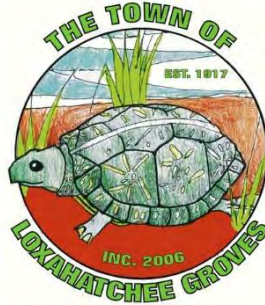


**TOWN OF LOXAHATCHEE GROVES
TOWN HALL COUNCIL CHAMBERS
TOWN COUNCIL WORKSHOP/SPECIAL MEETING**

AGENDA

November 19, 2019 - 6:00 P.M.



Robert Shorr, Mayor (Seat 4)

Phillis Maniglia, Councilmember (Seat 1)

Laura Danowski, Councilmember (Seat 2)

Lisa El-Ramey, Councilmember (Seat 3)

Dave DeMarois, Vice Mayor (Seat 5)

Administration

Town Manager, James S. Titcomb

Assistant Town Manager, Francine L. Ramaglia

Town Attorney, R. Brian Shutt, Esq.

Town Clerk, Lakisha Q. Burch

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

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

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

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

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

TOWN COUNCIL AGENDA ITEMS

Call to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Additions/Deletions/Modifications of Agenda

Comments from The Public on Non-Agenda Items

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

CONSENT AGENDA

1. Approval of October Meeting Minutes
 - a. October 3, 2019 Resident Community Workshop
 - b. October 3, 2019 Town Council Regular Meeting
 - c. October 15, 2019 Town Council Workshop/Special Meeting
2. Approval of Resolution No. 2019-63 to appoint Matthew Otero (Councilmember El-Ramey) as a member of Planning Zoning Board.
3. Approval of Resolution No. 2019-64 to grant consent for ingress and egress over a Town's easement.

PUBLIC HEARING

4. Second Reading of Ordinance No. 2019-05 approving the collection of Solid Waste, Recovered Materials and Recyclable Materials.
5. Second Reading of Ordinance No. 2019-09 approving the Town Charter "Housekeeping" provisions.
6. First Reading of Ordinance No. 2019-10 Mayor term limits.
7. First Reading of Ordinance No. 2019-11 Term limits.

REGULAR AGENDA

8. Approval Council Rules of Engagement

Town Councilmembers Comments

Town Staff Comments

Adjournment

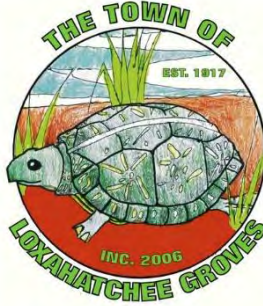
Comment Cards: Anyone from the public wishing to address the Town Council, it is requested that you complete a Comment Card before speaking. Please fill out completely with your full name and address so that your comments can be entered correctly in the minutes and give to the Town Clerk. During the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



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves
FROM: Lakisha Burch, Town Clerk
VIA: James Titcomb, Town Manager
SUBJECT: Meeting Minutes for the month of October.

Staff recommends approval of the attached meeting minutes.



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF COMMUNITY WORKSHOP
OCTOBER 3, 2019**

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Mayor Shorr called the Community Workshop to order at 6:00 p.m.

This Community Conversation Workshop was scheduled for Town Residents to address the Town Council with their concerns and questions regarding the governing of the Town of Loxahatchee Groves.

PUBLIC COMMENTS

There were public comments made by the following: Connie Bell, Angelo Rossi, Todd McLendon and Jo Siciliano.

ADJOURNMENT

There being no further business meeting was adjourned at 8:52 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Robert Shorr

Lakisha Burch, Town Clerk

Vice Mayor David DeMarios

Councilmember Laura Danowski

APPROVED AS TO LEGAL FORM:

Councilmember Lisa El-Ramey

R. Brian Shutt, Town Attorney

Councilmember Phillis Maniglia



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF COUNCIL MEETING
OCTOBER 3, 2019**

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Mayor Shorr called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Boys Scout Troop 122 of Loxahatchee led the Pledge of Allegiance.

MOMENT OF SILENCE

There was a Moment of Silence.

Jeff Smith, Troop Leader of Boys Scout Troop 122 addressed the Town Council stated that the Troop meets on Tuesday and due to this meeting being held on Thursday, they were able to participate in this evening's carrying of the flags. He also stated that the Troop was looking for a venue to hold their meetings and that the Troop is always in need of community services hours and love to be involved.

ROLL CALL

Mayor Robert Shorr, Vice Mayor David DeMarios (excused absent), Councilmembers Laura Danowski, Lisa El-Ramey (excused absent, called in) and Phillis Maniglia, Town Manager James Titcomb, Town Attorney R. Brian Shutt and Town Clerk Lakisha Burch and Administrative Assistant, Jennifer Lopez.

Town Clerk Burch announced that Administrative Assistant Jennifer Lopez will be doing tonight's meeting due to her not being in attendance on October 15th's meeting.

ADDITIONS/DELETIONS/MODIFICATIONS OF AGENDA

Councilmember Maniglia asked if items 3 and 8 be pulled from the Consent Agenda for discussion. Councilmember Danowski asked that item 3 be pulled for discussion and items 5 for and 7 be pulled for clarification.

Motion was made by Councilmember Maniglia seconded by Councilmember Danowski to pull items 3, 5, 7 and 8 be pulled from Consent Agenda for discussion; it was voted as follows: Ayes: Mayor Shorr, Councilmembers Danowski, El-Ramey and Maniglia. Motion passed unanimously.

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.

There was public comment made by Jorge Perez.

CONSENT AGENDA

1. Meeting Minutes
 - a. September 5, 2019 Tentative Budget Hearing and Meeting
 - b. September 19, 2019 Final Budget Hearing and Meeting
 - c. September 19, 2019 Town Community/Town Council Workshop
2. Resolution No. 2019-55 (Councilmember Maniglia) appointing Patrick Painter for Roadway, Equestrian Trails and Greenway Advisory Committee.
3. Resolution No. 2019-56 (Councilmember Danowski) appointing Matt Tacilauskis for Planning Zoning Board (PZB). **Pulled from Consent Agenda for discussion.**

Councilmember Maniglia stated that she has no issue with Matt and absolutely no issue with him sitting on any committee except the Planning Zoning Board for the main reason that he works for one of the most ginormous developers in the State of Florida. She stated they clear-cut that 80 acres and that is all she wanted to say now. Councilmember Danowski responded to Councilmember Maniglia stating that they paid 690,000 dollars of undefendable money to the Florida Wetland Mitigation fund for their clear-cut. Councilmember Maniglia asked does that buy him a seat at on the PZB board. Councilmember Danowski responded to Councilmember Maniglia by stating that was a rude thing to say. Councilmember Maniglia also stated that she has a serious problem with someone sitting on the PZB but thanks that is he a very nice person. There was also additional discussion regarding Mr. Tacilauskis' residence as a new resident. Councilmember El-Ramey stated that she must agree with Councilmember Maniglia and that she had some concerns. She stated that the optics ae not good given that B road is the designated ingress/egress for 900 semi-tractor trailer trips a year. She also stated that Saturday was spent discussing concerns and roads is number one. Councilmember El-Ramey also stated that while agricultural venture in our town is Bona Fide Agriculture is business, she thinks that we have to be careful with businesses coming into town generating these heavy truckloads going up and down the road and that she has not had any personal interaction with Mr. Tacilauskis as a person but she does see concerns with him being placed on the PZB. Mayor Shorr stated that he met Matt last year, he showed up to clean the community and as a person he is a great guy. However, what he does know about Mr. Tacilauski is that his experience is in being Heads Greens Keeper on the golf course. Mayor Shorr stated that he just doesn't think that leads to the experience that we really want on the Planning Zoning Board. There was further discussion among Town Council regarding the appointment of Mr. Tacilauskis.

Motion was made by Councilmember Danowski to approve Resolution No. 2019-56 appointing Matt Tacilauski for Planning Zoning Board (PZB). Motion failed due to a second.

4. Approval of Warrant Deed No.2019-DD05

5. DEO Technical Assistance Grant Work Authorization. **Pulled from Consent Agenda for discussion.**

Councilmember Danowski asked that the highlights of this grant be given. Town Planning Consultant, James Fleishman presented the item by stating that DEO Technical Assistance Grant is a 40,000-dollar grant from the State Department of Economic Opportunity with no matching share. It is a 100% grant and it's a technical assistance grant for comprehensive planning. Mr. Fleishman also stated that we're going to be looking to create up-to-date map series and database covering all approvals, business tax receipts, identify properties that are not consistent with the code and come up with recommendations as to how to address those properties. There was discussion among the Town Council and Mr. Fleishman.

Motion was made by Councilmember Maniglia seconded by Councilmember Danowski to accept DEO Technical Assistance Grant Work Authorization; it was voted as follows: Ayes: Mayor Shorr, Councilmembers Danowski, El-Ramey and Maniglia. Motion passed unanimously.

6. Resolution No. 2019-58 approving the Statewide Mutual Aid Renewal and Update

7. FMIVT Investment of Surplus Funds Contribution to FMIT 0-2-year Money Market Investment Fund. **Pulled from Consent Agenda for discussion.**

Mayor Shorr stated that he pulled item 7 just to make a note that it's not a locked-in commitment. If the Town need these funds, they are available and asked Town Manager Titcomb would he explained what was being done. Town Manager Titcomb stated to look at the back up, we're suggesting the FMIT as a safe, stable and good interest-bearing account to park the majority of our reserve revenues in place. He stated that by example, last year when we put our sod farm money into play there, it generated approximately \$30,000 in six months of interest rather than just having this stuff in various commercial and local banks, we're just suggesting that Town Council give staff authorization to move a million dollars of reserve money to the FMIT longer term accounts so the Town benefits by higher revenue from those interest rates. Mayor Shorr, thanked Town Manager Titcomb and stated that we can pull funds twice a month out of this account, it's not like a CD where it's locked in for six, there are no penalties. Town Manager Titcomb stated that endeavor is put in a safer stable place and make more revenues.

Motion was made by Councilmember Maniglia seconded by Councilmember El-Ramey to approve FMIVT Investment of Surplus Funds Contribution to FMIT 0-2-year Money Market Investment Fund; it was voted as follows: Ayes: Mayor Shorr, Councilmembers Danowski, El-Ramey and Maniglia. Motion passed unanimously.

8. Prepayment of OGEM debt (Update) **Pulled from Consent Agenda for discussion.**

Councilmember Maniglia asked was this an update on the prepayment of OGEM debt. Town Manager Titcomb responded by stating that the narrative is on tab 8 in your agenda packets. He also stated that in last month's meeting made it very clear that previous votes and the interest of this Council was to direct that money to pay down the actual principle balance of the loan. So, the Assistant Manager reached out to the issuing institution that issued the loan to the Independent Water District when the Town incorporated or took in the Dependent District, we

took the responsibility the debt of the loan in place. Mr. Titcomb stated he believe it was earlier this year in 2019 at one point, the They informed us that they were going to look at the convenance of the loan. It was a vehicle we inherited they had not

There was public comment by Todd McLendon.

Motion was made by Councilmember Maniglia seconded by Councilmember Danowski to approve the Consent Agenda items 1,2,4 and 6 as amended; it was voted as follows: Ayes: Mayor Shorr, Councilmember Danowski, El-Ramey and Maniglia. Motion was passed unanimously.

PUBLIC HEARING

9. First Reading of Ordinance No. 2019-07 approving the Moving date of the Municipal Election to be held concurrent with the Presidential Preference Primary.

Motion was made by Councilmember Maniglia seconded by Councilmember El-Ramey to approve First Reading of Ordinance No. 2019-07 approving the Moving date of the Municipal Election to be held concurrent with the Presidential Preference Primary; it was voted as follows: Ayes: Mayor Shorr, Councilmembers Danowski, El-Ramey and Maniglia. Motion passed unanimously.

10. First Reading of Ordinance No. 2019-06 approval of the Lighting Code Revisions.

Motion was made by Councilmember Maniglia seconded Councilmember Danowski to approve First Reading of Ordinance No. 2019-06 approval of the Lighting Code Revisions; it was voted as follows: Ayes: Mayor Shorr, Councilmembers Danowski, El-Ramey and Maniglia. Motion passed unanimously.

11. Second Reading of Ordinance No. 2019-04 approving the Planning Zoning Board to act as the Local Planning Agency (LPA).

Motion was made by Councilmember Danowski seconded by Councilmember El-Ramey to approve Second Reading of Ordinance No. 2019-04 approving the Planning Zoning Board to as the Local Planning Agency (LPA); it was voted as follows: Ayes: Mayor Shorr, Councilmembers Danowski and El-Ramey. Nye: Councilmember Maniglia. Motion passed 3-1.

