

TOWN OF LOXAHATCHEE GROVES
Town Hall Council Chambers
TOWN COUNCIL REGULAR MEETING
AGENDA

NOVEMBER 3, 2020 - 7:00-10:30 P.M.

Palm Beach County entered modified "Phase-3" Covid-19 public protocols, a limited public audience can be accommodated in Town Hall (max 12-person audience w/mandatory masks, social distancing, first come/first serve seating). Public comment is also accepted by writing the Clerk's office. This meeting will be streamed and close-captioned as normal, access instructions posted on website.



Lisa El-Ramey, Mayor (Seat 3)

Phillis Maniglia, Councilmember (Seat 1)

Laura Danowski, Councilmember (Seat 2)

Robert Shorr, Councilmember (Seat 4)

Marge Herzog, 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

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

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 TO THE AGENDA

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Palm Beach County entered modified "Phase-3" Covid-19 public protocols, a limited public audience can be accommodated in Town Hall (max 12-person audience, mandatory masks, social distancing, first come/first serve seating). Public Comments for all meetings may be received by email, or in writing to the Town Clerk's Office until 6:00 PM day of the meeting. Comments received will be "received and filed" and acknowledged as part of the official public record for indicated meeting. The Town Council meeting will be live-streamed and close-captioned for the public via our website.

CONSENT AGENDA

1. Approval of Meeting Minutes
 - a. April 7, 2020 Town Council Regular Meeting Minutes
 - b. August 18, 2020 Town Council Workshop/Special Meeting Minutes

PRESENTATION

2. Presentation by Aquatic Vegetation Company (10 minutes)
3. Presentation by John Casagrande from Coastal Recycling and Waste. (20 minutes)

PUBLIC HEARING

4. Approval of First Reading of Ordinance No. 2020-05 amending its code of ordinances by creating Chapter 27 "Fireworks" to provide for regarding the use and sale of fireworks.
5. Approval of First Reading of Ordinance No. 2020-07 amending its Unified Land Development Code by amending Part II "Zoning Districts", Article 20 "Residential Zoning Districts" by enacting Section 20-050 "Recreational Vehicles" to provide regulations regarding recreational vehicles.
6. Approval of Second Reading of Ordinance No. 2020-08 amending Nuisance Abatement.
7. Approval of Second Reading of Ordinance No. 2020-10 amending Article 20 "Residential Zoning Districts", Section 20-010 "General Provisions" to modify the requirement regarding the number of stalls necessary to have "Grooms Quarters" residential uses on the property.
8. Approval of Second Reading of Ordinance No. 2020-11 amending Candidate Qualifying Period.

REGULAR AGENDA

9. Approval of Resolution No. 2020-24 North B Road restoration initiative for impacted residents.
10. Approval of scope work, vendor and cost on OGEM Road Repairs & Resurfacing.

TOWN COUNCILMEMBERS COMMENTS

Phillis Maniglia, Councilmember (Seat 1)

Laura Danowski, Councilmember (Seat 2)

Lisa El-Ramey, Mayor (Seat 3)

Robert Shorr, Councilmember (Seat 4)

Marge Herzog, Vice Mayor (Seat 5)

TOWN STAFF COMMENTS

Town Manager

Town Attorney

Public Works

ADJOURNMENT

Comment Cards: [Note public comment rules are modified during the COVID-19 pandemic, see above.](#)

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.

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155 F Road Loxahatchee Groves, FL 33470

Agenda # 1

TO: Town Council of Town of Loxahatchee Groves

FROM: Lakisha Burch, Town Clerk

DATE: October 26, 2020

VIA: James Titcomb, Town Manager

SUBJECT: Meeting Minutes

Staff recommends approval of the attached meeting minutes.

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**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF COUNCIL MEETING
APRIL 7, 2020**

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Mayor Shorr called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shorr led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Shorr led Moment of Silence.

ROLL CALL

Mayor Robert Shorr, Vice Mayor David DeMarios, Councilmembers Laura Danowski, Lisa El-Ramey and Phillis Maniglia, Town Manager James Titcomb, Town Attorney R. Brian Shutt and Town Clerk Lakisha Burch.

ADDITIONS/DELETIONS/MODIFICATIONS OF AGENDA

Councilmember Maniglia asked if item # 2 could be moved to the next regular Town Council Meeting due to the current crisis.

Motion was made by Councilmember Maniglia seconded by Councilmember El-Ramey to move item # 2 approval of purchasing of a town Traffic Message Board to the next regular Town Council Meeting; it was voted as follows; Ayes: Mayor Shorr, Vice Mayor DeMarios, Councilmembers El-Ramey and Maniglia. Nay: Councilmember Danowski. Motion passed 4-1.

Vice Mayor DeMarios stated that he had an issue regarding appointing the Mayor by ballot and if done by ballot would it be public records. Town Attorney Shutt responded to his concerns stating that it is up to Town Council how the appoint can be done and that all documents are public record. There was further discussion among Town Council regarding how the suggestion of ballots came on ballot. Town Manager Titcomb addressed the issue regarding the ballots stating that it just a different tool that could be used.

Councilmember El-Ramey asked to defer item # 1 to the first regular Town Council meeting that is scheduled to be held on May 5, 2020 at 7:00 p.m.

Motion was made by Councilmember El-Ramey seconded by Councilmember Maniglia to defer item # 1 to the first regular Town Council Meeting that is scheduled to be held on May 5, 2020 at 7:00 p.m.; it was voted as follows; Ayes: Mayor Shorr, Vice Mayor DeMarios, Councilmembers Danowski, El-Ramey and Maniglia. Motion passed unanimously.

Vice Mayor DeMarios asked could he be allowed to make closing statement. Town Manager Titcomb responded.

There was consensus by Town Council to allow Vice Mayor DeMarios to be first to comment under Public Comment Non-Agenda.

SWEARING IN OF NEW COUNCILMEMBER-ELECT MARGE HERZOG

Town Clerk Burch administered the Oath of Office to the new Councilmember-elect Marge Herzog.

APPOINT SEAT OF MAYOR

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to appoint Marge Herzog as Mayor and Lisa El-Ramey as Vice-Mayor of the Town of Loxahatchee Groves; Town Clerk Burch did roll call and it was voted as follows; Ayes: Councilmember Maniglia and Herzog. Nays: Mayor Shorr and Councilmembers Danowski and El-Ramey. Motion failed 2-3.

Motion was made by Councilmember Danowski seconded by Mayor Shorr to appoint Robert Shorr as Mayor of the Town of Loxahatchee Groves; Town Clerk Burch did roll call and it was voted as follows; Ayes: Mayor Shorr and Councilmember Danowski. Nays: Councilmembers El-Ramey, Herzog and Maniglia. Motioned failed 2-3.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to appoint Lisa El-Ramey as Mayor and Marge Herzog as Vice Mayor of the Town of Loxahatchee Groves; Town Clerk Burch did roll call and it was voted as follows: Ayes: Mayor Shorr, Councilmembers El-Ramey, Herzog and Maniglia. Nay: Councilmember Danowski. Motion passed 4-1.

