census and American Community Survey are vital tools for economic development and increased employment;

WHEREAS, the information collected by the census is confidential and protected by law;

WHEREAS, a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our citizens;

WHEREAS, the Census count requires extensive work, and the Census Bureau requires partners at the state and local level to insure a complete and accurate count;

WHEREAS, the Town’s Complete Count Committee will bring together a cross section of community members who will utilize their local knowledge and expertise to reach out to all persons of our community; and

WHEREAS, the Town's Complete Count Committee will work with the Census Bureau and the County of Palm Beach, Florida to strive for an accurate count.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, 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 is committed to partnering with the U.S. Census Bureau, will disseminate 2020 Census information, and supports the goals and ideals for the 2020 Census which are to:

- (a) Encourage all residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation.
- (b) Provide Census advocates to speak to County and Community Organizations.
- (c) Support census takers as they help our County complete an accurate count.
- (d) Strive to achieve a complete and accurate count of all persons within our borders

SECTION 3. The Town will establish a Complete Count Committee to develop outreach plans tailored to the unique characteristics of our community and to work together with the Town to implement plans that meet the goals and ideals for the Count Committee which are to:

- (a) Motivate the community to self-respond,
- (b) Educate the public about the importance of the Census to the local community,
- (c) Inform the community about Census activities and timelines,
- (d) Involve the community in activities to build awareness of the upcoming Census, and
- (e) Increase the response rate

SECTION 4. The Town Manager, or his designee, is hereby authorized and instructed to solicit and appoint members to serve on the Town's Complete Count Committee composed of a diverse cross-section of the community including but not limited to representatives from the Landowners' Association, CERT, Faith Based Organizations, Education (Schools, Pre-k, Charter, Private etc.), Healthcare,

Not for profits/foundations, Local businesses, Media/Technology groups, and other civic/community groups, including youth and millennial representation.

SECTION 5. That this Resolution shall be effective immediately 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	☐	☐	☐
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 9th DAY OF JULY 2019.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor

Town Clerk

Vice Mayor

Council Member

APPROVED AS TO LEGAL FORM:

Council Member

Office of the Town Attorney

Council Member

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MANAGER'S REPORT

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TOWN ATTORNEY'S REPORT

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

701 Northpoint Parkway, Suite 209
West Palm Beach, Florida 33407

Town of Loxahatchee Groves
155 F Road
Loxahatchee Groves, FL 33470
Jamie Titcomb, Town Manager

561-686-8700
561-686-8764 fax
www.torcivialaw.com

July 3, 2019

In Reference To: *General Matters*

Federal Tax ID 65-0195026

Invoice # 17112

Professional Services

			<u>Hours</u>	<u>Amount</u>
6/4/2019	RBS	Travel to and from Loxahatchee Groves	1.00	NO CHARGE
	RBS	Meeting with JT regarding upcoming agenda	2.00	NO CHARGE
	RBS	Attend Town Council meeting; meeting with staff after meeting	1.90	
6/5/2019	RBS	Prepare for meeting; meeting with JT regarding agenda items; attend Commission meeting	5.80	
	RBS	Telephone conference with Mike Cirullo regarding items	0.20	
	RBS	Travel to and from Loxahatchee Groves	1.00	NO CHARGE
	RBS	Follow up telephone conference with Mike Cirullo	0.40	
	RBS	Telephone conference with JT regarding agenda items	0.50	
6/6/2019	RBS	Travel to and from attorney's office	0.30	NO CHARGE
	RBS	Meeting with Mike Cirullo regarding Town issues	2.30	
	RBS	Travel to and from Loxahatchee Groves	1.00	NO CHARGE
	RBS	Meeting with JT, FR and Mary McNicholas regarding Okeechobee Road and F Road multi-use trail grant application	1.00	
	RBS	Meeting with JT and FR regarding issues	0.90	
6/7/2019	RBS	Research parade hold harmless agreements and draft same	0.70	
	RBS	Research issue relating to regulation of firearms discharge in residential areas and scoring livestock	0.60	