12. Second Reading of Ordinance No. 2019-05 approving the Collection of Solid Waste. **This item was TABLED until the October 15, 2019.**

Motion was made by Councilmember Danowski seconded by Councilmember Maniglia to table Second Reading of Ordinance No. 2019-05 approving the Collection of Solid Waste until the October 15, 2019 Town Council Workshop/Special Meeting; it was as follows: Ayes: Mayor Shorr, Vice Mayor DeMarios, Councilmembers Danowski, El-Ramey and Maniglia. Motion passed unanimously.

REGULAR AGENDA

13. Resolution 2019-58 recognizing Florida City Government Week, October 21 through October 27, 2019

Motion was made by Councilmember Maniglia seconded by Councilmember El-Ramey to approve Resolution 2019-58 recognizing Florida City Government Week, October 21-27, 2019; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor DeMarios, Councilmembers Danowski, El-Ramey and Maniglia. Motion passed unanimously.

Town Staff Reports

Town Councilmembers Reports

Adjournment

There being no further business meeting was adjourned at 8:38 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Robert Shorr

Lakisha Burch, Town Clerk

Vice Mayor David DeMarios

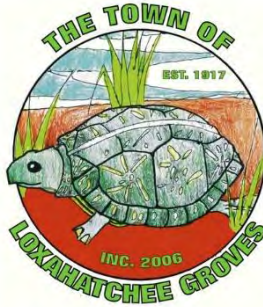
Councilmember Laura Danowski

APPROVED AS TO LEGAL FORM:

Councilmember Lisa El-Ramey

R. Brian Shutt, Town Attorney

Councilmember Phillis Maniglia



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF WORKSHOP/SPECIAL MEETING
OCTOBER 15, 2019**

Meeting Audio is available in Town Clerk's Office

CALL TO ORDER

Mayor Shorr called meeting to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shorr led the Pledge of Allegiance.

MOMENT OF SILENCE

ROLL CALL

Mayor Robert Shorr, Vice Mayor David DeMarios, Councilmembers Laura Danowski, Lisa El-Ramey and Phillis Maniglia (arrived 6:17 p.m.), Town Manager James Titcomb, Town Attorney R. Brian Shutt and Administrative Assistant Jennifer Lopez.

ADDITIONS/DELETIONS/MODIFICATIONS OF AGENDA

Councilmember Danowski asked that items 3,5 and 6 be pulled from Consent Agenda for discussion.

Motion was made by Councilmember Danowski seconded by Councilmember El-Ramey to remove items 3, 5 and 6 from Consent Agenda; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor DeMarios, Councilmember Danowski, El-Ramey. Absent from vote: Councilmember Maniglia. Motion passed unanimously.

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.

There were public comments from the following: Doreen Baxter, Jane Handy, Marge Herzog, Ron Jarriel, Patrick Painter and Virginia Standish.

CONSENT AGENDA

1. Conflict of Interest Waiver - Torcivia, Donlon, Goddeau & Ansay, P.A.
2. Resolution No. 2019-60 (Councilmember El-Ramey) approving the appointment of Angelo Rossi to the Finance Audit and Advisory Committee.
3. Resolution No. 2019-61 approving appointments of Maureen “Reenie” Brewer (Councilmember El-Ramey); and Dennis Lipp (Councilmember Danowski) to the Planning Zoning Board. **PULLED FROM CONSENT AGENDA FOR DISCUSSION**

Councilmember El-Ramey requests to remove Ms. Brewer from Resolution 2019-61 until to the next Town Council Meeting.

Motion was made by Councilmember Maniglia seconded by Laura Danowski to approve Consent Agenda item 3 with removal of Ms. Reenie Brewer and continue with Mr. Lipp onto the Planning and Zoning Board. Motion passed unanimously.

4. Resolution No. 2019-62 repealing Resolution No. 2019-11 Code Enforcement Moratorium.
CAP Code Enforcement Officers Melvin Simmons and Elisha Williams spoke to the Council and residents.
5. Public Works Purchase Orders Nos. 195 & 196 –Rock for Collecting Canal Rd (D to Folsom) **PULLED FROM CONSENT AGENDA FOR DISCUSSION**

Motion was made by Councilmember Maniglia seconded by Councilmember Danowski to not approve Purchase Orders Nos. 195 & 196, to revisit at a later date; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor DeMarois, Councilmember Danowski, El-Ramey and Maniglia. Motion passed unanimously.

Motion was made by Councilmember Maniglia seconded by Councilmember Danowski to direct staff to reevaluate drainage project to focus only on North B improvements not approve Purchase Orders Nos. 195 & 196, to revisit at a later date; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor DeMarois, Councilmember Danowski, El-Ramey and Maniglia. Motion passed unanimously.

6. Public Works Water Drainage Projects, Listed Nos. 1-10; and 14 OGEM-Sites Approvals. **PULLED FROM CONSENT AGENDA FOR DISCUSSION**

Motion was made by Councilmember Maniglia seconded by Councilmember Danowski to approve the Consent Agenda items 1,2,4 as amended; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor DeMarois, Councilmember Danowski, El-Ramey and Maniglia. Motion passed unanimously.

PUBLIC HEARING

7. First Reading of Ordinance No. 2019-08 approving Groves Town Center MUPD Amendment.

Matthew Barnes Principle Planner at Akerman representing Delaware North owner of PUD. Presentation presented by Bradley Miller at Miller Land Planning and Diane Jenkins

There were public comments from the following: Dennis Lipp, Ken Johnson, Marianne Miles, Ron Jarriel, Simon Fernandez, and Virginia Standish

Motion was made by Councilmember Maniglia seconded by Councilmember Danowski to continue item 7 and bring back a revised plan based on the direction given by Town Council: Ayes: Mayor Shorr, Vice Mayor DeMarois, Councilmember Danowski, El-Ramey and Maniglia. Motion passed unanimously.

8. Second Reading of Ordinance No. 2019-07 approving the Moving date of the Municipal Election to be held concurrent with the March 17, 2020 Presidential Preference Primary.

Motion was made by Councilmember Maniglia seconded by Councilmember Danowski to approve Ord 2019-07: Ayes: Mayor Shorr, Vice Mayor DeMarois, Councilmember Danowski, El-Ramey and Maniglia. Motion passed unanimously.

9. Second Reading of Ordinance No. 2019-06 approval of the Lighting Code Revisions.

Motion was made by Councilmember Maniglia seconded by Councilmember Danowski to approve Ord 2019-06 with addition of and animals in paragraph A after residents: Ayes: Mayor Shorr, Vice Mayor DeMarois, Councilmember Danowski, El-Ramey and Maniglia. Motion passed unanimously.

10. Second Reading of Ordinance No. 2019-05 approving the Collection of Solid Waste (Town staff recommendation is to continue this advertised item to November 5th, 2019).

Motion was made by Councilmember Maniglia seconded by Councilmember El-Ramey to continue item 10 to November 5, 2019 at 7pm: Ayes: Mayor Shorr, Vice Mayor DeMarois, Councilmember Danowski, El-Ramey and Maniglia. Motion passed unanimously.

REGULAR AGENDA

11. Roads Reconstruction Schedule and Public Works P.O.s for Council prioritization and direction.

There were public comments from the following: Anita Kane, Bill Klein, Ken Johnson, Marianne Miles, Mary McNicholas, Ron Jarriel, Simon Fernandez, and Todd McLendon.

Item continued

12. Direction to Town Attorney to respond to the Underwood Contract Demand Letter.

Motion was made by Councilmember Maniglia seconded by Councilmember Danowski to give Town Attorney authority to sit down and discuss this matter with Mr. Underwood Attorney: Ayes: Mayor Shorr, Vice Mayor DeMarois, Councilmember Danowski, El-Ramey and Maniglia. Motion passed unanimously.

Motion by Councilmember Maniglia seconded by Councilmember Danowski made to continue meeting to 11:00 pm

Town Staff Reports

None

There were public comments from the following: Ron Jarriel

Town Councilmembers Reports

Councilmember El-Ramey

- Consensus of Town Council direct FAAC Committee to identify what are the budget items associated to run the Town Hall, what is the portion of it comes out of the general fund.
- Scavenger hunt to promote the Town in a brand or image
- 2nd Town Council night to return back to a workshop only status.
- Citation, Ordinances that dictate it? Turner doesn't have all info for it yet, but CEO will help with those.

Councilmember Danowski

- Comcast for PEC Channel
- Brought up Trash company from City of Greenacres not happy with service.
- Parade in Wellington for Christmas - deadline to file Monday, Nov 25.

Councilmember Maniglia

- Consensus to direct the RETGAC Committee to ideas on other options for canal vegetation other than spraying chemicals, come up with different type of signs to be condensed, and preserve gate not handicap friendly.
- Consensus to direct to ULDC revisit assisted living Ordinance.
- Possible Town Planner employed by the Town.

Adjournment

There being no further business meeting was adjourned at 11:07p.m.

Motion by Councilmember Maniglia seconded by Councilmember El-Ramey made to adjourn.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Robert Shorr

Lakisha Burch, Town Clerk

Vice Mayor David DeMarois

Councilmember Laura Danowski

APPROVED AS TO LEGAL FORM:

Councilmember Lisa El-Ramey

R. Brian Shutt, Town Attorney

Councilmember Phillis Maniglia

This Page Is Blank Intentionally



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves
FROM: Lakisha Burch, Town Clerk
VIA: James Titcomb, Town Manager
SUBJECT: Resolution No. 2019-63 appointment to Planning Zoning Board

Background:

Due to the vacant appointment on the Planning Zoning Board Mr. Matthew Otero is being considered for consideration with Town Council's approval.

Recommendations:

Staff recommends that Town Council approves Resolution No. 2019-63 appointing Mr. Matthew Otero as voting members of the Planning Zoning Board.

RESOLUTION NO. 2019-63

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

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

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

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

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

Section 2. The Town Council hereby appoints the following persons to serve as regular members of the Town's Planning and Zoning Board for a term of one (1) year:

Robert Shorr, Mayor

Neil O'Neal

Dave DeMarois, Vice Mayor

William Bell

Laura Danowski, Councilmember

Dennis Lipp

Lisa El-Ramey, Councilmember

Matthew Otero

Phillis Maniglia, Councilmember

William "Bill" Ford

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

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

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

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

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Mayor Robert Shorr

Town Clerk

Vice Mayor David DeMarios

APPROVED AS TO LEGAL FORM:

Council Member Lauri Danowski

Council Member Lisa El-Ramey

Office of the Town Attorney

Council Member Phillis Maniglia



Town of Loxahatchee Groves

155 F Rd • Loxahatchee Groves, FL 33470 • (561) 793-2415 • Fax: (561) 793-2420 • www.loxahatcheegrovesfl.gov

APPLICATION FOR APPOINTMENT TO TOWN COUNCIL ADVISORY BOARDS

NAME: Matthew Otero HOME PHONE: 561.216.9026
ADDRESS: 15161 Collecting Canal Rd. Loxahatchee Groves
EMAIL ADDRESS: matthetotero@hotmail.com CELL PHONE: " "
OCCUPATION: Business Owner
BUSINESS: Farm & Personal Training PHONE: _____
BUSINESS ADDRESS: _____
BRIEF DESCRIPTION OF EDUCATION/EXPERIENCE: B.A. in Business Administration
from Ferris State University, 6 years in construction
14 years as a Business owner in Personal Training/Fitness
& 4 years as Farm/Equestrian Owner

Are you a registered voter? Yes ☒ No ☐

Do you currently serve on a board/committee? Yes ☐ No ☒

If yes, which one? _____

Please indicate on which board you wish to serve. If more than one, number for preference.

2 Finance and Advisory Board

☒ Planning & Zoning Board

☐ Roadways, Equestrian Trails & Greenway Advisory Committee

☐ United Land Development Code Committee

Why are you interested in serving on this board? I am a Resident for 5
years & Love this small town - I have 2 kids & will
Raise them here.

Signature [Signature] Date: 10-10-19

For further information call the Town Clerk at (561) 793-2418



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves
FROM: R. Brian Shutt, Town Attorney
VIA: James Titcomb, Town Manager
SUBJECT: Residential B Road Easement Traversal Permission Request

Background:

The Town of Loxahatchee Groves received and established a roadway improvement/drainage easement from property on the east side of B Road at "Sally's Alley" in the 2016 recorded drainage and roadway easement (backup attached). The resident of property to the east of this location has requested an easement release from the Town to allow ingress and egress over the Town's maintenance easement.

Recommendations:

Approve requested action via attached Resolution No. 2019-64.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2019-64

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA GRANTING CONSENT FOR INGRESS AND EGRESS OVER A TOWN EASEMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves accepted a drainage and roadway easement recorded in ORB 28802, PG 0711, which requires consent from the Town for anyone to use the easement area; and

WHEREAS, the Town Council has determined that it is in the best interests of the residents of the Town to grant ingress/egress rights over that portion of the easement that abuts Sally's Alley.

