



Town of Loxahatchee Groves
Water Control District/Town Council Meeting Tuesday,
February 5, 2019 - 7:00 p.m. to 10:30 p.m.
Town Hall, 155 F Road Loxahatchee Groves,
Florida 33470

Mayor David Browning (Seat 4)

Mayor Todd McLendon (Seat 2)

Council Member Dave DeMarois (Seat 5)

Member Phillis Maniglia (Seat 1)

Town Manager William F. Underwood, II Vice

Town Attorney Michael D. Cirullo, Jr.

Asst. Town Manager Francine Ramaglia Council

PUBLIC NOTICE/AGENDA

1. OPENING

- a. Call to Order & Roll Call
- b. Pledge of Allegiance & Invocation – Mayor Browning

2. ORDER OF BUSINESS

- a. Additions, Deletions or Modification, and Approval of Agenda

MOTION	SECOND	VOTE
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3. PUBLIC COMMENTS

4. PRESENTATIONS

- a. Monthly Status Report – Municipal Technologies LLC – Steven Murray
- b. Monthly Status Report – Geoffrey B. Sluggett & Associates – Geoffrey Sluggett

5. WATER CONTROL DISTRICT BUSINESS

FOR THIS PORTION OF THE AGENDA THE TOWN COUNCIL WILL SERVE AS THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT BOARD OF SUPERVISORS, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES.

a. CONSENT AGENDA

- 1. Approval of Warrant No. 2019-01 Transfer of Debt Assessment Funds collected through 2019-01-09 from District Florida Community Bank Account to its Bank United Account

MOTION	SECOND	VOTE
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b. **NEW BUSINESS** - None

End of Water Control District Business.....

TOWN COUNCIL AGENDA ITEMS

6. **COMMITTEE REPORTS** – None

7. **CONSENT AGENDA**

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: December 18, 2019 Town Council Special Meeting
- b. Minutes: January 15, 2019 Town Council Workshop Meeting (To be provided under separate cover)
- c. Minutes: January 15, 2019 Town Council Meeting (To be provided under separate cover)
- d. GOREN, CHEROF, DOODY & EZROL, P.A. Invoices for January 2019
- e. Resolution No. 2019-10 – Amending Administrative Policy 3-13.

RESOLUTION NO. 2019-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING TOWN OF LOXAHATCHEE GROVES ADMINISTRATIVE POLICY 3-13 RELATING TO TOWN COUNCIL MEETINGS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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- f. Resolution No. 2019-11 Relating to Code Enforcement cessation of new investigations

RESOLUTION NO. 2019-11

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

MOTION	SECOND	VOTE
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- g. Resolution No. 2019-12 Amending Canvassing Board to replace Susan Bucher with Wendy S. Link, new Supervisor of Election as a member Canvassing Board.

RESOLUTION NO. 2019-12

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING RESOLUTION 2018-90, TO REPLACE REFERENCES TO SUSAN BUCHER WITH WENDY S. LINK AS SUPERVISOR OF ELECTIONS FOR PALM BEACH COUNTY, AND AS A MEMBER OF THE TOWN'S CANVASSING BOARD FOR THE MARCH 12, 2019, MUNICIPAL ELECTION; PROVIDING FOR CONFLICTS, SEVERABILITY AN EFFECTIVE DATE.

End of Consent Agenda.....

8. **PUBLIC HEARINGS** – *quasi judicial - None*

MOTION	SECOND	VOTE
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9. **PUBLIC HEARINGS**

- a. First Reading of Ordinance 2019-01 Repealing Part III of Article 87 Entitled “Supplement Regulations” of the Unified Land Development Code.