APPOINT SEAT OF VICE MAYOR

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to appoint Lisa El-Ramey as Mayor and Marge Herzog as Vice Mayor of the Town of Loxahatchee Groves; Town Clerk Burch did roll call and it was voted as follows: Ayes: Mayor Shorr, Councilmembers El-Ramey, Herzog and Maniglia. Nay: Councilmember Danowski. Motion passed 4-1.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Vice- Mayor DeMarios made his final statement as a seating member of the Town Council by thanking the public, Town Council and Staff. Town Manager Titcomb stated once this crisis is over that a more formal ceremony will be held in his and Vice Mayor Herzog's honor.

Town Clerk Burch received and read into the record the public comments from the following: Paul Coleman
Nancy Fried and Todd McLendon.

Town Manager Titcomb addressed this issue of the public being in attendance due to COVID-19.

PUBLIC HEARING

1. Approval of Second Reading of Ordinance 2020-01 Amending Chapter 34 “Planning and Development” Amending Chapter 34 “Planning and Development”, Article II Planning and Zoning Board”, Section 34-25 “Composition and Term of Office”. – **PULLED FROM AGENDA**

REGULAR AGENDA

2. Approval of purchase of a town Traffic Message Board. - **PULLED FROM AGENDA**

TOWN COUNCILMEMBERS COMMENTS

Vice Mayor Herzog stated that it feels good to be back on board, stated it was great having Town Manager on board and that she looks forward to serving as Vice Mayor with Mayor El-Ramey.

Councilmember Shorr asked about an ordinance regarding previous Council. Town Clerk Burch responded. He continued by congratulating Mayor El-Ramey and Vice Mayor Herzog on their new appointments and looks forward to a great year.

Councilmember Danowski thanked staff for putting the meeting together and making sure that guidelines are being followed, keeping Town’s business moving forward and looking forward to being on Council.

Councilmember Maniglia thanked Vice Mayor Herzog for running for Council and stated that she is glad to see a couple of women seating at the helm of this Council.

Mayor El-Ramey thanked Vice Mayor DeMarios on his tenure on the Council, Councilmember Shorr for his service as Mayor and setting the bar, she also thanked staff and stated that she looks forward to serving as Mayor.

TOWN STAFF COMMENTS

Town Manager Titcomb expressed his thanks to Town’s staff for their work during this pandemic and conditions in which this has caused such as smaller staff. He also stated a few benefits from this situation has produced permits being online (which allows people to submit permit related information). He also gave an update of where things are at regarding Town business. He also thanked Vice Mayor DeMarios.

Town Attorney Shutt commented and gave an update about questions that was asked regarding sewer lines, mandatory hook up and firing of firearms. There was discussion among Town Council and Town Attorney. Councilmember Maniglia specifically asked how a noise ordinance would fall into this matter. Town Attorney Shutt responded to her question.

ADJOURNMENT

There being no further business the meeting was adjourned at 7:46 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

James Brako, Town Attorney

Mayor Lisa El-Ramey

Vice Mayor Marge Herzog

Councilmember Laura Danowski

Councilmember Phillis Maniglia

Councilmember Robert Shorr



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF WORKSHOP/SPECIAL MEETING
AUGUST 18, 2020**

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Mayor El-Ramey called meeting to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE

Mayor El-Ramey led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor El-Ramey gave a prayer.

ROLL CALL

Mayor Lisa El-Ramey, Vice Mayor Marge Herzog, Councilmembers Laura Danowski, Phillis Maniglia and Robert Shorr, Town Manager James Titcomb, Town Attorney Brian Shutt and Town Clerk Lakisha Burch.

ADDITIONS/DELETIONS/MODIFICATIONS TO THE AGENDA

Town Clerk Burch stated that there were changes made to item 1 approval of Resolution No. 2020-07; the changes where a Whereas was added to the resolution stating that the Town had adopted Resolution No. 2020-03 amending Resolution No. 2016-28 of the Unified Land Development Code and Laura Cacioppo name added as an alternate. Town Manager Titcomb also stated that this item would need to be un-tabled in order to make a motion and vote on the resolution.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There were public comments made and read into record by Town Clerk Burch by the following: Jodi Jensen, Lisa Murray and John Ryan. Virginia Standish public comment was made in person.

REGULAR AGENDA ITEM

1. Approval of the Unified Land Development Code (ULDC) Committee Members. (Tabled 07/07)

Motion was made by Councilmember Danowski seconded by Councilmember Maniglia to approve to un-table item 1 Resolution No. 2020-07; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

Councilmember Danowski stated her concerns regarding the alternate Tom Goltzene and member Todd McLendon who are slated to be on the Unified Land Development Code Advisory Committee (ULDC).

Councilmember Maniglia expressed her concerns regarding Simon Fernandez as a member of the Unified Land Development Code Advisory Committee (ULDC).

Vice Mayor Herzog expressed her concerns.

Councilmember Shorr stated is fine with the slate and expressed his views regarding Mr. Fernandez.

Mayor El-Ramey expressed her thoughts regarding Mr. Fernandez.

Motion was made by Councilmember Shorr to approve Resolution No. 2020-07; it failed for a lack of second.

Motion was made by Councilmember Maniglia seconded by Councilmember Shorr to individual approve each nominee for the Unified Land Development Code (ULDC); it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

Motion was made by Councilmember Shorr seconded by Councilmember Danowski to approve Simon Fernandez as a regular voting member of the Unified Land Development Code (ULDC) Committee; it was voted as follows: Ayes: Councilmember Danowski and Shorr. Nye: Mayor El-Ramey, Vice Mayor Herzog and Councilmember Maniglia. Motion failed 2-3.

Motion was made by Mayor El-Ramey seconded by Councilmember Maniglia to approve Casey Suchy as a regular voting member of the Unified Land Development Code (ULDC) Committee; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

Motion was made by Councilmember Danowski seconded by Councilmember Shorr to approve Lisa Trzepacz as a regular voting member of the Unified Land Development Code (ULDC) Committee; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

Motion was made by Vice Mayor Herzog seconded by Councilmember Maniglia to approve Todd McLendon as a regular voting member of the Unified Land Development Code (ULDC) Committee; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmember Maniglia and Shorr. Nye: Councilmember Danowski. Motion passed 4-1.

Motion was made by Councilmember Maniglia seconded by Councilmember Shorr to approve Jo Siciliano as a regular voting member of the Unified Land Development Code (ULDC) Committee; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

Motion was made by Councilmember Shorr seconded by Councilmember Maniglia to approve Laura Cacioppo as a regular voting member of the Unified Land Development Code (ULDC) Committee; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

Motion was made by Councilmember Shorr seconded by Councilmember Danowski to approve Simon Fernandez as an alternate for the Unified Land Development Code (ULDC) Committee; it was voted as follows; Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski and Shorr. Nye: Councilmember Maniglia. Motion passed 4-1.

Motion was made by Councilmember Maniglia seconded by Councilmember Shorr to approve Tom Goltzene as an alternate of the Unified Land Development Code (ULDC) Committee; it was voted as follows: Aye: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Maniglia and Shorr. Nye: Councilmember Danowski. Motion passed 4-1.