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

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

Section 2. The Town Council has determined that it is in the best interests of the residents of the Town to grant consent for ingress and egress across the easement granted in ORB 28802, PG 0711, over that portion that of the easement that abuts the roadway known as Sally's Alley.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective upon adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Robert Shorr, MAYOR	☐	☐	☐

Dave DeMarios, VICE MAYOR

☐ ☐ ☐

Laura Danowski, COUNCIL MEMBER

☐ ☐ ☐

Lisa El-Ramey, COUNCIL MEMBER

☐ ☐ ☐

Phillis Maniglia, COUNCIL MEMBER

☐ ☐ ☐

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

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Mayor Robert Shorr

Town Clerk Lakisha Burch

Vice Mayor David DeMarios

APPROVED AS TO LEGAL FORM:

Council Member Laura Danowski

Council Member Lisa El-Ramey

Office of the Town Attorney

Council Member Phillis Maniglia



CFN 20160459415

DR BK 28802 PG 0711
RECORDED 12/30/2016 12:30:04
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0711 - 716; (6pgs)

Prepared by and return to:
Michael D. Cirullo, Jr., Esq.
Goren, Cherof, Doody & Ezrol, P.A.
3099 East Commercial Blvd., Suite 200
Ft. Lauderdale, Florida 33308
(954) 771-4500

Folio No.: 41-41-43-17-01-209-0020

DRAINAGE AND ROADWAY EASEMENT

THIS DRAINAGE AND ROADWAY EASEMENT is granted this 27TH day of SEPT., 2016, by **GERARD McELROY**, whose address is 1812 B Road, Loxahatchee Groves, FL 33470, hereinafter referred to as "Grantors" to **TOWN OF LOXAHATCHEE GROVES**, a municipal corporation, located at 155 F Road, Loxahatchee Groves, Florida 33470, hereinafter referred to as "Town".

WITNESSETH:

That the Grantor, for and in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey:

To Town, its successors and assigns, a perpetual and non-exclusive drainage and roadway easement for the construction and maintenance of drainage and roadway facilities, together with any necessary appurtenances incidental and necessary thereto, over, across, upon and through a portion of the following described real property, owned in fee simple by the Grantors and located in the Town of Loxahatchee Groves, County of Palm Beach, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED ("Grantor's Property").

together with the right to construct, reconstruct, remove, maintain, operate, improve, add to and repair the roadway and drainage system and appurtenances contained therein.

The portion of Exhibit "A" comprising the Drainage Roadway Easement is described in Exhibit "B", attached, ("Drainage and Roadway Easement Area").

This Easement is subject to the following terms, conditions and covenants:

1. Although the easement granted to the Town herein is non-exclusive, should any easements over under or within the Drainage and Roadway Easement Area be granted by Grantor, subsequent to the date of this easement, the holder of any such subsequent easement shall be required to obtain approval from the Town for the use of the Drainage and Roadway Easement Area.

2. Grantor acknowledges that the Drainage and Roadway Easement Area will be used for drainage and roadway construction and maintenance for and from B Road, and for drainage of property adjacent thereto. Written consent from the Grantor is required prior to any widening of B Road beyond its configuration constructed in 2016.

3. Grantor provides the Town consent to use or cause to be used the Drainage and Roadway Easement Area for the installation of potable water facilities.

3. No improvements, trees, landscaping or encroachments, including utilities, shall be placed within the Drainage and Roadway Easement Area without the approval of and a permit from the Town.

4. The rights granted herein to the Town may be released or modified only by a written, recordable release or modification approved and executed by both the Grantor and the Town, or their successors or assigns.

5. Town and Town's successors and assigns shall be responsible for construction, maintenance, and repair of all drainage and roadway facilities constructed within the Drainage and Roadway Easement Area, but not for routine mowing and hedging which shall be the responsibility of the Grantor.

IN WITNESS WHEREOF, the said Grantor has caused this presents to be signed in his name, the day and year above written.

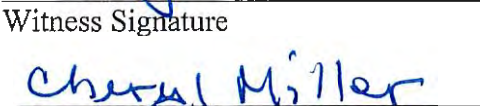
Signed, sealed and delivered in the presence of:



Witness Signature


Witness Printed Name



Witness Signature


Witness Printed Name

GRANTOR

By:



GERARD McELROY

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing Drainage and Roadway Easement was acknowledged before me this
27TH day of SEPT., 2016 by **GERARD McELROY**, as Grantor.


NOTARY PUBLIC

 Personally Known OR
 X Produced Identification

FLORIDA DRIVERS LIC.
Type of Identification Produced
M 246-280-59-378-0

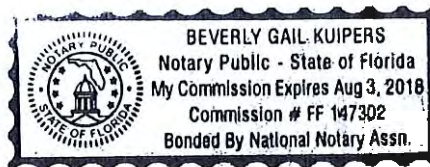


EXHIBIT "A"

PARCEL 1:

THE EAST ½ OF THE SOUTH ½ OF TRACT 9, BLOCK B, LOXAHATCHEE GROVES,
ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF
THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA,
RECORDED IN PLAT BOOK 12, PAGE 29

and

PARCEL 2:

THE WEST ½ OF THE SOUTH ½ OF TRACT 9, BLOCK B, LOXAHATCHEE GROVES,
ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF
THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA,
RECORDED IN PLAT BOOK 12, PAGE 29

ADDRESS: 1812 B ROAD, LOXAHATCHEE GROVES, FLORIDA

EXHIBIT 'B'

LEGAL DESCRIPTION:

A 10.00 FOOT WIDE STRIP OF LAND BEING A PORTION OF TRACT 9, BLOCK B, REPLAT OF LOXAHATCHEE DISTRICT SUBDIVISION, LOXAHATCHEE GROVES, PLAT BOOK 12, PAGE 29 AND ALSO BEING A PORTION OF THAT CERTAIN PARCEL OF LAND RECORDED IN OFFICIAL RECORD BOOK 21050, PAGE 242, ALL OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BOUNDED ON THE WEST BY THE EAST LINE OF THE PUBLIC ROAD EASEMENT AS SHOWN ON LOXAHATCHEE GROVES WATER CONTROL DISTRICT MAINTENANCE MAP FOR SOUTH "B" ROAD, ROAD PLAT BOOK 11, PAGES 150 THROUGH 153, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; BOUNDED ON THE NORTH BY THE NORTH LINE OF THE WEST HALF OF THE SOUTH HALF OF TRACT 9, BLOCK B; BOUNDED ON THE EAST BY A LINE PARALLEL WITH AND 10.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE SAID EAST LINE OF THE PUBLIC ROAD EASEMENT; BOUNDED ON THE SOUTH BY THE SOUTH LINE OF THE WEST HALF OF THE SOUTH HALF OF TRACT 9, BLOCK B.

CONTAINING IN ALL 3,376.39 SQUARE FEET AND / OR 0.077 ACRES, MORE OR LESS.

SURVEYORS' NOTES:

1. THIS SKETCH AND DESCRIPTION IS NOT A SURVEY.
2. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SKETCH THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY KESHAVARZ & ASSOCIATES, INC.
3. THE DESCRIPTION AND SKETCH OF DESCRIPTION WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PORTIONS OF CHAPTER 5J-17 MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
4. THE DESCRIPTION TEXT AND THE SKETCH OF DESCRIPTION COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER.
5. BEARINGS SHOWN ARE REFERENCED TO THE EAST LINE OF THE PUBLIC ROAD EASEMENT AS SHOWN ON LOXAHATCHEE GROVES WATER CONTROL DISTRICT MAINTENANCE MAP FOR SOUTH "B" ROAD, ROAD PLAT BOOK 11, PAGES 150 THROUGH 153, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. THE SAID EAST LINE OF THE SAID PUBLIC ROAD EASEMENT BEARS NORTH 02°48'26" EAST AS SHOWN ON THE SAID MAP AND ALL OTHER BEARINGS SHOWN HEREON ARE RELATED THERETO.
6. THIS LEGAL DESCRIPTION AND SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EMPLOYED BY KESHAVARZ & ASSOCIATES, INC.

DATE OF LEGAL DESCRIPTION: JULY 15, 2016

KESHAVARZ & ASSOCIATES, INC.



SCOTT F. BRYSON
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE No.: 5991

LEGEND

C/L = CENTERLINE
LB = LICENSED BUSINESS
LS = LICENSED SURVEYOR
ORB = OFFICIAL RECORD BOOK
PB = PLAT BOOK
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
POT = POINT OF TERMINUS
ROW = RIGHT-OF-WAY
UE = UTILITY EASEMENT
LAE = LIMITED ACCESS EASEMENT
Δ = DELTA ANGLE
R = RADIUS
L = ARC LENGTH
C = CHORD LENGTH
CB = CHORD BEARING



KESHAVARZ & ASSOCIATES

Civil Engineers • Land Surveyors

711 North Dixie Highway, Suite 201

West Palm Beach, Florida 33401

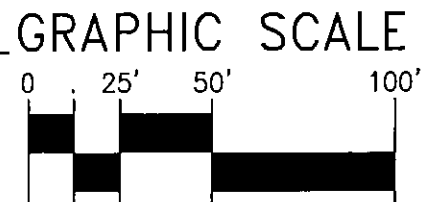
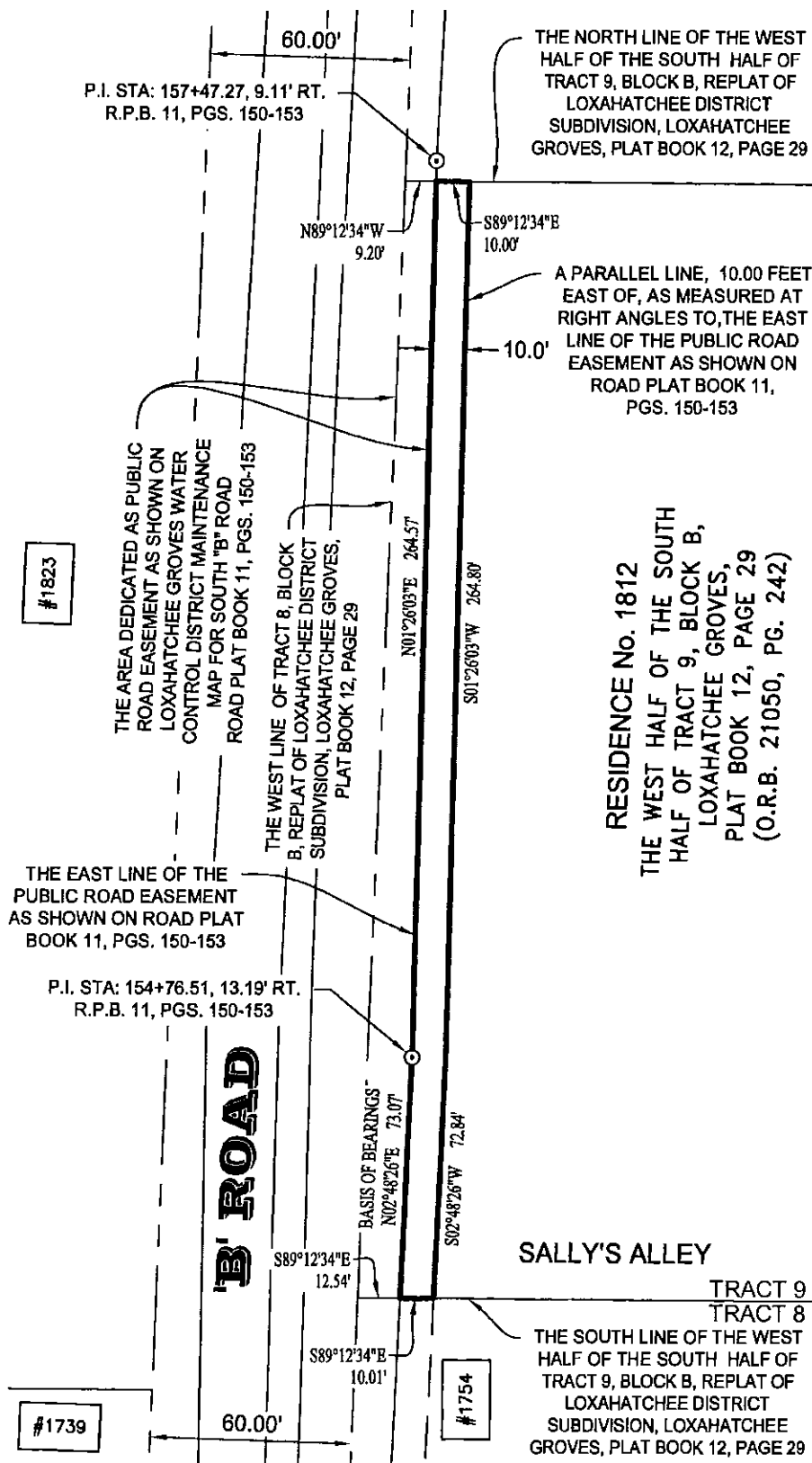
Tel: (561) 689-8600 Fax: (561) 609-7476