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE TOWN’S UNIFIED LAND DEVELOPMENT CODE; REPEALING EXISTING PART III, ENTITLED “SUPPLEMENTAL REGULATIONS,” ARTICLE 87 ENTITLED “NATIVE TREE PRESERVATION, SOIL STABILIZATION AND INVASIVE EXOTIC REMOVAL” IN ITS ENTIRETY; REPLACING REPEALED ARTICLE 87 WITH PART III, ENTITLED “SUPPLEMENTAL REGULATIONS,” ARTICLE 87 ENTITLED “NATIVE TREE PRESERVATION AND INVASIVE EXOTIC REMOVAL” IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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- b. First Reading Ordinance No. 2019-02 Relating to Law Enforcement

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING THAT IN THE EVENT THERE IS NO CONTRACT FOR LAW ENFORCEMENT SERVICES IN EFFECT BETWEEN THE TOWN AND THE PALM BEACH COUNTY SHERIFF’S OFFICE (“PBSO”) OR AN ADJOINING MUNICIPALITY, THE LAW ENFORCEMENT SERVICES IN THE TOWN WILL BE THE STANDARD LAW ENFORCEMENT SERVICES PROVIDED BY THE PBSO; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION	SECOND	VOTE
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10. **NEW BUSINESS** - *None*

MOTION	SECOND	VOTE
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11. **MANAGER’S REPORT** –

- a. Final Manager Report

- b. Receive and File PBC Sheriff's Office Monthly Report (**Included as a separate handout**)

MOTION	SECOND	VOTE
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- c. Receive and File PBC Fire Rescue Monthly Report

MOTION	SECOND	VOTE
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12. COUNCIL REPORTS

- a. Vice Mayor McLendon
 - 1. Discussion and Direction to rebid culvert replacement at Collecting Canal Road & C Road
 - 2. Update & Discussion and Direction relative to Road Drainage Catch Basins Project
 - 3. Discussion and Direction relative to purchase of the John Deere Tractor (Resolution 2019-DD01)
- b. Council Member DeMarois
 - 1. Questions about Grader
 - 2. Update on OGEM Repair Money

13. CLOSING COMMENTS

- a. Public
- b. Town Attorney
- c. Town Council Members

14. ADJOURNMENT

The next regular Town Council Meeting is tentatively scheduled for March 19, 2019

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.

WARRANT NO. 2019-01

P

TREASURER OF LOXAHATCHEE GROVES
WATER CONTROL DISTRICT STATE OF FLORIDA

A

IN THE GENERAL FUND OF THE WATER CONTROL DISTRICT

FOR: <u>NO.</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>NOTATION</u>
	Issued by		<u>Deposit to:</u>
		<u>\$ \$217,467.48</u>	
1.	<u>FI Comm. Bank</u> <u>Fund Checking</u> <u>Acct ending 5637</u>		<u>Bank United</u> <u>Money Market</u> <u>Acct ending 3767</u>
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____

DATE: 02/05/2019

AMOUNT: \$ 217,467.48

BY ORDER OF THE BOARD OF SUPERVISORS OF
LOXAHATCHEE GROVES WATER CONTROL DISTRICT
LOXAHATCHEE, FLORIDA

PRESIDENT OF THE DISTRICT

ATTEST

SECRETARY OF THE DISTRICT

Loxahatchee Groves Water Control District
DEBT ASSESSMENT RECEIPTS
FY 2019

DATE	NAR1	NCR1	NDR1	SCR1	UD1NDR1	TOTALS
11/7/2018	\$ 231.82	\$ 3,049.15	\$ 1,014.52	\$ 1,555.67		\$ 5,851.16
11/21/2018	\$ 12,696.26	\$ 5,607.59	\$ 12,471.78	\$ 4,865.45	\$ 3,177.81	\$ 35,641.08
12/5/2018	\$ 19,222.68	\$ 24,350.63	\$ 20,992.99	\$ 10,785.99	\$ 3,177.88	\$ 75,352.29
12/12/2018	\$ 12,211.48	\$ 7,295.17	\$ 5,186.59	\$ 9,467.54		\$ 34,160.78
12/26/2018	\$ 6,630.40	\$ 12,475.79	\$ 18,893.02	\$ 6,314.55		\$ 44,313.76
Subtotals	\$ 50,992.64	\$ 52,778.33	\$ 58,558.90	\$ 32,989.20	\$ 6,355.69 \$ -	\$ 195,319.07
1/9/2019	\$ 1,985.36	\$ 2,714.16	\$ 5,514.36	\$ 2,367.93	\$ 3,210.91	\$ 12,581.81
TOTALS	\$ 52,978.00	\$ 55,492.49	\$ 64,073.26	\$ 35,357.13	\$ 9,566.60	\$ 217,467.48