			<u>Hours</u>	<u>Amount</u>
6/9/2019	RBS	Review documentation provided by FR on the solid waste collection	1.20	
6/10/2019	RBS	Draft parade hold harmless agreement form	0.30	
	RBS	Revise the parade hold harmless agreement form based on comments from Town staff	0.20	
	RBS	Telephone conference with Skip Miller regarding extension to the line of credit for the water control district	0.30	
	RBS	Meeting with JT and FR regarding numerous town issues	3.50	
	RBS	Travel to and from Loxahatchee Groves	1.00	NO CHARGE
	RBS	Review garbage ordinance and proposed language for RFP for garbage RFP provided by FR and other documentation regarding solid waste collection	1.90	
	RBS	Review the civic plus master services agreement, statement of work and quote provided by JT	0.60	
	LD	Review and analyze e-mail chain from Brian Shutt regarding contract matter	0.10	NO CHARGE
	LD	Review and analyze e-mail from Brian Shutt regarding documents	0.10	NO CHARGE
	LD	Begin review and analysis of contract	0.40	
6/11/2019	RBS	Review e-mail and documents from FHFA regarding collection of administrative fees for property registration	0.20	
	RBS	Draft RFP for solid waste collection services	2.10	
	JH	Preliminary research and review re: discharge of firearms issue; draft summary of preliminary research; email same to Brian Shutt	0.50	
6/12/2019	RBS	Telephone conference with FR regarding solid waste RFP	0.40	
	RBS	Review documents sent by FR regarding solid waste RFP; draft RFP	1.70	
	JH	Preliminary research and review re: Right to Farm Act	0.40	
	JH	Continued research and review re: discharge of firearms laws	0.20	
6/13/2019	RBS	Travel to and from Loxahatchee Groves	1.00	NO CHARGE

			<u>Hours</u>	<u>Amount</u>
6/13/2019	RBS	Meeting with JT and FR regarding solid waste RFP and other code/ordinance issues; meeting with JT regarding code issues	4.00	
	RBS	Telephone conference with attorney for Giliberti case	0.30	
	RBS	Research question regarding Florida Statute 287 & 280 per FR	0.40	
	RBS	Review code enforcement documents and court pleadings in 3 cases involving Mr. Breyer per questions raised by JT	0.60	
	MLR	Email correspondence with the client regarding employment law issues and action items to begin working on; analysis of the priority items for the Town.	0.30	
6/14/2019	RBS	Telephone conference with Mike Burke regarding Briar case	0.20	
	RBS	Telephone conference with Mike Cirullo regarding outstanding issues	0.70	
	RBS	Review pleadings in Gilberti and Briar cases for conversation with Mike Cirullo	0.40	
	RBS	Review proposed joint stipulation in Gilberti; execute same for status check by the Courts	0.20	
	RBS	Draft garbage RFP and agreement	1.20	
6/15/2019	RBS	Draft garbage RFP and agreement forms	5.90	
6/16/2019	LD	Continue review and analysis of contract and minutes; draft e-mail to Brian Shutt requesting additional information regarding analysis	0.80	
	RBS	Continue drafting garbage RFP and agreements forms	2.30	
6/17/2019	RBS	Travel to and from Loxahatchee Groves	1.00	NO CHARGE
	RBS	Prepare for meeting; attend meeting with JT and FR on garbage RFP	5.00	
	LD	Review and analyze updated demand from Underwood attorney	0.20	
	JH	Continued review of right to farm act; prelim drafting of summary of same	0.80	
	MLR	Analysis of the current handbook in place from the District; analysis of comparable Towns' handbooks; prepare notes and questions for the meeting with the client on the employee handbook.	3.40	