DESCRIPTION & SKETCH PREPARED FOR:
THE TOWN OF LOXAHATCHEE GROVES

'B' ROAD DRAINAGE & ROADWAY EASEMENT

DRAWN: SB	DATE: 7/15/16	SCALE: N/A
CHECKED: SB	PROJECT No: 14-1057	DWG No: A14-1057L
APPROVED: SB		SHEET No: 1 OF 2

EXHIBIT 'B'



KESHAVARZ & ASSOCIATES

Civil Engineers • Land Surveyors

711 North Dixie Highway, Suite 201

West Palm Beach, Florida 33401

Tel: (561) 689-8600 Fax: (561) 689-7476

DESCRIPTION & SKETCH PREPARED FOR:
THE TOWN OF LOXAHATCHEE GROVES

'B' ROAD DRAINAGE & ROADWAY EASEMENT

DRAWN: SB	DATE: 7/15/16	SCALE: 1" = 50'
CHECKED: SB	PROJECT No: 14-1057	DWG No: A14-1057L
APPROVED: SB		SHEET No: 2 OF 2

James Titcomb

Subject: FW: 10' drainage easement
Attachments: LG res on easement access sally's alley 11.4.19.docx

From: Brian Shutt <bshutt@torcivialaw.com>
Sent: Sunday, November 3, 2019 11:18 AM
To: James Titcomb <JTitcomb@loxahatcheegrovesfl.gov>
Cc: Brian Shutt <bshutt@torcivialaw.com>
Subject: RE: 10' drainage easement

Jamie, see attached. We can discuss.
Brian

R. Brian Shutt, Esquire

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

Northpoint Corporate Center
701 Northpoint Parkway, Suite 209
West Palm Beach, FL 33407
(561) 686-8700
(561) 686-8764 fax
bshutt@torcivialaw.com
www.torcivialaw.com

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS ATTORNEY PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE COLLECT AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. WE WILL REIMBURSE YOU FOR YOUR EXPENSES. THANK YOU.

From: CARLA YOUNG <cay302@comcast.net>
Sent: Thursday, October 31, 2019 12:24 PM
To: James Titcomb <JTitcomb@loxahatcheegrovesfl.gov>
Cc: pvance@feeyateslaw.com
Subject: 10' drainage easement

Dear Jamie,

Thank you very much for taking the time to meet with me yesterday.

This email is in regards to requesting a resolution from the town for the use of the drainage and roadway easement area to access my property.

Again, thank you for your time and help with this matter.

Carla Young

TO: Town Council of Town of Loxahatchee Groves
FROM: R. Brian Shutt, Town Attorney
VIA: James Titcomb, Town Manager
DATE: November 12, 2019, 2019
SUBJECT: Garbage Ordinance 2019-05

Background:

Town Council approved Ordinance 2019-05 on First Reading at the November 5, 2019 Town Council Meeting.

Recommendation:

Staff recommends that Town Council approve Ordinance 2019-05 on Second Reading.

ORDINANCE NO. 2019-05

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

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

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

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

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

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

ARTICLE III. COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED

Sec. 38-54. Definitions.

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

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

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

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

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

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

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

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

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

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

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

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

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

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

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

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

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

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

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

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

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

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

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

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

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

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

Bulk Waste: Any non-vegetative item which cannot be containerized, bagged, or bundled; including, but not limited to, inoperative and discarded refrigerators, ranges, toilets, pool heaters, water softeners, pianos, washers, dryers, bath tubs, water heaters, sinks, bicycles, and other similar domestic appliances or household goods. There shall be no weight limit for any item of Bulk Waste. No commercial or non-passenger tires and only two, on an annual basis, passenger

car tires are permitted to be placed as bulk pickup. The term “Bulk Waste” may be used interchangeably with the term “Bulk Trash.”

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

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

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

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

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

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

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

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

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

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

Dwelling Unit: Any type of structure or building unit intended for or capable of being utilized for residential living other than a licensed Hotel or Motel unit and as further described in Town Code.

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

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

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

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

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

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

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

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

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

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

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

Recycling Cart: A Container intended for Recyclables collection with a ninety-six (96) gallons capacity on wheels for rolling, with a non-removable hinged lid, suited to automatic dumping equipment provided by the Contractor's collection vehicles and containing not over two hundred fifty (250) pounds.

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

Residential Recycling Collection Service: The collection of Recovered Materials by the Town or its Contractor from all Dwelling Units in the Service Area that also receive Residential Solid Waste Collection Service for Solid Waste, and other Dwelling Units as designated by the Town, and the delivery of those Recovered Materials to an Authority Recovered Materials Processing Facility or designated Authority transfer station.

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

Residential User: A person, including, but not limited to, owners, lessees, and sublessees utilizing a building, a portion thereof, specifically designed for and used for occupancy of that person. ~~For the purposes of this Agreement, Residential User shall include users of single family dwellings.~~

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

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

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

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

Solid Waste: As defined by F.S. § 403.703(32), as may be amended, including garbage, rubbish, trash, and other discarded waste. Residential Solid Waste and Commercial Solid Waste, but shall not include Special Waste, ~~as defined in this Agreement,~~ or Recovered Materials. Solid Waste

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

shall mean Bulk Waste, Garbage, rubbish, refuse, Trash, Vegetative Waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations, but for the purpose of this Agreement shall not include Special Waste.

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

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

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

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

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

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

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

Sec. 38-55. Franchise for collection of solid waste and residential recycling collection service.

- (a) The Town may enter into an exclusive franchise for the collection of Solid Waste and Residential Recyclable Materials from all locations in the Town to the extent not prohibited by state law, or may enter into any number of franchises that the Town determines is in the best interest of the Town.
- (b) ~~The Town shall grant franchises through agreements with solid waste collectors approved by the Town council. The agreement shall provide:~~
- ~~(1) The right and obligation to provide Solid Waste Collection Services and Residential and Recyclable Materials Collection Services within the Town boundaries, present and future, for all residences;~~
 - ~~(2) The right to provide Solid Waste Collection Services and Residential and Recyclable Materials Collection Services within the Town boundaries for all non-residential uses in existence on June 5, 2018, located within the Town which use bulk containers for their Solid Waste Collection, and which have contracts for the collection of Solid Waste in place as of June 5, 2018, at such time as such contracts shall expire;~~
 - ~~(3) The right to provide Solid Waste Collection and Services to any newly annexed areas as permitted by state statute;~~
 - ~~(4) The right and obligation to provide Solid Waste Collection Services and Residential and Recyclable Materials Collection Services within the Town boundaries, present and future, for all residential and non-residential establishments, that are certified for occupancy after June 5, 2018, and governmental establishments to the extent permitted by law; provided, however, that a certificate of occupancy issued as a result of remodeling with no change in ownership of the property shall not require the customer to change to collector;~~
 - ~~(5) As of June 5, 2018, the right and obligation to provide Solid Waste Collection Services and Residential and Recyclable Materials Collection Services within the Town boundaries for: collector's existing customers; customers/property owners in the Town that have a change in ownership; and customers/property owners whose contract for Solid Waste Collection and disposal services expires.~~
- (e**b**) In the event that the Town grants an exclusive contract, or a Solid Waste or Recyclable Materials collection entity is not granted a franchise by the Town and has existing contracts within the Town, then only existing contracts as of June 5, 2018, for Solid Waste Collection Services and Residential and Recyclable Materials Collection Services

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

are exempt until such time as the contract expires at which time the customer/property owner must use a solid waste collection entity that is franchised by the Town.

- (d~~c~~) The Town Council may require businesses performing Solid Waste Collection, disposal, and recycling services within the Town to pay a franchise fee to the Town, in an amount determined by the Town Council, for the privilege of conducting and operating solid waste collection, disposal, and recycling services on the public streets, roads, alleys, and other thoroughfares of the Town. The franchise fee, as indicated below, shall be based on a percentage of the amount charged for solid waste collection, that is described in a franchise agreement between the Town and a contractor. ~~disposal, and recycling services, as reflected in the business' financial books and records, and in the agreements between the business and all of its customers in the Town. The amount charged to customers shall be the amount charged to customers for solid waste collection, disposal, and recycling services exclusive of any franchise fee. Any franchise fee required by the Town Council shall be paid to the Town in a manner and an amount as set forth in a franchise agreement with the contractor., following receipt of the revenue from the customer, in monthly installments, by the 15th day of the month.~~
- (e) ~~Any franchise fee collected by the Town shall be a sum of money equal to 25 percent. (By way of example only, if the business' charge to its customer for solid waste collection, disposal, and recycling services is \$100.00, then the franchise fee will be \$25.00. The business will be required to remit to the Town the \$25.00 franchise fee, following receipt of the \$100.00 service charge from the customer. Consequently, the total amount billed to the customer would be \$125.00.)~~
- (f) ~~In the event the Town Council requires a franchise fee, then annually on the 30th business day of September each year, each solid waste collection and disposal company operating in the Town shall file with the Town manager, or his designee, an application, in the form provided by the Town, which shall set forth all of the business' gross receipts for the previous year for collection and disposal of solid waste originating in the Town, and permit the Town, or its authorized agent, to inspect and audit the financial books, reports, and records of the solid waste collection and disposal business to insure proper payment of the franchise fee amount to the Town. Any shortfall or overage discovered by the Town during any inspection of the business' records shall be paid by the party owing same no later than 30 days following receipt of written notice from the Town of such shortfall or overage.~~

Sec. 38-56. Collection to be by town or franchisee.

- (a) Each residential owner or lessee, each apartment owner and each owner-operator of a non-residential use shall subscribe to a regularly scheduled Solid Waste Services or Recyclable Materials Collection service as may be provided either by the Town or by such private individual or concern as may be franchised by the Town, except as may be exempted by Town ordinance or state law. The levels of necessary service shall be

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

determined based upon the use. Any collection services in addition to regularly scheduled collection services shall be scheduled through the Town. Verification of adequate Solid Waste and Recyclable Collection Services must be provided to the Town upon the Town's request. ~~So long as the Town levies and collects its Residential Solid Waste Collection Special Assessment, the Town shall collect the costs of such service and remit to the franchisee. The franchisee shall collect all other costs of service provided within the Town.~~

- (b) No individual, corporation or other entity will be permitted to collect Solid Waste or Recyclable Materials within the Town either on a regularly scheduled basis or, alternatively, on a non-scheduled short-term, or temporary, basis unless such individual, corporation or other entity is properly franchised by the Town, except as may be required or exempt by state law or Town ordinance.

~~Sec. —Customer Fees.~~

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

Sec. 38.57. Solid waste collection special assessments shall constitute a lien on improved real property.

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

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

liens shall be enforced by the tax collector in the same manner as any other special assessment lien of the Town.

Sec. 38.58. Containers required.

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

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

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

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

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

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

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

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

Sec. 38.59 Precollection procedures generally.

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

(b) No person shall place for curbside collection any garbage, bulk waste, vegetative waste, or recyclable materials upon any property other than in the swale or area adjacent to and directly in front of the same property from which the garbage, bulk waste, vegetative waste, or

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

recyclable materials was generated or accumulated, unless a predetermined location has been approved by the Town and the Town's Contractor.

(c) All garbage containers, when placed for curbside collection, shall be at ground level, not within the roadway, and immediately accessible to collection crews.

(d) No person shall place any garbage containers, or any accumulation of garbage, bulk waste or vegetative waste in any portion of a roadway, right-of-way or upon private property in any part of a front yard or a side yard abutting a right-of-way except during the time periods as allowed by this Article. No person in possession of real property shall allow any garbage containers or roll-out cart, or any accumulation of garbage, bulk waste or vegetative waste to remain in any portion of a roadway or right-of-way abutting his/her property to the centerline of the roadway or right-of-way, or in any part of the front yard or side yard abutting the roadway or right-of-way, except during the day scheduled for collection or as otherwise set forth in this Article.

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

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

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

Sec. 38.60. Hours when garbage, etc., may be placed out for collection.

It shall be unlawful within the Town for any person to place any Solid Waste or Recyclable Materials adjacent to the public road used for access to the property any earlier than 6:00 p.m. on the day before the scheduled solid waste collection day applicable to such person's property. It shall be unlawful within the Town for any person to fail to remove from the public roadway used for access to the property or adjacent to such public roadway any Container ~~by 6:00 a.m.~~ within 24 hours of the day following the scheduled Solid Waste or Recyclable Materials collection day applicable to such person's property. All Solid Waste, Bulk, Vegetation and Recyclable materials must be placed out for pick up no later than 7:00 a.m. on the day of service.