Town of Loxahatchee Groves

Special Town Council Meeting

Tuesday, December 18, 2018 at 5:00 p.m

Town of Loxahatchee Groves Town Hall

155 F Road, Loxahatchee Groves, Florida 33470

MINUTES

1. OPENING OF PUBLIC MEETING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 5:00 pm. Present were Mayor David Browning, Vice Mayor Todd McLendon, Council Members David DeMarois, Phillis Maniglia, and Anita Kane. Also present were Town Manager William Underwood, Town Attorney Michael Cirullo, and Acting Town Clerk Perla Underwood.

b. Approval of Agenda

Motion: a motion was made by Council Member Kane, and seconded by Council Member DeMarois to approve the Agenda. Motion passed, 5/0.

2. PUBLIC HEARINGS

1. Final Reading of Ordinance No. 2018-14 Relative to Special Election to fill vacancy for

Balance of Term of Seat 3.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SCHEDULING A SPECIAL ELECTION TO FILL THE REMAINING TERM FOR TOWN COUNCIL SEAT 3, AND CONFIRMING THE SUBMITTAL TO THE TOWN'S ELECTORATE OF A CHARTER AMENDMENT REFERENDUM AND BOND REFERENDUM FOR THE SAME ELECTION, TO OCCUR IN CONJUNCTION WITH THE TOWN'S GENERAL MUNICIPAL ELECTION FOR COUNCILMEMBER SEATS 2 AND 4 ON MARCH 12, 2019; SETTING THE QUALIFYING PERIOD

FOR SEAT 3; PROVIDING THAT THE TOWN MANAGER AND TOWN ATTORNEY SHALL TAKE ALL ACTIONS NECESSARY AND REQUIRED FOR THE SPECIAL ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Kane inquired if she would be required to recuse herself from discussion and voting on this Ordinance as it relates to filing the vacancy on Seat 3, that she was recently appointed to.

Town Attorney Cirullo advised that no recusal was necessary by Council Member Kane.

Motion: a motion was made by Vice Mayor McLendon to adopt Ordinance No. 2018-14 on first reading. Council Member Maniglia seconded the motion. Motion passed, 5/0.

2. Final Reading of Ordinance No. 2018-15 Amending Election Qualifying Dates for March 2019 Election

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2017- 17 REGARDING QUALIFYING DATES SET FORTH IN SECTION 3(3)(D)

OF THE TOWN'S CHARTER ELECTIONS PURSUANT TO SECTIONS 100.3605 AND 166.021, FLORIDA STATUTES, RELATIVE TO QUALIFYING PERIODS IN YEARS IN WHICH THE FIRST TUESDAY IN JANUARY IS JANUARY 1; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney advised that the qualification for the upcoming Election will begin at noon on Wednesday, January 2, and end at noon on Wednesday, January 9, 2019.

Motion: a motion was made by Vice Mayor McLendon to adopt Ordinance No. 2018 15 on Second reading, and was seconded by Council Member Maniglia. Motion passed, 4/0.

3. RESOLUTIONS

1. Adoption of Resolution No. 2018-89 Announcing Election and Qualifying for March 2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE TO QUALIFY AND FILE FOR THE OFFICE OF TOWN COUNCIL MEMBER FOR SEAT 2, SEAT 3, AND SEAT 4, PRIOR TO THE MUNICIPAL GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 12, 2019, PURSUANT TO THE TOWN CHARTER AND CHAPTERS 97 106, FLORIDA STATUTES; THE ELECTION FILING PERIOD OPENS PROMPTLY AT 12:00 NOON ON JANUARY 2, 2019 AND CLOSSES PROMPTLY AT 12:00 NOON ON JANUARY 9, 2019; SETTING FILING FEES; AUTHORIZING THE TOWN CLERK TO APPOINT ELECTION BOARDS FOR ELECTION PRECINCT 6094; AUTHORIZING THE SUPERVISOR OF ELECTIONS TO CONDUCT THE TOWN ELECTION AND APPROVING THE AGREEMENT BETWEEN THE TOWN AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR ELECTION SERVICES; AUTHORIZING THE TOWN CLERK OR DESIGNEE TO HANDLE