Motion was made by Councilmember Shorr seconded by Councilmember Maniglia to approve Resolution No. 2020-07 with the members previously voted on (the individual votes); it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

WORKSHOP DISCUSSION

2. Town Attorney's Opinion Memo- Regarding Dependent District Acreage Assessments.

Town Attorney Shutt presented the item to Town Council and where he gave his opinion on regarding Dependent District Acreage Assessments.

Town Council reached a consensus to allow Town Attorney Shutt to leave the meeting.

Due to items 3 and 4 being discussed as one the following that is listed below under item 4 is the conclusion of both items.

- 3. Finance Advisory and Audit Committee**
 - a. Budget Workshop Priorities & Recommendations PowerPoint Update
 - b. Comments from Finance Advisory and Audit Committee Meeting- August 10, 2020
- 4. Town Council 2nd Budget Workshop**
 - a. Reference Material - July 21st Budget PowerPoint Presentation

Assistant Town Manager Ramaglia presented the item to Town Council. Ms. Ramaglia did a recap of what has been discussed previously and the recommendations from the Finance Advisory and Audit Committee.

The Town Council reached a consensus on the following:

- Repair the OGEM with North Florida Emulsions**
- Do road rock repair for 265,000 dollars and a covert (Collecting Canal and C Road)**
- Rock refurbishment out of the Operating budget for 100,000 dollars**
- Look into grants for funding drainage**
- Revenues were budgeted conservatively and would not specifically allocate budget funds to replenish the reserves but stated that if revenues do have a positive variance over and above expected budgets and necessary operating costs, the surplus will be allocated to reserves.**

TOWN COUNCILMEMBERS COMMENTS

Councilmember Maniglia stated that Town Attorney Shutt be present at all meetings which includes Workshop/Special meeting.

TOWN STAFF COMMENTS

Town Manager Titcomb updated the Town Council on Indian Trail Improvement District closing of 140th Street.

Mr. Peters spoke about the water truck. Town Council reached a consensus to keep for 30 more days and while Town Attorney is working out the final details for purchase.

ADJOURNMENT

There being no further business the meeting was adjourned at 9:06 p.m.

TOWN OF LOXAHATCHEE GROVES

ATTEST:

Lakisha Burch, Town Clerk

Mayor Lisa El-Ramey

Vice Mayor Marge Herzog

Councilmember Laura Danowski

APPROVED AS TO LEGAL FORM:

James Brako, Town Attorney

Councilmember Phillis Maniglia

Councilmember Robert Shorr



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 2

TO: Town Council of Town of Loxahatchee Groves
FROM: James Titcomb, Town Manager
DATE: October 27, 2020
SUBJECT: Presentation of Canal Vegetation Services

Background:

At the October 6, 2020 regular Town Council meeting, Town Council reached a consensus to have Aquatic Vegetation Control, Inc. and Lake and Wetland Management-Palm Beach, Inc. both present to Town Council at the October 20th meeting.

Due to miscommunication Aquatic Vegetation Control, Inc. was not present at the October 20th meeting. So, an opportunity to present has been extended to allow Aquatic Vegetation Control, Inc. to present their presentation before Town Council at this meeting.

Aquatic Vegetation Control, Inc. will present (up to) a 15-minute presentation to Town Council on the services and recommendations they provide regarding canal vegetation services.

Recommendation:

Staff recommends after Aquatic Vegetation Control, Inc. present, Town Council give direction to select Aquatic Vegetation Control, Inc., or the previous company selected, Lake and Wetland Management-Palm Beach, Inc., or some combination of services to commence canal treatments.



Aquatic Vegetation Control, Inc.
1860 W. 10th Street
Riviera Beach, Florida 33404
(561) 845-5525 or (800) 327-8745 Fax (561) 845-5374
www.avcaquatic.com

PROPOSAL/AGREEMENT/CONTRACT

This Agreement for environmental services is entered into contract between **Aquatic Vegetation Control, Inc.** hereinafter referred to as **AVC**, whose address is 1860 W. 10th Street, Riviera Beach, Florida 33404, and submitted to _____
whose address is listed below, on the latest date of execution of this Agreement by both parties signature.

Address: _____ **City, State, & Zip:** _____
Phone: _____ **Fax:** _____
Contact: _____ **Email:** _____
Job Name: _____ **Location:** _____

Scope of Services and Related Costs

AVC does hereby agree to furnish all labor, equipment, herbicides, and materials unless otherwise specified for _____ to be performed as _____

Scope of Services:

AVC proposes to perform the work as specified for the sum of:

_____ Dollars and _____ cents
(\$ _____) _____ to be billed for a
grand total of _____ Dollars and _____
cents (\$ _____)

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Invoices and Billing-Any fee disputed by _____
shall be brought to the attention of AVC, in writing, within fifteen (15) days of receipt of an invoice. If an invoice is not disputed within that time, the invoice shall be deemed acceptable and shall be paid within _____ of receipt. Interest shall accrue on the invoice at a rate of 1 ½ percent per month or the maximum rate allowed by law, whichever is less.

Terms and Conditions-All material is guaranteed to be as specified. All work will be completed in a skillful manner according to standard practices. Any modification from the above scope of work will be completed only upon a



Aquatic Vegetation Control, Inc.
1860 W. 10th Street
Riviera Beach, Florida 33404
(561) 845-5525 or (800) 327-8745 Fax (561) 845-5374
www.avcaquatic.com

PROPOSAL/AGREEMENT/CONTRACT

written work order signed by both parties, and will be at an extra charge over and above the cost specified in this agreement. This agreement is contingent upon strikes, accidents, or delays beyond our control. This agreement is subject to acceptance within 30 days and is void thereafter at the option of AVC. Each party shall acknowledge changes for any modifications, additions, and/or deletions to this proposal/agreement.

Plant Warranty/Guarantee Terms and Conditions- Aquatic Vegetation Control, Inc. (AVC) d/b/a Martin County Farms (MCF) guarantees the plants' health and professional installation, if applicable, under normal site and weather conditions. AVC/MCF cannot be held liable for plant mortality under abnormal site and/or weather conditions, or acts of God. Plant sales and installation will be guaranteed for _____ days.

This agreement shall be in effect for a period of one-year. This agreement may be executed for an additional year or years on terms and conditions mutually agreeable to the parties and reduced in writing unless cancelled by either party in writing with 30 days notice via certified mail. We reserve the right to include a CPI increase not to exceed 5% per year with proper written notice to client.

Liability-The parties to this agreement understand that AVC bears responsibility for their own willful or negligent actions that result in damages or injury to persons or property arising out of the performance of this contract. Provided, however, the extent of any damages for which AVC may be responsible because of its negligence or willful activity, shall be limited to the amount of this contract.

All herbicides used in the program are approved by the Department of Environmental Protection. Safety and Data Sheets (SDS) are available upon request. AVC will assist customer in obtaining a permit from the Department of Environmental Protection, if required. AVC will furnish proof of liability, vehicle, worker's compensation, and pollution liability insurance upon request.