Sec. 38.61. Construction and demolition debris.

~~Source separated construction and demolition that qualifies as Recoverable Materials shall not be part of the franchise; otherwise, Collection of Construction and Demolition Debris may be made part of the Town's exclusive franchise agreement for solid waste collection included with a franchise granted pursuant to this chapter.~~

Construction and demolition debris originating prior to, during, or subsequent to the construction of new buildings, alterations or additions to existing buildings of whatsoever type or from demolition of existing structures will not be collected under the Town's residential service, unless due to minor homeowner repairs.

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

Construction and demolition debris resulting from minor homeowner repairs (residential do-it-yourself projects) which meet the requirements for trash collection must be bundled, bagged or boxed and will be collected at curbside. Discarded lumber pieces must be no longer than four (4) feet without nails. Larger materials may be picked up by special request at an additional charge from the contractor.

Sec. 38.62. Registration of recovered material dealers.

- (a) A recovered materials dealer or pyrolysis facility must register with the Town before engaging in business within the jurisdiction of the local government. Such registration process is limited to requiring the dealer or pyrolysis facility to:
 - (1) register its name, including the owner or operator of the dealer or pyrolysis facility, and, if the dealer or pyrolysis facility is a business entity, its general or limited partners, its corporate officers and directors;
 - (2) its permanent place of business;
 - (3) evidence of its certification under Section 403.7046, Florida Statutes, and;
 - (4) a certification that the recovered materials or post-use polymers will be processed at a recovered materials processing facility or pyrolysis facility satisfying the requirements of Section 403.7046.
- (b) The Town shall charge the dealer or pyrolysis facility a registration fee commensurate with and no greater than the cost incurred by the local government in operating its registration program, as established by resolution by the Town Council. Registration program costs are limited to those costs associated with the activities described in this ordinance.
- (c) The Town's reporting or registration process with regard to recovered materials or post-use polymers is governed by Section 403.7046 and rules of the Florida Department of Environmental Protection or any successor agency performing a like function, adopted pursuant to Section 403.7046.
- (d) The Town may temporarily or permanently revoke the authority of a recovered materials dealer to do business within the Town. If the Town believes that the recovered materials dealer finds the recovered materials dealer has consistently and repeatedly violated state or local laws, rules, regulations, and the Town's ordinances, it shall notice the recovered materials dealer of the charges and schedule a hearing before the Town's special magistrate using the notice and hearing process of Chapter 162, Florida Statutes.

Sec. 38.63. Recycling program.

- (a) ~~Single-family~~ Residential collection.
 - (1) *Paper Goods*. Paper Goods placed out for collection as Recyclable materials shall be segregated from all other solid waste material by all ~~single-family homeowners~~ and residential units not using containerized refuse service. It shall be in a

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

Container provided by the Town's Contractors and placed out for collection according to a scheduled day established by the Town along with all other Solid Waste or next to the Container or Garbage Can used by such Solid Waste customers. Recyclable Materials shall not be placed in plastic bags, and adequate precaution shall be made to prevent newspapers from being scattered by the elements.

- (2) *Clear glass, plastic and aluminum cans.* All clear glass, plastic and aluminum cans placed out for collection as Recyclable Materials shall be placed in the Container provided for by the contractor of the Town and placed out for collection according to a scheduled day established by the Town along with all other Solid Waste or next to the Container or Garbage Can used by solid waste customers. No other waste besides clear glass, plastic and aluminum cans shall be placed in the container that is provided for by the Town.

~~(b) Multifamily collection.~~

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

- ~~(2) *Clear Glass and Aluminum cans.* Clear Glass and Aluminum Cans placed out for collection as Recyclable Materials shall be segregated from all other solid waste material by all multifamily unit owners and residential units using containerized Solid Waste Collection Service. At least one container for each trash dumpster shall be provided for each condominium or apartment complex for deposit of all Clear Glass and Aluminum Cans and for collection of same. All Clear Glass and Aluminum Cans shall be placed in the container provided and placed out for collection at least once weekly in accordance with a schedule approved by the Town. No other waste besides Clear Glass and Aluminum Cans shall be placed in the container that is provided for recyclables.~~

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

Sec. 38.64. Vegetative waste.

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

(a) Vegetative waste shall be collected from residential areas as set forth in the Franchise Agreement between the Town and its contractor and as approved by the Contract Administrator. Vegetative waste shall be placed adjacent to the pavement or travel way of the road. No more than six cubic yards of vegetative waste shall be placed out for pickup at a time. All items other than palm fronds, tree branches and Christmas trees such as grass clippings, leaves, pine needles, and similar small loose items must be bagged or containerized with each filled container weighing less than 50 pounds. Vegetative Waste, except palm fronds, must be no more than six (6) feet in length and no single item shall weigh more than 50 pounds, and shall be placed neatly at the edge of the road. Natural Christmas trees will be collected as Vegetative Waste and any section must not be more than 8 feet in length or 50 pounds in weight.

In the event of a dispute between the contractor and a customer as to what constitutes vegetative waste, the situation will be reviewed and decided by the Town Manager, whose decision shall be final.

(b) Vegetative waste may not be placed adjacent to the pavement or travel way of the road at time periods or at locations outside of those allowed by this Article. In the event this occurs, the Town's contractor may collect the vegetative waste and charge a fee as set forth in the franchise agreement with the contractor if requested by the customer.

Sec. 38.65. Bulk trash.

(a) It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator or container with any doors, lids or closures of any type in place. This prohibition shall not apply to any appliance, refrigerator or container at a commercial establishment which has been placed on or adjacent to the rear of the building and is crated, strapped or locked to an extent that it is impossible for a child to obtain access to any compartment thereof.

(b) If bulk trash is placed adjacent to the pavement or travel way of the street/alley at time periods or at locations outside of those allowed by this Article, the Town's contractor may collect the bulk trash and charge a fee as set forth in the franchise agreement with the contractor if requested by the customer.

Sec. 38.66. Interim rates for new structures.

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

Sec. 38.67. Community piles.

The Town may provide for the establishment of vegetative piles that may be used by more than one property owner for residential vegetative waste as approved by the Town Manager and its Contractor.

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

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

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

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

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

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

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

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

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

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

PHILLIS MANIGLIA, COUNCILMEMBER ☐ ☐ ☐

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

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakesha Q. Burch, Town Clerk

Mayor Robert Shorr

Vice Mayor David Demarois

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Council Member Laura Danowski

Council Member Lisa El-Ramey

Council Member Phillis Maniglia

CODING: Words in ~~strike through~~ type are deletions from existing law;
 Words in underlined type are additions.

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

TO: Town Council of Town of Loxahatchee Groves

FROM: R. Brian Shutt, Town Attorney

VIA: James Titcomb, Town Manager

DATE: November 12, 2019

SUBJECT: Charter Ordinance on Housekeeping matters

At the last meeting of the Town Council staff was directed to make certain changes in the ballot language, to make certain minor revisions to the language and to show all paragraphs in those sections where only partial changes are made. The proposed ordinance amends the following areas of the charter:

- Removes restrictions on annexation of former Callery Judge Groves
- Removes dates that are no longer applicable on qualifying
- Removes public hearing requirements for charter officers
- Removes outdated language on standards of conduct
- Removes language on transition scheduling when the Town was first created
- Removes language regarding prior taxing units and their applicability to the Town

The areas that have been changed from the first reading have been highlighted.

The ordinance also provides the proposed ballot title and ballot language. If approved this language shall appear on the March ballot.

ORDINANCE NO. 2019-09

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE TOWN OF LOXAHATCHEE GROVES TOWN CHARTER; DELETING PORTIONS OF SECTION 1 “CHARTER; CREATION; FORM OF GOVERNMENT; BOUNDARIES AND POWERS”, PARAGRAPH 3(B); SECTION 3 “ELECTION AND TERMS OF OFFICE”, PARAGRAPH (3)(D) “DEADLINE”; SECTION 9 “GENERAL PROVISIONS”, PARAGRAPH 9 “STANDARDS OF CONDUCT”; SECTION 10 “TRANSITION SCHEDULE”, PARAGRAPH 1 “REFERENDUM”; PARAGRAPH 2 “INITIAL ELECTION OF COUNCIL MEMBERS; DATES”; PARAGRAPH 4 “FIRST YEAR EXPENSES”; PARAGRAPH 6 “TEMPORARY EMERGENCY ORDINANCES”; PARAGRAPH 8 “COMMUNICATIONS SERVICES TAX”; PARAGRAPH 9 “STATE SHARED REVENUES”; PARAGRAPH 11 “WAIVER”; SECTION 11 “CONTINUATION, MERGER, AND DISSOLUTION OF EXISTING DISTRICTS AND SERVICE PROVIDERS”, PARAGRAPH 4 “PALM BEACH COUNTY MUNICIPAL SERVICE TAXING UNIT B”; PARAGRAPH 5 “PALM BEACH COUNTY MUNICIPAL SERVICE TAXING UNIT F”; PARAGRAPH 6 “LOXAHATCHEE GROVES WATER CONTROL DISTRICT; CONTINUATION”; PARAGRAPH 7 “LOXAHATCHEE GROVES PARK; CONTINUATION”, AS THESE PROVISIONS ARE OUTDATED AND/OR NOT APPLICABLE; ESTABLISHING THE DATE OF MARCH 17, 2020, FOR THE REFERENDUM; PROVIDING A BALLOT TITLE AND QUESTION; PROVIDING FOR POLLING LOCATIONS AND QUALIFIED ELECTORS; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves, Florida (the “Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, pursuant to §166.021 and §166.031, Florida Statutes, the Town of Loxahatchee Groves Town Charter (the “Charter”) may be amended through the Town’s exercise of its authority, including the amendment of those portions of its Charter which require a referendum, provided that a majority of the electors in a referendum affirmatively vote to amend the Charter; and

WHEREAS, the Town Council appointed a Charter Review Committee who met on several occasions at duly noticed public meetings and recommended several initial housekeeping

amendments to the Town Charter; and

WHEREAS, §166.031, Florida Statutes authorizes the governing body of a municipality to submit proposed amendments to the Charter of the municipality in the form of an ordinance to the electors of the municipality; and

WHEREAS, §100.342, Florida Statutes, requires that the Town publish two (2) notices in a newspaper of general circulation in Palm Beach County, evidencing the Town's intention to determine whether a majority of the qualified electors of the Town approve of the proposed amendments to the Charter; and

WHEREAS, the Town shall comply with the notice requirements; and

WHEREAS, the Town Council finds that the holding of a referendum on the amendments to the Charter set forth below (the "Referendum") furthers the public health, safety and general welfare of the residents and citizens of the Town.

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

SECTION 1 – Findings of Fact: The **WHEREAS** clauses set forth above are adopted herein as findings of fact.

SECTION 2 – Amendment: Town Charter, Section 1 "Charter; creation; form of government; boundaries and powers", Paragraph (3)(b), is deleted as follows:

~~(b) — The town shall not annex that area now known as Gallery Judge Groves, generally described as that area of land bounded on the north by M canal, on the south by the northern border of the town, on the east by 140th, and on the west by M canal.~~

SECTION 3 – Amendment: Town Charter, Section 3 "Election and terms of office", Paragraph (d), is amended to read as follows:

(d) Deadline.--Any resident of the town who wishes to become a candidate for a council member seat shall qualify with the town clerk **during the qualifying period as set forth by town ordinance.** ~~no sooner than noon on the first Tuesday of January, nor later than noon on the second Tuesday in January, of the year in which the election is to be held except for those years in which the first Tuesday in January is January 1, and in those years any resident of the town who wishes to become a candidate for a council member seat shall qualify with the town clerk no sooner than noon on the first Wednesday of January, nor later than noon on the second Wednesday in January in those years in which the election is to be held.~~

SECTION 4 – Amendment: Town Charter, Section 9 “General provisions”, Paragraph 9 “Standards of conduct”, is amended to read as follows:

(9) STANDARDS OF CONDUCT.--All elected officials and employees of the town shall be subject to the standards of conduct for public officers and employees set by general law and any applicable State, County or town ethics rules or policies. ~~In addition, the town council shall, no later than 6 months from the effective date of incorporation, establish by ordinance a code of ethics for officials and employees of the town which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law. The intent of this subsection is to require more stringent standards than those provided under general law.~~

SECTION 5 – Amendment: Town Charter, Section 10 “Transition Schedule”, is amended to read as follows:

Section 10. Transition schedule.--

~~(1) — REFERENDUM. The Palm Beach County Commission shall hold the referendum election called for by this act on October 10, 2006, at which time the following question shall be placed upon the ballot:~~

~~"Shall the creation of the Town of Loxahatchee Groves and its charter be approved?"~~

~~Yes~~

~~No~~

~~(2) — INITIAL ELECTION OF COUNCIL MEMBERS; DATES.—~~

~~(a) Following the adoption of this charter, the Palm Beach County Commission shall call a special election for the election of the five town council members to be held on March 13, 2007. Candidates for the election shall qualify for seat 1, seat 2, seat 3, seat 4, and seat 5. The candidate receiving the highest number of votes for that seat shall be elected. If more than one candidate for a designated council member seat receives an equal and highest number of votes, then the candidates receiving the highest votes in the general election shall run again in the runoff election which shall be held on March 27, 2007.~~

~~(b) Any individual who wishes to run for one of the five initial seats on the council shall qualify as a candidate with the Palm Beach County Supervisor of Elections in accordance with the provisions of this charter and general law.~~

~~(c) The Palm Beach County Commission shall appoint a canvassing board which shall certify the results of the election.~~

~~(d) Those candidates who are elected on March 13, 2007, and March 27, 2007, shall take office at the initial town council meeting, which shall be held at 7 p.m. on March 29, 2007.~~

(3) CREATION AND ESTABLISHMENT OF THE TOWN.--For the purpose of compliance with section 200.066, Florida Statutes [F.S. § 200.066], relating to assessment and collection of ad valorem taxes, the town is hereby created and established effective November 1, 2006; notwithstanding anything to the contrary contained herein, the town, although created and established as of November 1, 2006, shall not be operational until March 30, 2007.