			<u>Hours</u>	<u>Amount</u>
6/18/2019	RBS	Telephone conference with FR regarding garbage RFP	0.50	
	RBS	Draft form agreement for piggybacking of contracts	0.70	
	RBS	Travel to and from Loxahatchee Groves	1.00	NO CHARGE
	RBS	Meeting with JT and FR regarding garbage RFP and other issues	2.50	
	RBS	Prepare for meeting; attend Town Council meeting	3.50	
	MLR	Begin creating and identifying employee handbook provisions that will be included automatically.	3.80	
6/19/2019	LD	Meeting with Brian Shutt regarding status of various matters	0.20	NO CHARGE
	RBS	Telephone conference with Mary McNicholas regarding ILA for the trails	0.30	
	RBS	Draft garbage RFP and agreement with changes	4.20	
	RBS	Meeting with Lara Donlon regarding status of various matters	0.20	NO CHARGE
6/20/2019	GJT	Phone conversation with Brian Shutt regarding various matters	0.30	
	RBS	Continue drafting garbage RFP and agreement	2.90	
	RBS	Travel to and from County office	0.60	NO CHARGE
	RBS	Prepare for meeting; meeting with County staff, JT and Mary McNicholas regarding ILA for the trails and roundabout	1.80	
	RBS	Travel to and from Delray Beach for meeting with Mike Cirullo	0.80	NO CHARGE
	RBS	Review documents and prepare for meeting; meeting with Mike Cirullo regarding Town issues	1.20	
	RBS	Revise and make comments on proposed ILA with the County regarding the trails and roundabout	2.00	
	MLR	Attend meeting with Town officials for a handbook analysis, drafting, and policy discussion meeting.	4.10	
	RBS	Phone conversation with Glen J. Torcivia regarding various matters	0.30	NO CHARGE
6/21/2019	RBS	Continue drafting RFP for garbage services and agreement	2.40	
	RBS	Travel to and from Loxahatchee Groves	1.00	NO CHARGE

			<u>Hours</u>	<u>Amount</u>
6/21/2019	RBS	Meeting with FR regarding garbage RFP	2.40	
	RBS	Review comments; telephone conference with Mary McNicholas, JT and Nick Uren regarding County ILA agreement for the trails	0.60	
	RBS	Draft changes to the ILA with the County on the trails project based on comments from Nick Uren	0.80	
	MLR	Analysis of comments from yesterday's meeting; organize policies and priorities for the Town; continue to create a handbook for Town employees.	3.90	
6/22/2019	RBS	Continue drafting garbage RFP and franchise agreement for solid waste collection	5.70	
6/23/2019	RBS	Draft final versions of the garbage RFP and agreement for garbage franchise	4.20	
6/24/2019	LD	Review and analyze prior attorney's file regarding contractual issue	0.80	
	RBS	Telephone conference with JT regarding County ILA	0.20	
	RBS	Review proposed ILA letter from JT	0.10	
	RBS	Travel to and from Loxahatchee Groves	1.00	NO CHARGE
	RBS	Meeting with JT and FR regarding garbage RFP and other issues	3.30	
	RBS	Revise garbage RFP and agreement; forward same to staff	4.30	
	MLR	Continue create handbook and draft/revise policies for the Town employees.	5.40	
6/25/2019	LD	Telephone conference with Brian Shutt regarding update on contractual issue and request for additional information	0.20	NO CHARGE
	LD	Review and analyze invoices regarding contractual issue	0.30	
	LD	Draft letter to opposing counsel regarding contractual issue	0.10	
	LD	Begin summarizing information in documents regarding contractual issue	0.10	
	RBS	Telephone conference with FR regarding garbage RFP and agreement	0.80	

			<u>Hours</u>	<u>Amount</u>
6/25/2019	RBS	Review proposed changes to garbage RFP and agreement proposed by FR	0.40	
	RBS	Telephone conference with JT regarding several issues	0.20	
	RBS	Telephone conference with Mary McNicholas regarding County ILA	0.20	
	RBS	Review e-mails regarding lab certification	0.20	
	RBS	Respond to e-mail from County attorney regarding ILA agreement	0.20	
	MLR	Continue create handbook and draft/revise policies for the Town employees.	4.50	
6/26/2019	LD	Continue contract analysis and calculations; research alternative theories	2.40	
	LD	Telephone conference with Brian Shutt regarding status of contract issue	0.30	
	LD	Telephone conference with board member	0.10	
	RBS	Telephone conference with Mary McNicholas regarding ILA	0.20	
	RBS	Telephone conference with Mary McNicholas and provide revisions to ILA based on County comments	0.60	
	RBS	Meeting with JT regarding several issues	0.60	
	RBS	Forward the revised ILA with e-mail to County staff for review	0.10	
	RBS	Review documents and files regarding Seth Briar matter	0.40	
	MLR	Continue create handbook and draft/revise policies for the Town employees.	3.90	
6/27/2019	RBS	Review County's proposed changes to the ILA agreement on trails	0.30	
	RBS	Telephone conference with JT and Mary McNicholas regarding ILA	0.80	
	RBS	Telephone conference with FR regarding garbage RFP	0.30	
	RBS	Review the Town's purchase code to respond to question from FR on contract issue	0.30	