Proposal date: Proposal expiration date: Commencement date:

Aquatic Vegetation Control, Inc.
Project Manager/Point of Contact:

Accepted By: _____

Authorized AVC Signatory _____

Date

Accepted By: _____

Company Name

Authorized Signature

Name and Title

Date



Aquatic Vegetation Control, Inc.
1860 W. 10th Street
Riviera Beach, Florida 33404
(561) 845-5525 or (800) 327-8745 Fax (561) 845-5374
www.avcaquatic.com

PROPOSAL/AGREEMENT/CONTRACT

Contact Information

Please complete the following information upon acceptance of the agreement and return to our office.

Billing Information

Point of Contact: _____

Phone: _____ Fax: _____

Email Address: _____

Submit Bills To: _____

Federal Tax ID _____

Tax Exempt: _____ Yes (*attach exemption certificate*) _____ No

Send Bills: ☐ Mail ☐ Fax ☐ Email ☐ Other _____

Instructions for returning signed proposal:

Upon execution of proposal/agreement/contract, please return to:

Attention: Betsy Battista, Contracts & Billing Administrator
Aquatic Vegetation Control, Inc.
1860 W. 10th Street
Riviera Beach, Florida 33404

Phone: 561-845-5525 x204

Fax: 561-845-5374

Email: bbattista@avcaquatic.com

Executed proposals/agreement/contract can be mailed, faxed, or emailed.

Scope of Services Continued:

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Agenda Item #3

Presentation by John Casagrande from Coastal
Recycling and Waste

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 4

TO: Town Council of Town of Loxahatchee Groves
FROM: James Brako, Town Attorney
VIA: James Titcomb, Town Manager
SUBJECT: Proposed Ordinance Regarding Prohibiting Fireworks

Background:

The Town Council previously gave direction to prepare an ordinance prohibiting the discharge or sale of fireworks. This was in response to the enactment of Chapter 2020-11, Laws of Florida, by the Legislature where it allowed fireworks to be discharged over designated holidays. The designated holidays were July 4, New Year's Eve and New Year's Day.

The proposed ordinance prohibits the discharge of fireworks at all times, the retail sale of fireworks and provides that violations of the ordinance may be enforced through the Town's code enforcement process or as determined by PBSO. In addition any law enforcement officer would have the authority to confiscate the fireworks.

Recommendations:

Staff recommends that Town Council approves Ordinance No. 2020-05 on First Reading.

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TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2020-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY CREATING CHAPTER 27 “FIREWORKS” TO PROVIDE FOR REGULATIONS REGARDING THE USE AND SALE OF FIREWORKS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to enact regulations regarding fireworks; and,

WHEREAS, this proposed ordinance enacts regulations governing the use and sale of fireworks; and

WHEREAS, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

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 creates Chapter 27 “Fireworks” to read as follows:

CHAPTER 27 - FIREWORKS

Sec. 27-1. – Discharge or use of fireworks, pyrotechnic devices and special effects.

The discharge, firing or use of firecrackers, rockets, torpedoes, roman candles or other fireworks or substances designed and intended for pyrotechnic display, and of pistols, canes, cannons or other appliances using blank cartridges or caps containing chlorate or potash mixture, is prohibited. The use of pyrotechnic special effects, flame effects and/or similar devices inside buildings, tents, structures and/or other enclosed spaces is prohibited. Flame effects include, but are not limited to, batons, and/or torches fueled by liquid, solid or gaseous fuels; flame projectors which produce heat effects and/or flames; flash powders composed of fuel(s) and oxidizer(s); flares and similar devices. Pyrotechnic special effects include, but are not limited to, chemical mixtures used in the entertainment industry to produce visible, audible or thermal effects by combustion, deflagration or detonation. However, this Chapter shall not prohibit public outdoor fireworks/pyrotechnic displays where the permission of the Town Manager has been obtained, and for which a permit has been obtained from the applicable governmental agency, all financial bond requirements established by the Town, if any, have been satisfied, and other prescribed safety requirements have been met. Fireworks and sparklers shall have the same definition as set forth in Florida Statutes.

Except as otherwise set forth in this chapter the requirements set forth in Florida Statute Chapter 791 shall govern.

Sec. 27-2. – Sale of fireworks.

The sale of fireworks at retail is prohibited.

Sec. 27-3. – Enforcement and penalties.

(a) This chapter may be enforced by the Palm Beach County Sheriff's Office or by any law enforcement officer, Palm Beach County fire marshals or appropriate fire personnel, or Town code enforcement officers.

(b) Penalties. Violations may be enforced through the Town code enforcement process and pursuant F.S. chapter 162 or as determined by the Palm Beach County Sheriff's Office in accordance with state statutes.

(c) Violation. Fireworks and sparklers that are used or being used in violation of this chapter are subject to confiscation by law enforcement authorities in addition to the other enforcement measures provided in this chapter.

(d) Injunction of public nuisance or threat of irreparable harm. The Town, in addition to any other remedies provided by law, may seek in a court of competent jurisdiction an injunction against any person or entity who uses fireworks and sparklers in violation of this section. In the event the Town is required to file suit for injunction to enjoin a violation of this chapter, if the Town prevails it shall be entitled to recover reasonable attorney fees and court costs in addition to any other relief granted.

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.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __DAY OF ____, 2020.

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON SECOND READING, THIS __DAY OF ____, 2020.

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

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Lakisha Q. Burch, Town Clerk

Mayor Lisa El-Ramey

Vice Mayor Marge Herzog

APPROVED AS TO LEGAL FORM:

James Brako, Town Attorney

Council Member Laura Danowski

Council Member Phillis Maniglia

Council Member Robert Shorr

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 5

TO: Town Council of Town of Loxahatchee Groves

FROM: James Brako, Town Attorney

VIA: James Titcomb, Town Manager

DATE: October 28, 2020

SUBJECT: Proposed Ordinance Regarding Recreational Vehicles

Background:

The Town Council considered adoption of Ordinance No. 2020-07 on first reading at its October 20, 2020 special meeting. However, after council discussion, direction was given to continue this item and to make certain revisions to the proposed ordinance. Therefore, this ordinance is being presented again for first reading at this time.

All of the proposed changes are as follows:

- “Agricultural structures” and “housekeeping” have been deleted from Sec. 20-050(a).
- One (1) recreational vehicle shall be allowed on parcels less than two (2) acres; a maximum of two (2) recreational vehicles shall be allowed on parcels consisting of 2 acres and less than ten (10) acres; no more than four (4) recreational vehicles shall be allowed on parcels consisting of ten (10) acres or more.
- 25’ setbacks are required from “all” property lines.
- Inclusion of language authorizing use of portable/pump-able septic tanks and removal of waste therefrom has been added in Sec. 20-050(a)(5).
- Insertion of missed word “property” in Sec. 20-050(a)(6)

Recommendation:

Staff recommends that Town Council approves on First Reading Ordinance No. 2020-07 regarding Recreational Vehicles.