~~(4) FIRST YEAR EXPENSES. The town council, in order to provide moneys for the expenses and support of the town, shall have the power to borrow money necessary for the operation of town government until such time as a budget is adopted and revenues are raised in accordance with the provisions of this charter.~~

(5) TRANSITIONAL ORDINANCES AND RESOLUTIONS.--All applicable county ordinances currently in place at the time of passage of the referendum, unless specifically referenced herein, shall remain in place until and unless rescinded by action of the town council, except as otherwise provided by the Palm Beach County Charter, as may be amended from time to time. Variances shall not be granted to any existing Palm Beach County ordinance, rule, or regulation in existence as of October 12, 2006 insofar as such action would affect the town without the approval of the town council, except as authorized by the Palm Beach County Charter, as may be amended from time to time.

~~(6) TEMPORARY EMERGENCY ORDINANCES. The town council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first council meeting may be passed as emergency ordinances. These transitional ordinances, passed as emergency ordinances, shall be effective for no longer than 90 days after adoption and thereafter may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.~~

(7) TRANSITIONAL COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS.--

(a) Until such time as the town adopts a comprehensive plan, the Palm Beach County Future Land Use Map, the Palm Beach County Zoning Map, and all other applicable provisions applicable to the town, of the Comprehensive Plan and Land Development Regulations of Palm Beach County, as the same exist on the day the town commences corporate existence, shall remain in effect as the town's transitional comprehensive plan and land development regulations. However, all planning functions, duties, and authority shall thereafter be vested in the Town Council of Loxahatchee Groves which shall also be deemed the local planning agency until the council establishes a separate local planning agency.

(b) Upon this act becoming a law, no changes in the future land use map or the zoning districts within the boundaries of the town shall be considered for alteration, amendment, or other modification in any way until such time as the town adopts appropriate procedures as referenced in this act.

(c) All powers and duties of the planning commission, zoning authority, any boards of adjustment, and the County Commission of Palm Beach County, as set forth in these transitional zoning and land use regulations, shall be vested in the Town Council of Loxahatchee Groves until such time as the town council delegates all or a portion thereof to another entity.

(d) Subsequent to the passage of this act, no amendment of the comprehensive plan or land development regulations enacted by the Palm Beach County Commission shall be deemed as an amendment of the town's transitional comprehensive plan or land development regulations or otherwise take effect within the town's corporate limits except in accordance with the requirements, and upon adoption of the procedures specified in this act.

(e)1. The owner or assigns of the 97 acre property located at the northwest corner of B-Road and Southern Boulevard, commonly known as the "Simon property," have applied for a land use change through the Palm Beach County comprehensive plan amendment process (LGA 2004-00037). This parcel and its owners and assigns will remain subject to the Palm Beach County comprehensive plan and approval process until such time as the town adopts its own comprehensive plan.

2. In the event that the town initiates a review and approval process in a timeframe that is faster than presently expected, the owner or assigns of the Simon property may elect, at their own option, to go through the town's zoning approval process.

~~(8) COMMUNICATIONS SERVICES TAX. The communications services tax imposed under s. 202.19, F.S., by Palm Beach County will continue within the town boundaries during the period commencing with the date of incorporation through December 31, 2007. Revenues from the tax shall be shared by Palm Beach County with the town in proportion to the projected town population estimate of the Palm Beach County Planning Division compared with the unincorporated population of Palm Beach County before the incorporation of Loxahatchee Groves.~~

~~(9) STATE SHARED REVENUES. The Town of Loxahatchee Groves shall be entitled to participate in all shared revenue programs of the state available to municipalities effective April 1, 2007. The provisions of section 218.23(1), Florida Statutes [F.S. § 218.23(1)], shall be waived for the purpose of eligibility to receive revenue sharing funds from the date of incorporation through the state fiscal year 2009-2010. Initial population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the bureau be unable to provide an appropriate population estimate, the Palm Beach County Planning Division estimate should be utilized. For the purposes of qualifying for revenue sharing, the following revenue sources shall be considered: municipal service taxing units, fire municipal service taxing units, water control district revenues, occupational license taxes, ad valorem taxes, public utility service taxes, communications services tax, and franchise fees.~~

(10) GAS TAX REVENUES. Notwithstanding the requirements of section 336.025, Florida Statutes [F.S. § 336.025], to the contrary, the town shall be entitled to receive local option gas tax revenues beginning October 1, 2007. These revenues shall be distributed in accordance with the interlocal agreements with Palm Beach County.

~~(11) WAIVER. The provisions of section 218.23(1), Florida Statutes [F.S. § 218.23(1)], shall be waived for the purpose of conducting audits and financial reporting through fiscal year 2007-2008.~~

SECTION 6 – Amendment: Town Charter, Section 11 “Continuation, merger, and dissolution of existing districts and service providers”, is amended to read as follows:

Section 11. Continuation, merger, and dissolution of existing districts and service providers.

(1) PALM BEACH COUNTY FIRE RESCUE MUNICIPAL SERVICE TAXING UNIT; CONTINUATION.--Notwithstanding the incorporation of the Town of Loxahatchee Groves, that portion of the Palm Beach County Fire Rescue Municipal Service Taxing Unit, a special taxing district created by the Palm Beach County Commission that lies within the boundaries of the Town of Loxahatchee Groves, is authorized to continue in existence until the town adopts an ordinance to the contrary. However, the town shall not establish a town fire department without a referendum.

(2) LAW ENFORCEMENT.--Law enforcement services will be provided by contract with the Palm Beach County Sheriff's Office, or contracted with other law enforcement agencies, until the town adopts an ordinance to the contrary, provided that the town shall not establish a town police department without a referendum.

(3) PALM BEACH COUNTY LIBRARY DISTRICT; CONTINUATION.--Notwithstanding the incorporation of the Town of Loxahatchee Groves, that portion of the Palm Beach County Library District, a dependent district of Palm Beach County created by chapter 2000-405, Laws of Florida, that lies within the boundaries of the Town of Loxahatchee Groves, is authorized but not required to continue in existence, provided that in order to be excluded from the library district the town shall establish a municipal-funded library.

~~(4) PALM BEACH COUNTY MUNICIPAL SERVICE TAXING UNIT B. That portion of Palm Beach County Municipal Service Taxing Unit B, a dependent district of Palm Beach County created by the Palm Beach County Commission that lies within the boundaries of the Town of Loxahatchee Groves, shall cease to exist within the municipal boundaries of the Town of Loxahatchee Groves on October 10, 2006.~~

~~(5) PALM BEACH COUNTY MUNICIPAL SERVICE TAXING UNIT F. That portion of Palm Beach County Municipal Service Taxing Unit F, a dependent district of Palm Beach County created by the Palm Beach County Commission that lies within the boundaries of the Town of~~

~~Loxahatchee Groves, shall cease to exist within the municipal boundaries of the Town of Loxahatchee Groves on October 10, 2006.~~

~~(6) LOXAHATCHEE GROVES WATER CONTROL DISTRICT; CONTINUATION. Notwithstanding the incorporation of the Town of Loxahatchee Groves, the Loxahatchee Groves Water Control District, an independent special district created pursuant to the laws of the state, is authorized to continue in existence.~~

~~(7) LOXAHATCHEE GROVES PARK; CONTINUATION. Notwithstanding the incorporation of the Town of Loxahatchee Groves, the Loxahatchee Groves Park will continue to be operated by the Palm Beach County Department of Parks and Recreation, in accordance with existing Palm Beach County standards. All planned improvements to the park shall be subject to approval of the Town of Loxahatchee Groves but are the responsibility of Palm Beach County. Nothing contained herein shall prevent Palm Beach County and the Town of Loxahatchee Groves from entering into an interlocal agreement related to maintenance, planned improvements, sale, or transfer of the park.~~

SECTION 7. In accordance with the Florida Constitution, Chapters 101 and 166, Florida Statutes, as amended, the Charter and the Code of Ordinances of the Town, the amendments to the Town Charter contained herein shall be submitted to the qualified electors of the Town of Loxahatchee Groves, Florida, for the purpose of determining the question of whether the amendments set forth in sections 2 through 6 shall be adopted.

SECTION 8. A Referendum Election shall be held in the Town of Loxahatchee Groves, Florida, on the 17th day of March, 2020, to determine whether or not a majority of the qualified electors of the Town of Loxahatchee Groves, Florida, support the proposed amendments to the Town's Charter as set forth above in sections 2 through 6 of this Ordinance.

SECTION 9. The Supervisor of Elections of Palm Beach County, Florida, shall determine polling locations or places, and all qualified electors of the Town of Loxahatchee Groves, Florida, who vote in the Referendum, shall vote at those designated polling places. The polls shall be opened on the date of the Referendum on the proposed Town of Loxahatchee Groves, Florida, Charter Amendments from 7:00 a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Loxahatchee Groves, Florida, shall be permitted to vote on this Referendum question.

SECTION 10. The Ballot Title shall be as follows:

“LOXAHATCHEE GROVES CHARTER AMENDMENTS TO ADDRESS VARIOUS OUTDATED, OBSOLETE AND NON-APPLICABLE PROVISIONS”

SECTION 11. The following question shall be placed on a ballot for consideration by the qualified electors of the Town of Loxahatchee Groves, Florida. The election ballot question shall read as follows:

SHALL LOXAHATCHEE GROVES AMEND ITS CHARTER TO DELETE CERTAIN PROVISIONS OR PORTIONS OF A PROVISION THAT ARE OUTDATED OR NO LONGER APPLICABLE TO THE TOWN REGARDING BOUNDARIES AS IT RELATES TO ANNEXATION PROHIBITIONS, QUALIFYING PERIODS, STANDARDS OF CONDUCT, TRANSITION SCHEDULE, TERMS AND REFERENCES TO COUNTY TAXING DISTRICTS?

YES _____

NO _____

SECTION 12. The Town Clerk of the Town of Loxahatchee Groves, Florida, is hereby authorized and directed to advertise the Referendum Election in accordance with the Town Charter and Code of Ordinances, and any other applicable law.

SECTION 13. Codification. In the event these proposed amendments are approved by referendum, the amendments set forth in sections 2 through 6 shall become and be made a part of the Town Charter of the Town of Loxahatchee Groves, Florida. The Articles or Sections of these Charter amendments may be renumbered or re-lettered to accomplish such.

SECTION 14. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 15. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 16. Effective Date. This Ordinance shall take effect immediately upon adoption. The provisions of Sections 2 through 6 of this ordinance shall only be effective upon the affirmative vote of the Town electorate approving such measures.

Council Member _____ offered the foregoing ordinance. Council Member _____

seconded the motion, and upon being put to a vote, the vote was as follows:

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

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

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

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

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakesha Q. Burch, Town Clerk

Mayor Robert Shorr

Vice Mayor David Demarois

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Council Member Laura Danowski

Council Member Lisa El-Ramey

Council Member Phillis Maniglia

TO: Town Council of Town of Loxahatchee Groves
FROM: R. Brian Shutt, Town Attorney
VIA: James Titcomb, Town Manager
DATE: November 12, 2019
SUBJECT: Charter Ordinance on Mayor Appointment Limits

At the last meeting of the Charter Review Committee the Committee directed staff to bring the attached ordinance to the Town Council for first reading. The proposed ordinance provides that no council member may serve more than two consecutive annual appointments as mayor, without an annual break (one regular election cycle) between appointments. Partial year appointments shall not be considered as an annual appointment.

This restriction on appointments shall commence with the council member selected as mayor after the March 2020 election.