			<u>Hours</u>	<u>Amount</u>
6/27/2019	RBS	Review easement forms from Jim Fleishman based on horse trails	0.40	
	LD	Continue research on options regarding contractual matter; analyze strategy relating to same	1.60	
	LD	Telephone conference with Brian Shutt regarding update on contractual matter	0.20	
	MLR	Continue create handbook and draft/revise policies for the Town employees; call with the Town's insurance representative regarding workers' compensation issues and credits as it relates to drug free policies.	5.90	
	MLR	Analysis with L. Donlon regarding contractual and litigation issues.	0.60	NO CHARGE
6/28/2019	RBS	Respond e-mail from Skip Miller regarding emergency line of credit	0.10	
	RBS	Review sign code in order to respond to question from Council member	0.30	
	RBS	Review prior special assessment resolutions and statutes to determine what must be filed this year	1.20	
	MLR	Finalize the first draft of the handbook and policies for the Town employees; email correspondence with the client providing the first draft of the handbook.	4.10	
For professional services rendered			<u>162.30</u>	<u>\$31,059.00</u>
Total Balance due				<u><u>\$31,059.00</u></u>

Timekeeper Summary				
<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>	
Glen J. Torcivia, Shareholder	0.30	210.00	\$63.00	
Jennifer Hunecke, Senior Associate	1.90	210.00	\$399.00	
Lara Donlon, Shareholder	7.30	210.00	\$1,533.00	
Lara Donlon, Shareholder	0.60	0.00	\$0.00	
Matthew L. Ransdell, Senior Associate	39.30	210.00	\$8,253.00	
Matthew L. Ransdell, Senior Associate	0.60	0.00	\$0.00	
R. Brian Shutt, Senior Associate	99.10	210.00	\$20,811.00	
R. Brian Shutt, Senior Associate	13.20	0.00	\$0.00	

Councilmember Danowski

- Parade Recap
- Royal Palm Beach Anniversary Gift
- Legislative Proprieties/Water Projects

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Councilmember DeMarois

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Councilmember El-Ramey

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Councilmember Maniglia

- Planning Workshop for Southern and Okeechobee
- Various Topics (See Attached)

James Titcomb

From: Phillis Maniglia
Sent: Tuesday, July 2, 2019 12:20 PM
To: James Titcomb; 'R. Brian Shutt'; Jennifer N. Lopez
Cc: James Titcomb; 'R. Brian Shutt'; Jennifer N. Lopez
Subject: July 9th agenda

Please add the following to discuss and direction for discussion with my fellow council members at the next meeting.

Please make sure these items are on the agenda:

- 1: Code enforcement: RE Lifting Moratorium, what are our options?
- 2: BTR's : Deadlines & Education provided to Residents and landowners regarding non compliance, delinquency & renewals.
- 3: Men waiting for work at bus stops along Okeechobee and lettered roads, possible interfering with elementary school pickup and drop off.
- 4: Regarding School traffic on Folsom and Okeechobee school pickups & Drop offs overflowing onto North Folsom, (school items need addressed before school starts)
- 5: Are Churches currently paying storm drainage tax to LGWCD?
- 6: Schedule Okeechobee Blvd. workshop & FAR on Southern Blvd.
- 7: Revisit Discussion re: RFP's for Drainage project and add on's to PO'S. Who is doing the bollards, fencing clearing trees and brush?
Also clarification of why the town is asking for 30' from the canal. (Please have Keshavarz at the meeting to explain why they came up with the 30 feet?)
Discuss other options.
- 8: Attorney scheduling date to review sunshine laws with committee members and elected officials.
Discuss Committee & Board member qualifications., alternates and vacant seats.

My apologies for the long list but I want to discuss these important issues and possible solutions with my fellow council members. Hopefully we can come up with solutions and put some of these items behind us.

Please call with any questions.

Regards,

Phillis Maniglia

Council member

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Mayor Shorr

- Town Meet and Greet - Coffee with a Cop
- Public Lobby Terminal
- Charter Review Committee
- PBSO Civil Ticketing
- Key Access Policy - Public Space