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TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2020-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS UNIFIED LAND DEVELOPMENT CODE BY AMENDING PART II “ZONING DISTRICTS”, ARTICLE 20 “RESIDENTIAL ZONING DISTRICTS” BY ENACTING SECTION 20-050 “RECREATIONAL VEHICLES”; AMENDING ARTICLE 175 “FLOODPLAIN MANAGEMENT”, DIVISION XV “RECREATIONAL VEHICLES AND PARK TRAILERS”, TO PROVIDE FOR AND MODIFY REGULATIONS REGARDING RECREATIONAL VEHICLES; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to enact regulations regarding recreational vehicles; and,

WHEREAS, this proposed ordinance modifies the current code by enacting and modifying regulations governing recreational vehicles; and

WHEREAS, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

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 Part II “Zoning Districts”, Article 20 “Residential Zoning Districts” by enacting Section 20-050 “Recreational vehicles” to read as follows:

Sec. 20-050. – Recreational vehicles.

(a) Within the agricultural residential zoning district recreational vehicles shall be allowed on a temporary basis, provided there is a residential dwelling on the parcel, for living and sleeping purposes for a period not to exceed 180 consecutive days and are subject to the following conditions:

(1) A registration permit, (the fee for the registration permit shall be set by a resolution of the Town Council) which shall only be valid for a six (6) month period and shall be required for each recreational vehicle site on an annual basis and shall be placed on the recreational vehicle occupying the site where it can be seen from the exterior;

(2) One (1) recreational vehicle shall be allowed on parcels less than two (2) acres; a maximum of two (2) recreational vehicles shall be allowed on parcels consisting of 2 acres and less than ten (10) acres; no more than four (4) recreational vehicles shall be allowed on parcels consisting of ten (10) acres or more;

(3) The person or persons residing in the recreational vehicle must demonstrate a permanent residence in another location;

(4) The placement of the recreational vehicle must be setback from all property lines by at least 25 feet;

(5) The recreational vehicle shall be hooked up to or have access to appropriate electrical service, potable well and sanitary sewer facilities (bathroom and septic tank) that have been installed pursuant to permits issued by, or approved by, the health department and applicable building and zoning codes, where required; portable/pump-able septic tanks as well as the waste removal therefrom are permitted under this section subject to the requirements set forth hereinabove.

(6) Upon expiration of the registration permit the recreational vehicle shall not remain on property parked or stored and shall be removed from the property and any application for a new registration permit for that site may only occur after a minimum time period of 6 months has expired, unless the site was initially used for a period of less than 6 months, then a permit may be issued for the time period remaining on the initial 6 month time period;

(7) The parcel owner, where the recreational vehicle(s) site is located, shall be required to allow town staff, or its agents, to inspect the recreational vehicle(s) in such a manner and time as determined by the town manager, upon at least 24 hours' notice.

(8) Recreational vehicles shall only be used for their designed and intended purpose as evidence by the manufacturer's certification.

(9) A recreational vehicle that is not occupied must be owned or leased by the property owner or tenant of the property.

(10) Unoccupied recreational vehicles shall not be used for storage or any other non-residential use for which it was not designed and manufactured as evidenced by the manufacturer's certification.

(11) No recreational vehicle shall be kept in an abandoned, inoperable, junked, disabled, wrecked, discarded or otherwise unused condition.

(b) This section shall not apply to caretaker's quarters, groom's quarters and construction trailers.

(c) Any violation of this section may subject the property owner and/or recreational vehicle user to code enforcement action, or any other legal action as determined by the town.

(d) Requests for such a registration permit shall be submitted in writing to the town manager together with such fees, if any, as the town requires and is set forth in the town code.

Section 3. The Town of Loxahatchee Groves hereby amends Part II "Zoning Districts", Article 175 "Floodplain Management", Division XV "Recreational Vehicles and Park Trailers", to read as follows:

DIVISION XV. - ~~RECREATIONAL VEHICLES AND PARK TRAILERS~~

Section 175-355. - Temporary placement.

~~Recreational vehicles and p~~Park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the ~~recreational vehicle or~~ park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

Section 175-360. - Permanent placement.

~~Recreational vehicles and p~~Park trailers that do not meet the limitations in Section 175-355 of this article for temporary placement shall meet the requirements of Division XIV of this article for manufactured homes.

Section 4. 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 5. 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 6. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 7. Effective Date. This Ordinance shall 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 _____, 2020.

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, FL ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2020.

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

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Lakisha Q. Burch, Town Clerk

Mayor Lisa El-Ramey

Vice Mayor Marge Herzog

APPROVED AS TO LEGAL FORM:

James Brako, Town Attorney

Council Member Laura Danowski

Council Member Phillis Maniglia

Council Member Robert Shorr

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2020-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 30 “NUISANCES”, ARTICLE I “IN GENERAL”; AMENDING CHAPTER 38 “SOLID WASTE”, ARTICLE III “COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED”, SECTION 38.59 “COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED” TO MODIFY AND CLARIFY THE REGULATIONS REGARDING NUISANCES RELATED TO IMMIMENT PUBLIC HEALTH THREATS AND THE OBSTRUCTION OF ROADWAYS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to modify and clarify its regulations regarding nuisances; and,

WHEREAS, this proposed ordinance modifies and clarifies the current code more specifically as it relates to imminent public health threats and obstructing of the roadways as the Town has received increased complaints regarding these issues; and

WHEREAS, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

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 Chapter 30 “Nuisances”, Article I “In General” to read as follows:

.....

Sec. 30-2. - Definitions.

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

.....

Imminent public-health threat means the condition of a lot, tract, or parcel of land and the adjacent unpaved and ungraded portion of the right-of-way or roadways, whether such lot or tract or parcel is

improved or unimproved that, because of the accumulation of trash, junk, garbage, living or non-living plant material, or debris, such as broken glass, rusted metal, automotive and appliance parts, some of which may contain chemicals, such as Freon, oils, fluids, or the like, may cause injury or disease to humans or contaminate the environment, or the condition of a lot, tract, ~~or~~ parcel or adjacent right-of-way or roadway that, because of the excessive growth or accumulation of grass, weeds, or brush, can harbor criminal activity, vermin, or disease or obstruct the use of right-of-way/roadway.

.....

Property means a lot or tract or parcel of land and the adjacent unpaved and ungraded portion of the right-of-way or roadways, whether such lot or tract or parcel is improved or unimproved.

.....

Sec. 30-3. - Declaration of nuisance and menace.

The accumulation of trash, junk, or debris, living and nonliving plant material upon property, the excessive growth of grass, weeds, brush, branches, and other overgrowth, the keeping of fill in an unsafe and unsanitary manner, and the permitting vegetation to grow over public roadways are declared to be nuisances and menaces to the public health, safety, and welfare of the citizens of the town for the following reasons:

- (1) The aesthetic appearance of property preserves the value of other properties within the town.
- (2) The accumulation of trash, junk, or debris, living and nonliving plant material, the excessive growth of grass, weeds, brush, branches, and other overgrowth, the keeping of fill in an unsafe and unsanitary manner, and the permitting vegetation to grow over public roadways in violation of section 50-035 of the town ULDC, is dangerous, unhygienic, unhealthy, visually unpleasant to the reasonable person of average sensibilities, and a visual nuisance because it depreciates, or potentially can depreciate, the value of neighboring property, or could cause hazards to the use of public roadways, that, unless addressed properly in this Code, town taxpayers could be and would be required to pay the cost of remedying, and such clean-ups would have to be undertaken by the town several times a year, in some cases for the same properties.
- (3) The obstruction of or encroachment into any public right-of-way/roadway by permitting any living or non-living plant material to encroach upon the public right-of-way/roadway so as to hinder safe and convenient vehicular or pedestrian movement in the public right-of-way/roadway, or by the placement of, maintenance of or causing any other encroachment in or to such right-of-way/roadway, or any part thereof, is declared to be a public nuisance and may be abated as provided by law.