The ordinance also provides the proposed ballot title and ballot language. If approved this language shall appear on the March ballot.

If this ordinance is passed on first reading it may be placed on the December 3 meeting agenda for second reading.

ORDINANCE NO. 2019-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE TOWN OF LOXAHATCHEE GROVES TOWN CHARTER; AMENDING SECTION 2 “COUNCIL; MAYOR AND VICE MAYOR”, SUBSECTION (2) “THE MAYOR; POWERS AND DUTIES”, TO PROVIDE THAT NO COUNCIL MEMBER MAY BE SELECTED AS MAYOR FOR MORE THAN TWO CONSECUTIVE YEARS; ESTABLISHING THE DATE OF MARCH 17, 2020, FOR THE REFERENDUM; PROVIDING A BALLOT TITLE AND QUESTION; PROVIDING FOR POLLING LOCATIONS AND QUALIFIED ELECTORS; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves, Florida (the “Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, pursuant to § 166.021 and § 166.031, Florida Statutes, the Town of Loxahatchee Groves Town Charter (the “Charter”) may be amended through the Town’s exercise of its authority, including the amendment of those portions of its Charter which require a referendum, provided that a majority of the electors in a referendum affirmatively vote to amend the Charter; and

WHEREAS, the Town Council appointed a Charter Review Committee who met on several occasions at duly noticed public meetings and recommended several amendments to the Town Charter; and

WHEREAS, §166.031, Florida Statutes, authorizes the governing body of a municipality to submit proposed amendments to the Charter of the municipality in the form of an ordinance to the electors of the municipality; and

WHEREAS, §100.342, Florida Statutes, requires that the Town publish two (2) notices in a newspaper of general circulation in Palm Beach County, evidencing the Town’s intention to determine whether a majority of the qualified electors of the Town approve of the proposed amendments to the Charter; and

WHEREAS, the Town shall comply with the notice requirements; and

WHEREAS, the Town Council finds that the holding of a referendum on the amendments to the Charter set forth below (the “Referendum”) furthers the public health, safety and general welfare of the residents and citizens of the Town.

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

SECTION 1 – Findings of Fact: The **WHEREAS** clauses set forth above are adopted herein as findings of fact.

SECTION 2 – Amendment: Town Charter, Section 2 “Council; mayor and vice mayor”, Subsection (2) “The mayor; powers and duties” is amended to read as follows:

Section 2. Council; mayor and vice mayor.

....

(2) THE MAYOR; POWERS AND DUTES. -

(a) The council, at its first regular meeting after the fourth Tuesday of each March, shall elect from its members a mayor who shall serve for a period of 1 year and who shall have the same legislative powers and duties as any other council member, except as provided herein. No council member may serve more than two consecutive annual appointments as mayor, without an annual break (one regular election cycle) between appointments. Partial year appointments shall not be considered as an annual appointment. This restriction on appointments shall commence with the council member selected as mayor after the March 2020 election.

(b) In addition to carrying out the regular duties of a council member, the mayor shall preside at the meetings of the council and shall be recognized as the head of town government for service of process, ceremonial matters, and the signature or execution of ordinances, contracts, deeds, bonds, and other instruments and documents and for purposes of military law. The mayor shall also serve as the ceremonial head of the town and the town official designated to represent the town when dealing with other entities. The mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the town council, consistent with general or special law.

.....

SECTION 3. In accordance with the Florida Constitution, Chapters 101 and 166, Florida Statutes, as amended, the Charter and the Code of Ordinances of the Town, the amendments to the Town Charter contained herein shall be submitted to the qualified electors of the Town of

Loxahatchee Groves, Florida, for the purpose of determining the question of whether the amendments set forth in section 2 shall be adopted.

SECTION 4. A Referendum Election shall be held in the Town of Loxahatchee Groves, Florida, on the 17th day of March, 2020, to determine whether or not a majority of the qualified electors of the Town of Loxahatchee Groves, Florida, support the proposed amendments to the Town's Charter as set forth above in section 2 of this Ordinance.

SECTION 5. The Supervisor of Elections of Palm Beach County, Florida, shall determine polling locations or places, and all qualified electors of the Town of Loxahatchee Groves, Florida, who vote in the Referendum, shall vote at those designated polling places. The polls shall be opened on the date of the Referendum on the proposed Town of Loxahatchee Groves, Florida, Charter Amendments from 7:00 a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Loxahatchee Groves, Florida, shall be permitted to vote in this Referendum question.

SECTION 6. The Ballot Title shall be as follows:

“LOXAHATCHEE GROVES CHARTER AMENDMENTS TO PROVIDE FOR CONSECUTIVE APPOINTMENT RESTRICTIONS FOR MAYOR”

SECTION 7. The following question shall be placed on a ballot for consideration by the qualified electors of the Town of Loxahatchee Groves, Florida. The election ballot question shall read as follows:

SHALL LOXAHATCHEE GROVES AMEND ITS CHARTER TO PROVIDE THAT A COUNCIL MEMBER MAY NOT BE SELECTED TO SERVE MORE THAN TWO CONSECUTIVE ANNUAL APPOINTMENTS AS MAYOR, UNLESS AN ANNUAL BREAK (ONE REGULAR ELECTION CYCLE) BETWEEN APPOINTMENTS HAS OCCURRED?

YES _____

NO _____

SECTION 8. The Town Clerk of the Town of Loxahatchee Groves, Florida, is hereby authorized and directed to advertise the Referendum Election in accordance with the Town Charter and Code of Ordinances, and any other applicable law.

SECTION 9. Codification. In the event these proposed amendments are approved by referendum, the amendments set forth in section 2 shall become and be made a part of the Town Charter of the Town of Loxahatchee Groves, Florida. The Articles or Sections of these Charter amendments may be renumbered or re-lettered to accomplish such.

SECTION 10. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 11. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 12. Effective Date. This Ordinance shall take effect immediately upon adoption. The provisions of Section 2 of this ordinance shall only be effective upon the affirmative vote of the Town electorate approving such measures.

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

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

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

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE

GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2019.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

Mayor Robert Shorr

Vice Mayor David Demarois

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Council Member Laura Danowski

Council Member Lisa El-Ramey

Council Member Phillis Maniglia

TO: Town Council of Town of Loxahatchee Groves

FROM: R. Brian Shutt, Town Attorney

VIA: James Titcomb, Town Manager

DATE: November 12, 2019

SUBJECT: Charter Ordinance on Council Term Limits

At the last meeting of the Charter Review Committee the Committee directed staff to bring the attached ordinance to the Town Council for first reading. The proposed ordinance provides that council members are prohibited from serving more than two consecutive three year terms. A council member shall not assume office again until a regular election cycle has expired following the completion of his/her last term of office. The resignation from, or forfeiture of, the office of a council member during any part of the three (3) year elective term shall be deemed to constitute a full and complete term under this section.

The term limits will take effect for those council members elected in the March 2020 election and for all elections thereafter.

The ordinance also provides the proposed ballot title and ballot language. If approved this language shall appear on the March ballot.

If this ordinance is passed on first reading it may be placed on the December 3 meeting agenda for second reading.

ORDINANCE NO. 2019-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE TOWN OF LOXAHATCHEE GROVES TOWN CHARTER; AMENDING SECTION 3 “ELECTION AND TERMS OF OFFICE”, SUBSECTION (1) “TERM OF OFFICE”, TO PROVIDE FOR TERM LIMITS NOT TO EXCEED TWO CONSECUTIVE TERMS UNLESS A MEMBER DOES NOT HOLD OFFICE FOR ONE REGULAR ELECTION CYCLE; ESTABLISHING THE DATE OF MARCH 17, 2020, FOR THE REFERENDUM; PROVIDING A BALLOT TITLE AND QUESTION; PROVIDING FOR POLLING LOCATIONS AND QUALIFIED ELECTORS; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves, Florida (the “Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, pursuant to § 166.021 and § 166.031, Florida Statutes, the Town of Loxahatchee Groves Town Charter (the “Charter”) may be amended through the Town’s exercise of its authority, including the amendment of those portions of its Charter which require a referendum, provided that a majority of the electors in a referendum affirmatively vote to amend the Charter; and

WHEREAS, the Town Council appointed a Charter Review Committee who met on several occasions at duly noticed public meetings and recommended several amendments to the Town Charter; and

WHEREAS, §166.031, Florida Statutes, authorizes the governing body of a municipality to submit proposed amendments to the Charter of the municipality in the form of an ordinance to the electors of the municipality; and

WHEREAS, §100.342, Florida Statutes, requires that the Town publish two (2) notices in a newspaper of general circulation in Palm Beach County, evidencing the Town’s intention to determine whether a majority of the qualified electors of the Town approve of the proposed amendments to the Charter; and

WHEREAS, the Town shall comply with the notice requirements; and

WHEREAS, the Town Council finds that the holding of a referendum on the amendments to the Charter set forth below (the “Referendum”) furthers the public health, safety and general welfare of the residents and citizens of the Town.

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

SECTION 1 – Findings of Fact: The **WHEREAS** clauses set forth above are adopted herein as findings of fact.

SECTION 2 – Amendment: Town Charter, Section 3 “Election and terms of office”, Subsection (1) “Term of office” is amended to read as follows:

Section 3. Election and terms of office.

(1) TERM OF OFFICE AND TERM LIMITS.—

(a) Each council member shall be elected at large for a 3-year term by the electors of the town in the manner provided herein. Council members shall be sworn into office at the first regularly scheduled meeting following their election. Each council member shall remain in office until his or her successor is elected and assumes the duties of the position.

(b) Term limit.

1. Individual council members shall be prohibited from holding office for more than two (2) consecutive terms. This term limit shall commence with terms beginning with the March 2020 municipal election. The term "holding office" shall be defined as serving as a council member. The term "consecutive terms" shall not include any time served as a result of an appointment or having been elected to a partial term to fill a vacancy.

2. A person who has served the maximum amount of consecutive terms allowed by this charter as a council member shall not assume office again until a regular election cycle has expired following the completion of his/her last term of office. The resignation from, or forfeiture of, the office of a council member during any part of the three (3) year elective term shall be deemed to constitute a full and complete term under this section.

SECTION 3. In accordance with the Florida Constitution, Chapters 101 and 166, Florida Statutes, as amended, the Charter and the Code of Ordinances of the Town, the amendments to the Town Charter contained herein shall be submitted to the qualified electors of the Town of Loxahatchee Groves, Florida, for the purpose of determining the question of whether the amendments set forth in section 2 shall be adopted.

SECTION 4. A Referendum Election shall be held in the Town of Loxahatchee Groves, Florida, on the 17th day of March, 2020, to determine whether or not a majority of the qualified electors of the Town of Loxahatchee Groves, Florida, support the proposed amendments to the Town's Charter as set forth above in section 2 of this Ordinance.

SECTION 5. The Supervisor of Elections of Palm Beach County, Florida, shall determine polling locations or places, and all qualified electors of the Town of Loxahatchee Groves, Florida, who vote in the Referendum, shall vote at those designated polling places. The polls shall be opened on the date of the Referendum on the proposed Town of Loxahatchee Groves, Florida, Charter Amendments from 7:00 a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Loxahatchee Groves, Florida, shall be permitted to vote in this Referendum question.

SECTION 6. The Ballot Title shall be as follows:

“LOXAHATCHEE GROVES CHARTER AMENDMENTS TO PROVIDE FOR TERM LIMITS FOR THE TOWN COUNCIL”

SECTION 7. The following question shall be placed on a ballot for consideration by the qualified electors of the Town of Loxahatchee Groves, Florida. The election ballot question shall read as follows:

SHALL LOXAHATCHEE GROVES AMEND ITS CHARTER TO PROVIDE THAT A COUNCIL MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS, OF THREE YEARS EACH, UNLESS THERE IS, AT A MINIMUM, A BREAK OF ONE REGULAR ELECTION CYCLE FOLLOWING THE END OF THE SECOND TERM IN WHICH THE PERSON DOES NOT SERVE AS A COUNCIL MEMBER?

YES _____

NO _____

SECTION 8. The Town Clerk of the Town of Loxahatchee Groves, Florida, is hereby authorized and directed to advertise the Referendum Election in accordance with the Town Charter and Code of Ordinances, and any other applicable law.

SECTION 9. Codification. In the event these proposed amendments are approved by referendum, the amendments set forth in section 2 shall become and be made a part of the Town Charter of the Town of Loxahatchee Groves, Florida. The Articles or Sections of these Charter amendments may be renumbered or re-lettered to accomplish such.

SECTION 10. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 11. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 12. Effective Date. This Ordinance shall take effect immediately upon adoption. The provisions of Section 2 of this ordinance shall only be effective upon the affirmative vote of the Town electorate approving such measures.