Except as provided in this article or as otherwise authorized by the town, the town shall have the right to remove any obstruction or encroachment from any right-of-way/roadway and to prohibit any use in a right-of-way/roadway.

Sec. 30-4. - Accumulation of trash, junk, or debris, living and nonliving plant material.

- (a) Every owner and, if applicable, every agent, custodian, lessee, or occupant of property shall reasonably regulate and effectively control accumulations of trash, junk, or debris, living and nonliving plant material:
 - (1) On the property; and
 - (2) On that portion of the adjoining public right-of-way/roadway between the property and the paved or graded street.
- (b) The following uses are permissible:
 - (1) Storage of trash, junk, debris, and living and nonliving plant material in garbage cans that comply with applicable ordinances relating to solid waste collection.
 - (2) The storage of nonliving plant material in compost bins.

.....

Sec. 30-7. - Imminent public-health threat.

- (a) The accumulation of trash, junk, debris, living and nonliving plant material, the excessive growth of grass, weeds, brush, or other overgrowth, the keeping of fill on property that presents an imminent public health threat, or the permitting vegetation to grow over ~~public right-of-way/roadways~~, may be remedied by the town immediately without notice to the owner or, if applicable, the agent, custodian, lessee, or occupant. The town manager, or his/her designee shall determine whether, under the provisions of this article, an imminent public health threat exists.
- (b) After-the-fact notice will be provided by the town to the owner and, if applicable, the agent, custodian, lessee, or occupant within a reasonable time after the abatement. After-the-fact notice shall be sent as set forth in section 30-8(d), and the owner and, if applicable, the agent, custodian, lessee, or occupant shall have 15 days from the date notice is received to:
 - (1) Reimburse the town; or
 - (2) Appeal the town manager's determination to the town council that an imminent public-health threat existed on the property.

Sec. 30-8. - Enforcement.

.....

- (b) *Notice of violation.*
 - (1) Whenever the town manager or his/her designee determines there is a violation of this article, the town manager shall serve, or cause to be served, a notice of violation on the owner and, if applicable, the agent, custodian, lessee, or occupant of the property. The notice of violation shall direct the owner and, if applicable, the agent, custodian, lessee, or occupant to terminate and abate the violation within ~~20~~ 10 calendar days of the date the notice is received. If the "notice of violation" pertains to an imminent public health threat abated by the town, the notice shall direct the owner and, if applicable, the agent, custodian, lessee, or occupant to pay to the town the cost of such abatement.

.....

Section 3. The Town of Loxahatchee Groves hereby amends Chapter 38 “Solid Waste”, Article III “Collection of Waste; Franchises and Registration of Contractors Authorized”, Section 38.59 “Precollection procedures generally” to read as follows:

Sec. 38-59. – Pre-collection 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 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 day scheduled for collection or during the day immediately preceding the day scheduled for collection, as provided herein. No person shall place any garbage containers, or any accumulation of garbage, bulk waste or vegetative waste in any portion of a roadway or right-of-way where it obstructs the roadway or public right-of-way so as to hinder safe and convenient vehicular or pedestrian movement in the public right-of-way or roadway. ~~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 during the day immediately preceding the day scheduled for collection.~~
- (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.

Section 4. 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 5. 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 6. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 7. Effective Date. This Ordinance shall 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 __, 2020.

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2020.

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

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Mayor Lisa El-Ramey

Vice Mayor Marge Herzog

Council Member Laura Danowski

Council Member Phillis Maniglia

Council Member Robert Shorr



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 7

TO: Town Council of Town of Loxahatchee Groves

FROM: James Brako, Town Attorney

VIA: James Titcomb, Town Manager

SUBJECT: Second Reading of Proposed Ordinance Modifying Regulations Regarding Groom's Quarters

Background:

The Town Council previously gave direction to prepare an ordinance reducing the requirement from 18 stalls to six stalls in order to allow groom's quarters to be located on a property. The proposed ordinance providing for that change was approved on First Reading by the Council at its October 20, 2020 special meeting and is being presented for final adoption.

Recommendations:

Staff recommends that Town Council approves on Second Reading Ordinance No. 2020-10 regarding Grooms Quarters.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS UNIFIED LAND DEVELOPMENT CODE BY AMENDING ARTICLE 20 “RESIDENTIAL ZONING DISTRICTS”, SECTION 20-010 “GENERAL PROVISIONS” TO MODIFY THE REQUIREMENT REGARDING THE NUMBER OF STALLS NECESSARY TO HAVE GROOMS QUARTERS ON THE PROPERTY; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to modify its regulations regarding grooms quarters; and,

WHEREAS, this proposed ordinance modifies the current code more specifically as it relates to reducing the amount of stalls required from 18 to six in order to have grooms quarters on the property; and

WHEREAS, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

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 Article 20 “Residential Zoning Districts”, Section 20-010 “General Provisions” to read as follows:

Section 20-010. - General provisions.

.....

- (F) *Groom's quarters.* Groom's quarters are permitted on parcels where there are equestrian uses and a stable with ~~18~~ six (6) or more stalls.

.....

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.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ____DAY OF _____, 2020.

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2020.

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>
LISA EL-RAMEY, MAYOR	☐	☐	☐
MARGE HERZOG, VICE MAYOR	☐	☐	☐
LAURA DANOWSKI, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐

ROBERT SHORR, COUNCILMEMBER

□

□

□

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

Mayor Lisa El-Ramey

Vice Mayor Marge Herzog

APPROVED AS TO LEGAL FORM:

James Brako, Town Attorney

Council Member Laura Danowski

Council Member Phillis Maniglia

Council Member Robert Shorr



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 8

TO: Town Council of Town of Loxahatchee Groves
FROM: Lakisha Burch, Town Clerk
VIA: James Titcomb, Town Manager
SUBJECT: Second Reading of Ordinance 2020-11 Moving Municipal Election Qualifying Period

Background:

Ms. Wendy Sartory Link, the Palm Beach County Supervisor of Elections, has requested that all municipalities ballot language be finalized by mid- December for the March 9, 2021 election. In order to meet the deadline requested by the Supervisor of Elections it requires that the Town of Loxahatchee Groves move their Qualifying period.

On October 20, 2020 Town Council approved on First Reading Ordinance No. 2020-11 moving of Municipal Election Qualifying Period.

Recommendations:

Staff recommends that Town Council approve on Second Reading Ordinance 2020-11 moving the date for the Municipal Election Qualifying period to noon Tuesday, December 1, 2020 to noon Tuesday, December 8, 2020 amending the Qualifying Period per stated in the Town's Charter.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2020-11

AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA'S TOWN COUNCIL MOVING THE DATE FOR THE MUNICIPAL QUALIFYING PERIOD TO BE HELD FROM NOON TUESDAY, DECEMBER 1, 2020 TO NOON, TUESDAY, DECEMBER 8, 2020; AMENDING THE CANDIDATE QUALIFYING PERIOD; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the Palm Beach County Supervisor of Elections has requested that all municipalities ballot language be finalized by mid- December for the March 9, 2021 election; and

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

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

Section 1: The Town of Loxahatchee Groves hereby amends its 2021 Municipal Election schedule as follows:

- a. Town of Loxahatchee Groves Municipal Election will be held on Tuesday, March 9, 2021.
- b. Runoff election, if required, will be held on Tuesday, March 23, 2020.
- c. Qualifying periods for candidates will be from noon on Tuesday, December 1, 2020 to noon on Tuesday, December 8, 2020.

Section 2: Nothing herein is intended to create a permanent change to the Town's Charter. Following the March 9, 2021 election, and any subsequent runoff, Loxahatchee Groves' municipal elections shall thereafter comply with its Charter.

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

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

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON FIRST READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2020.

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2020.

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

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

James Brako, Town Attorney

Mayor Lisa El-Ramey

Vice Mayor Marge Herzog

Council Member Laura Danowski

Council Member Phillis Maniglia

Council Member Robert Shorr



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 9

TO: Town Council of Town of Loxahatchee Groves

FROM: James Titcomb, Town Manager

DATE: October 28, 2020

SUBJECT: North B Road restoration initiative for impacted residents

Background:

During the previous fiscal year, the Town and Public Works Department initiated a restoration project to add base road rock to improve the overall condition of B Road North from Okeechobee Blvd. to North Road, approximately a 2-mile stretch.

In execution of the restoration efforts, the town spread new materials onto the platted ROW and into a 10' additional easement areas on the east side of B-Road as shown in recorded boundary maps from 2014-2017. Several residents came forward objecting to the disputed boundaries as prescribed, with documentation and supporting narrative of impacts from the footprint utilized for restoration by the town. A public meeting was held to review the mapping and further work was put on hold, except for critical/contracted repair and drainage work authorized in progress.

Recommendations:

- The council and administration seek to resolve and restore any collateral damages that may have occurred to private properties and prescribe a reasonable timeline for remedy to restore any property borders adversely affected outside public footprint boundaries.
- Administration seeks to meet with each impacted property owner to configure restoration efforts that return their property to palatable condition from any unintended intrusion.
- Set a timeline and consensus to “make good” on each documented and affected property owners claims for restoration is sought from the council.
- Public Works and related contractors will be directed to present town cost and timeline plans for all restoration work to each impacted private property, including reclaiming of usable road materials for other areas of deployment, while returning agreed private property borders to original condition, graded and sodded along road frontage within the demarcation lines.
- All directly impacted residents are invited to meet with Town Administration to confirm their documentation and survey lines and approve a customized restoration plan option that works best for their particular property and situation as adversely impacted.

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 10

TO: Town Council of Town of Loxahatchee Groves
FROM: Larry A. Peters, P.E. Director of Public Works
VIA: James Titcomb, Town Manager
SUBJECT: OGEM Repair and Maintenance

Background:

OGEM - The Town has 12.0 miles of OGEM roads in need of repair, and/or sealing. There are several elements to the repair, and/or maintenance of the OGEM roadways.

1. All portions of the OGEM roadways, that are not in disrepair, should be sealed.
2. A portion of the berm should be removed from the OGEM.
3. Potholes in the center of the OGEM need to be filled.
4. Large sections of the OGEM roadways, are in need of resurfacing.
5. Edge Repair. In many cases the edge of the roadway, has deteriorated, due to large trucks, at high rates of speed, driving on and off the edge of the OGEM roadways, in standing water.

The Public Works Department put together a package to provide the Town Council with options for the repair of the OGEM roadways. At the Town Council meeting of October 20,2020, council requested a Scope of work, and Performance Measures, for contracts be prepared and presented.

Recommendations:

Staff seeks Councils direction in the selection of the methods, amounts NTE, and the sections of the Town's OGEM roadways, for repair and/or maintenance,

Staff recommends the repair of OGEM potholes NTE \$20,400.00.

Staff recommends OGEM edge repair NTE \$136,800.00

Staff recommends the surface repair of large section of OGEM NTE \$68,000.00.

Staff recommends the removal of berms from the OGEM, NTE \$50,000.00.

Staff recommends the sealing of undisturbed areas of OGEM, NTE \$50,000.00.

OGEM Road Repair:

There are 12 miles of OGEM roads within the Town. The OGEM roadways are porous, allowing a portion of rainwater to penetrate through the OGEM. These roadways are mono-sloped away from the Canal Bank, therefore, during heavy rain events, water collects at the base of the slope, creating pools of standing water, where adequate runoff or drainage is not provided.

There are multiple steps to repairing the OGEM roadways throughout the Town.

Pothole Repair - This work can be performed with a small crew with a saw, small roller, and/or tamper. The scope of work is as follows:

1. Mobilization to include relocation to multiple areas.
2. Provide MOT.
2. Saw cut and square-up the area around the pothole to prevent raveling.
3. Remove all loose material from the pothole.
4. Ensure the area to be dry and solid.
5. Spray a binder and Fill with Type S-III asphalt.
6. Provide Warrantee.

The Type of Contract and the performance measure for Pothole Repair would be:

1. A Lum Sum, daily, crew and equipment, "Fixed Fee" contract, for a small crew, along with:
2. A "Unit Price" contract, based on the tons of Asphalt placed, verified by load tickets.

Cost: The estimated cost for patching potholes is as follows.

There are approximately 1,200 SY of potholes in the OGEM roadways, excluding 'F' Road.

The fixed cost per day for a small crew, equipment, and MOT, is \$2,400.00/day.

The cost for Type S-III Asphalt is \$100.00-\$105/Ton.

The cost per square yard for patching potholes is estimated at \$17.00 per square yard.

Therefore: The areas of the Towns OGEM roads, that need potholes patched is estimated to cost:

EST: 1,200 square yards at \$17.00/square yard = +/- **\$ 20,400.00.**

Edge Repair – Passing vehicles, including heavy trucks, drive on and off the edge of the OGEM, and where there is a pool of standing water, the washing action of the water, caused by the hydraulic force and weight of the vehicles in the water, washes away the cohesive agent, "binder", of the OGEM, destroying the structure. **The first step of Edge Repair is to get the water off the roadway.** The second step is to replace the base, and/or structure, that has been destroyed. Asphalt is not a structural element. Asphalt is only as good as the base it is placed upon. This work would be performed by the use of a milling machine, a grader, and a large compactor. After providing a method for getting the water off the roadway, the **scope of work** for edge repair is as follows:

1. Mobilization to include relocation of equipment to multiple areas.
2. Provide MOT.
3. Mill or Scarify the entire area, averaging four feet to six feet in width, as needed, for the entire length of the damaged area.
4. Add an emulsifying agent mix, spray or "Fog" seal a binder, to the milled base material.
5. Grade, roll and compact to within 1 ½" of the surface of the existing OGEM.