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

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

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

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

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

_____, 2019.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Mayor Robert Shorr

Vice Mayor David Demarois

Council Member Laura Danowski

Council Member Lisa El-Ramey

Council Member Phillis Maniglia

TOWN OF LOXAHATCHEE GROVES

TOWN COUNCIL RULES OF ORDER AND PROCEDURE

Adopted _____

Rule 1. Public Meetings.

- 1.1 All Town Council meetings shall be open to the public except as otherwise provided by law.

Rule 2. Regular Meetings.

- 2.1 The Town Council shall meet the first Tuesday of each month at 7 p.m. in Town Hall. The meeting shall not be continued to the next day except due to special circumstances or an emergency. This date may be changed from time to time as needed by a majority vote of the Town Council. In order to continue a meeting beyond 10:30 a majority of the Council must approve by vote and to continue the meeting for each ½ hour thereafter must be approved by a majority of the Council
- 2.2 The Town Clerk or designee shall prepare the agenda, notices, and package materials for the meetings as required by Florida law.

Rule 3. Special Meetings

- 3.1 A Special Meeting may be called by the Mayor or a majority of the Town Council as necessary. The Town Clerk or designee shall prepare the agenda, notices, and package materials for the meetings as required by Florida law. Such notification shall be given no less than 72 hours before commencement of the special meeting and shall state the time, place, and subject of the meeting. **In the event a Council Member, preferable in writing, requests a special meeting, the Town Manager shall, as soon as practicable, confer with the Mayor and then Council members to determine if a special meeting should be scheduled.**
- 3.2 The Mayor, Town Manager, or a majority of the Council Members may call an Emergency Town Council meeting when a sudden, urgent event or situation arises necessitating immediate action and judgment. The Town Clerk or designee shall post the agenda and notify each Town Council Member, the Town Manager, and Town Attorney immediately. Such notification shall be given as soon as practicable before commencement of the meeting and shall state the time, place, and subject of the meeting. **In the event a Council Member, preferable in writing, requests an emergency meeting, the Town Manager shall, as soon as practicable, confer with the Mayor and then Council members to determine if an emergency meeting should be scheduled.**

Rule 4. Adjourned Meeting

- 4.1 A Town Council session may be adjourned or continued from day to day or for more than one day, but the adjournment shall not be extended beyond the next regular meeting.

Rule 5. Presiding Officer

- 5.1 The Mayor shall preside at Town Council meetings and shall be recognized as head of the Town government for ceremonial purposes and by the Governor for martial law purposes.
- 5.2 The Vice-Mayor shall act as Mayor during the absence or disability of the Mayor and if a vacancy in the office of the mayor occurs, shall become interim Mayor until a Mayor is selected by a majority vote of the Council.

Rule 6. Corporate Seal

- 6.1 The duly appointed Town Clerk shall keep in custody the Town's corporate seal and ensure its proper and lawful use on behalf of the Town. No person shall use the Town Seal for a purpose other than official Town business.

Rule 7. Presentations & Public Comment

- 7.1 Town Council meetings are business meetings of the Council and the right to limit discussion rests with the Council.
- 7.2 Except as otherwise set forth in these Rules, persons who make a presentation to the Town Council must limit the duration of their presentation to 15 minutes. Exceptions may be granted by the Presiding Officer.
- 7.3 Public Comments made by a member of the public will be limited to one time per subject matter for a total of three minutes. Exceptions may be granted by the Presiding Officer. Individuals addressing the Council on the same topic as an individual who has already spoken should attempt to provide new information and not repeat the comments of the previous speakers. Where possible, individual grievances should first be taken up with Town Staff before comments are made at a Town Council meeting.
- 7.4 The Town Council may withhold comment or direct the Town Manager to take action on requests or comments.
- 7.5 Each person addressing the Council shall step up to the podium and state his/her name and address in an audible tone of voice for the record. All public comments must be addressed to the Council as a body and not to individuals. Personal verbal attacks upon Council members, staff, and/or members of the public will not be tolerated. Any person making impertinent obscene, personally insulting, defamatory, or slanderous remarks or who becomes boisterous or disruptive while addressing the Council shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Council is granted by a majority vote of the Council members present.

Rule 8. Decorum and Order

- 8.1 The presiding officer shall preserve decorum and order and decide all questions of order subject to the Council's appeal.

- 8.2 During all meetings of the Town Council, Council members must preserve order and decorum and a Council member shall neither by conversation or otherwise, delay or interrupt the proceeding or the peace of the Council nor disturb any Council member while speaking, or refuse to obey the rules of the Council or its Presiding Officer, except as otherwise provided herein.
- 8.3 No member of the public shall, during a Council meeting, make or cause to be made any disruptive noise or sound, or display any sign or graphic material of any kind in the Council Chambers, except in connection with a presentation made to the Council by a speaker at the podium.
- 8.4 The presiding officer shall have the authority to recess a meeting in order to re-establish the decorum of the meeting.
- 8.5 The Town Council is committed to maintaining civility in public and political discourse and expects the public to do the same. All comments by members of the Council, advisory board members, staff, and/or the public shall respect the right of all citizens in our community to hold different opinions; avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours; strive to understand differing perspectives; be truthful, not accusatory and avoid distortion; and avoid violence, prejudice and incivility towards citizens, employees, and officials of the Town of Loxahatchee Groves.
- 8.6 If it becomes necessary, the Mayor may recuse the meeting in order to restore decorum and may request the Sheriff's Office assist in maintaining order and decorum at the meeting.

Rule 9. Rules of Debate

- 9.1 Sequence of Debate: With the exception of quasi-judicial matters, items before the Town Council shall be commenced by presentation of the item by a staff member, followed by public comment on the item. Once the presiding officer closes public comment, he or she shall call for a motion and a second on the item and then open debate by the Council. Once debate has concluded on the item, the presiding officer shall call for a vote on the item. A roll call vote may be requested by any Council member on any item.
- 9.2 Presiding Officer May Move, Second & Debate: The Presiding Officer may make a motion or second on any item subject only to such limitations of debate as are imposed by these rules on all Council members and shall not be deprived of any of the rights and privileges of a Council member by reason of the Council member acting as the Presiding Officer.
- 9.3 Responsibility of Presiding Officer: The Presiding Officer has the responsibility of controlling and expediting debate. A Council member who has been recognized to speak on a question has a right to the undivided attention of the Council. The Presiding Officer responsibility is

to keep the subject clearly before the Council members, to rule out irrelevant discussion, and to restate the question whenever necessary.

- 9.4 All Members Shall Vote: No member of the Council who is present at any meeting of the Council at which an official decision, ruling or other official action is to be taken or adopted may abstain from voting in regard to such decision, ruling or act and a vote shall be recorded or counted for each such member present, except when, with respect to any such Council member, there is a conflict of interest under the provisions of Chapter 112, Florida Statutes. In such cases, such Council member shall comply with the disclosure requirements of Section 112.313, Florida Statutes.
- 9.5 Getting the Floor; Improper References to be Avoided: Every Council member desiring to speak shall address the Presiding Officer and upon recognition by the Presiding Officer, shall confine comments to the item under debate, avoiding all personalities and indecorous language.
- 9.6 Interruptions: A Council member, once recognized, shall not be interrupted when speaking except to call the Council member to order or as herein otherwise provided. If a Council member while speaking is called to order, said Council member shall cease speaking until the question of order is determined, and if in order, the Council member shall be permitted to proceed.
- 9.7 Withdrawal of Motions: Any motion before the Council may be withdrawn at any time prior to a vote being taken thereon by the Council member making such motion, upon agreement by the Council member seconding said motion to withdraw the second.
- 9.8 Amending of Motions: At any time during discussion of a motion on the floor, a motion to amend said motion may be made. If the amending motion is seconded, the Council shall at the conclusion of discussion, first vote on the amending motion and then vote upon the original motion in its amended form. An amending motion may be withdrawn in the same manner as set forth in sub-paragraph 9.7 above.
- 9.9 Motion to Reconsider: A motion to reconsider any action taken by the Council may be made only during the meeting that such action was taken. Such motion must be made by one of the Council members on the prevailing side, but may be seconded by any Council member. The motion to reconsider may be made at any time and have precedence over all other motions. Nothing herein contained shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council. **If a meeting is continued to a second night, that is the next day, then this shall be deemed to be part of the initial meeting.**

Rule 10. Appointments to the Council and Boards & Committees

- 10.1 Vacancies on the Town Council or any Board or Committee of the Town of Loxahatchee Groves shall be announced on the Town Council agenda,

and on the Town website. All interested persons shall submit a letter of interest and resume to the Town Clerk by the deadline stated in the announcement. The Town Clerk shall determine whether or not the interested person is a qualified elector of the Town and submit that information to the Town Council.

- 10.2 To fill a vacancy on the Town Council, the Town Council shall vote by ballot. The Town Clerk shall prepare the ballots, listing the qualified candidates that submitted a letter of interest and resume by the stated deadline. The Town Council may, by majority vote of the Council, change the voting process at any time.
- 10.3 To fill a vacancy on any Board or Committee of the Town other than the Town Council, the Town Council shall vote on the appointment by motion and second.

Rule 11. Quorum

11.1 A majority of the full Council shall constitute a quorum. No ordinance, resolution, or motion shall be adopted except by the affirmative vote of at least three members of the Town Council. If no quorum exists within f i f t e e n (15) minutes after the time designated for the meeting of the Council to commence or if a quorum is lost, the Mayor or the Vice Mayor or, in their absence, the Council Member with the most seniority, shall adjourn the meeting. The names of the members present and the time of adjournment shall be recorded in the minutes by the Clerk. The members present may, during the 15-minute period, open the floor for "Matters by the Public" or any similar presentation so long as no official action is taken or direction to staff is given.

Rule 12. Absent Member Participation by Telephone Conference

12.1 A member of the Town Council who is absent, with excuse, may participate and vote by telephone conference in a Council meeting where there is a physical quorum present at the physical meeting site and where the Council determines that extraordinary circumstances exist to justify the Council allowing the Member to participate by telephone. However, a Council member shall not be allowed to participate by phone in a quasi-judicial hearings.

Rule 13. Suspension and Amendment of these Rules

- 13.1 Suspension of Rules: Any provision of these rules not governed by the Town Charter or Town Code may be temporarily suspended by a vote of a majority of the Town Council.
- 13.2 Amendment of Rules: These rules may be amended, or new rules adopted, by a majority vote of the Town Council, provided that the proposed amendments or new rules shall have been introduced into the record.

Rule 14. Preparation/Delivery of Agenda The Town Manager, Town Clerk or designee shall prepare the agenda and make every effort to deliver a complete agenda kit to the Council Members no later than 5 :00 P.M. on the

Thursday prior to the regular meeting. Agenda kits for special and emergency meetings will be distributed in as timely a manner as possible. The agenda, as well as lengthy reports and standard contracts that are part of the agenda's back-up documentation, shall be available for review in Town Administration.

Rule 15. Special Presentations This is the segment of the meeting where positive recognition is expressed. Proclamations are typically presented at the beginning of the meeting. Should a Council Member desire a proclamation that will be delivered elsewhere, it should be brought up under their comments for Council authorization. A proclamation should always "proclaim" a day, week, or month as something specific. Certificates of Appreciation and Commendation should be done when honoring an individual or accomplishment. Whenever practical, the use of certificates is encouraged.

Rule 16. Council Member Comments The purpose of Council Member Comments is to promote the public discussion of matters relating to Town business and to encourage the dissemination of information. Any Council Member may submit reports and information on items relating to Town business. When possible, the other Council Members, the Town Manager, and the Town Attorney should receive such materials in advance. Council Members may also request the preparation of proclamations, resolutions, ordinances, reports, and other actions of the Council during this portion of the agenda, subject to majority consensus. All such requests shall be referred to the Manager or the Attorney, as appropriate. Official actions may be taken under comments in the case of an emergency or for other situations necessitating immediate action as may be determined by a majority of the Board.

Adopted by Resolution ____ on _____.

**11-19-19 Council Workshop/Special Meeting
Danowski Requested Council Discussion Agenda Item**

TO: Town Council of Town of Loxahatchee Groves

FROM: Councilmember Laura Danowski

VIA: James Titcomb, Town Manager

SUBJECT: Contractor Reporting, Billing and Protocols

Background:

Requested council discussion on protocols for contractors in the Town:

1. Request client lists from town contractors. (conflicts of interest)
2. Billing methodologies (monthly retainers, hourly rates, project quotes)
3. Description of service provided (scope of work parameters)
4. Other relevant points (frequency, presentations, industry standards specific)

Like law firm(s) provide client lists, bill monthly, describe services as performed and show time/project break-downs, might our contract vendors model similar reporting and accounting as well?

Thank you - Laura

Recommendations:

Discussion amongst council leading to direction for staff to work with town vendors to establish their regular protocols for billing/reporting in a manner the council finds more helpful, informative and productive.