6. Tack and pave with 1 ½" Type S-III Asphalt.
7. Provide Warrantee

The Type of Contract and the performance measure for the Edge Repair would be:

1. A "Lum Sum", daily, crew and equipment, "Fixed Fee" contract, for the "milling" crew, based upon pre-determined, and specified locations, width, and length, of the affected areas. All locations are estimated to be performed in one day.
2. A "Unit Price" contract, per square yard, based on the total square yards of compacted base and Asphalt placed, verified by the tickets for tons of asphalt.

Cost: The estimated cost for OGEM edge repair is as follows:

There are approximately 1,800 SY of OGEM roadways, excluding 'F' Road, that need to be reconstructed and resurfaced.

The average width of the edge of the OGEM roadways to be reconstructed is 6 feet to 8 feet.

The cost per square yard for scarifying, fog sealing, compacting, tack, and paving with 1 ½" Type S-III Asphalt is estimated to be \$76.00 per square yard.

Therefore: The edge areas of the Towns OGEM roads, that need reconstruction, and an overlay, are estimated to cost:

EST: 1,800 square yards at \$76.00/square yard = +/- **\$136,800.00.**

Large areas where the OGEM is damaged for the width of the roadway – There are various methods of repair, three are defined below:

Method One – Asphalt Repair. Place a thin layer or leveling course of asphalt to fill the depressions and level the roadway, and then apply one 1" layer of Type III Asphalt. The scope of work for this method is:

1. Mobilization
2. Provide MOT.
3. Broom Clean the area to remove loose material.
4. Tack and Place a leveling course of Type III asphalt.
5. Compact and Pave with 1" Type S-III asphalt overlay of the leveling course.
6. Provide Warrantee.

The type of contract would be a "Unit Cost" contract, and the performance measure would be the square yards of pavement installed and verified by the tickets for the tons of asphalt.

Method Two – Micro Seal. Fill the depressed areas with as many leveling courses necessary, for a level surface, of Micro-seal, and cover the area with a final layer of Micro-seal. The scope of work for this method is:

1. Mobilization.
2. Provide MOT.
3. Broom clean the area to remove all loose material.
4. Add as many leveling courses as required, of Micro-seal for a level surface.
5. Install a final layer of Micro-seal.
6. Provide Warrantee.

The type of contract would be a “Unit Cost” contract, and the performance measure would be the square yards of Micro-seal installed and verified by the tickets for the tons of product.

Method Three – Asphalt Repair. Place a layer, or leveling course of millings, “RAP”, to fill the depressions and level the roadway, compact, tack and pave with 1 1/2” layer of Type S-III Asphalt. The scope of work for this method is:

1. Mobilization.
2. Provide Mot.
3. Broom Clean the area to remove loose material.
4. Tack and Place a leveling course of millings.
5. Tack, compact, and Pave with 1 1/2” Type III asphalt overlay of the leveling course.
6. Provide Warrantee.

The type of contract would be a “Unit Cost” contract, and the performance measure would be the square yards of pavement installed and verified by the tickets for the tons of millings and asphalt.

Cost: The estimated cost for methods one and three are approximately the same.

There is a cost savings for using millings for the leveling course, however, the end-product would not last as long, without thickening the overlay course, therefore, the amount of asphalt would be approximately the same. The estimated cost for methods one and three for the OGEM Roads is as follows.

There are approximately 4,000 SY of OGEM roadways, excluding ‘F’ Road, that need to be resurfaced for the entire width of the roadway.

The average width of the OGEM roadways after uncovering the areas covered by berms is 17 feet.

The cost per square yard for methods one and/or three, is estimated at \$17.00 per square yard.

Therefore: The areas of the Towns OGEM roads, that need leveling and an overlay are estimated to cost:

EST: 4,000 square yards at \$17.00/square yard = +/- \$ **68,000.00**.

Cost: The estimated cost for method two is as follows:

There are approximately 4,000 SY of OGEM roadways, excluding 'F' Road, that need to be resurfaced for the entire width of the roadway.

The average width of the OGEM roadways after uncovering the areas covered by berms is 17 feet.

The cost per square yard for method two, micro sealing, is estimated at \$3.29 per square yard/lift.

Dependent upon the condition of the roadway, repair would require multiple lifts or +/- \$14.50/SY.

Therefore: The areas of the Towns OGEM roads, that need leveling and an overlay are estimated to cost:

EST: 4,000 square yards at \$14.50/square yard = +/- **\$ 58,000.00.**

Removal of Berm from OGEM – The berm of the roadway along the canal has covered a portion of the OGEM roadway. The area of OGEM should be cleared and cleaned prior to sealing the OGEM. The scope of work is as follows:

1. Mobilization.
2. Provide MOT
3. Excavate the berm material to expose the OGEM to the edge.
4. Re-shape the berm to prevent erosion.
5. Remove excess material from the area.

The type of contract would be a "Unit Cost" contract, and the performance measure would be the Linear Feet of berm reshaped.

Cost: The estimated cost for removing the portion of berm covering the Town's OGEM is:

There are 9.75 miles of OGEM roadways, excluding 'F' Road.

The cost per linear foot of exposing the OGEM, is estimated at \$2.00 per linear foot.

EST: 9.75 miles x 5,280 feet/mile x \$2.00 per lineal foot = +/- **\$ 50,000.00.**

Seal the OGEM - There are large areas of existing OGEM roadways that are not in disrepair and should be sealed to prevent future deterioration.

Most all high and dry areas of the OGEM are in good condition and not in need of repair or an overlay.

All these areas and all other areas that have not been repaired with asphalt or Micro-seal should be sealed. The scope of work for sealing non-deteriorated or recently repaired OGEM is:

1. Mobilization
2. Provide MOT.
3. Clean the surface of the OGEM.
4. "FOG" Seal.
5. Provide Warrantee.

The type of contract would be a "Unit Cost" contract, and the performance measure would be the square yards of OGEM sealed, and verified by field measurement and the amount of product used.

OGEM Road Repair:

Page 5

Cost: The estimated cost for sealing a portion of Town OGEM Roads is as follows.

There are 9.75 miles of OGEM roadways, excluding 'F' Road.

The average width of the OGEM roadways after uncovering the areas covered by berms is 17 feet.

The cost per square yard for "Fog" sealing is estimated at \$0.49 per square yard.

Therefore: All areas of the Towns OGEM roads, that are in acceptable condition to seal, and are not slated for an overlay, can be sealed for an estimate of:

EST: $(9.75 \text{ miles} \times 5,280 \text{ feet/mile} \times 17 \text{ feet in width}) / 9 \text{ square feet/square yard} =$

97,240 SY at \$0.49/SY = +/- \$ 50,000.00.

Larry Peters

From: Randy Shane <rd.shane@hotmail.com>
Sent: Tuesday, October 27, 2020 6:17 AM
To: Larry Peters
Cc: Randy Shane
Subject: RE: OGEM Sealing and re-surfacing

Good morning Larry,

Piggybacking our Lee County contract the price per SY for a double micro with MOB and MOT included would be \$3.95 per SY.

The price for fog seal (CSS emulsion) would be \$0.49 per SY.

Let me know if this works and I can send you the Lee County contract documents.

Thank you

Randy

Randy Shane
Asphalt Paving Systems
Zephyrhills, Florida
(813) 892-0056