CERTAIN ELECTION MATTERS; OPTING OUT OF EARLY VOTING; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo advised that the dates to qualify will begin on Wednesday, January 2, 2019 at noon, and will end on Wednesday, January 9, 2019 at noon for Seat 2, Seat 4, and to fill the balance of the term for Seat 3.

Upon question by Town Council relative SOE Agreement, Section F. Absentee Voting, (2)(b) that did not include requesting absentee ballots by internet, Town Attorney Cirullo was instructed to contact the Supervisor of Elections about this concern.

Motion: a motion was made by Vice Mayor McLendon, and seconded by Council Member Maniglia to adopt Resolution No. 2018-89 setting the March 12 Election, identifying Seats 2, 3, and 4, setting the filing period beginning on noon, January 2, 2019, and ending at noon January 9, 2019, setting filing fees, authorizing Town Clerk to appoint Election Boards, authorizing the approval of the Agreement with the Supervisor of Elections to conduct the Town Election, authorizing the Town Clerk or designee to handle certain election matters, and opting out of early voting.

Following discussion with respect to the date change for the March Town Council meeting, the Council requested that the previous motion be amended to include the change of the March Town Council Meeting.

Motion: Vice Mayor McLendon amended his previous motion to include the change for the March Town Council Meeting to Tuesday, March 19, and Council Member Maniglia seconded the amended motion to include the meeting date change. Motion passed, 5/0.

2. Adoption of Resolution No. 2018-90 Appointment of Canvassing Board for March 2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE SUPERVISOR OF ELECTIONS, OR HER DESIGNEE, ALONG WITH THE TOWN CLERK, AND A TOWN RESIDENT, TO SERVE AS THE TOWN'S CANVASSING BOARD, INCLUDING ATTENDANCE FOR THE TESTING OF THE ELECTRONIC SYSTEMS AUTOMATIC TABULATION EQUIPMENT, TO CANVASS THE MUNICIPAL ELECTION, AND TO CERTIFY THE ELECTION RESULTS FOR THE TOWN'S MARCH 12, 2019 MUNICIPAL ELECTION, AND ANY RUN-OFF ELECTION, PURSUANT TO THE TOWN CHARTER AND STATE LAW; PROVIDING FOR MATTERS RELATING TO THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

Council Member Maniglia asked if a change could be made in the event that there was a change in the Town Clerk prior to the March 12, 2019 election. Town Attorney Cirullo advised that a new Resolution would have to be adopted by the Town Council to reflect such change.

Motion: a motion to adopt Resolution No. 2018-90 appointing the Town Clerk Virginia Walton, Town Resident William Ford, and Supervisor of Elections Susan Bucher to serve as the Town's Canvassing Board was made by Vice Mayor McLendon, and seconded by Council Member Mangilia. Motion passed, 5/0.

3. Adoption of Resolution No. 2018- 95 Transmitting Ballot Language to Supervisor of Elections

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TO PROVIDE THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS WITH THE BALLOT LANGUAGE FOR TWO QUESTIONS TO BE PLACED ON THE BALLOT FOR THE MARCH 12, 2019 MUNICIPAL GENERAL ELECTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Council Member DeMarois questioned why the 50/50 cost sharing was not included in the language of the second referendum question. Town Attorney Cirullo reminded the Council about the limitation in the language for the question.

Vice Mayor McLendon advised the Town Council to consider adopting the Resolution that identifies the Town's intent, and then incorporate the cost sharing as part educational information to the public.

Motion: Council Member Mangilia moved to adopt Resolution No. 2018-95, and seconded by Vice Mayor McLendon. Motion passed, 5/0.

4. Adoption of Resolution No. 2018-96 -Approval of Intake Pump Soft Start Repair

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE PROPOSAL OF SULLIVAN ELECTRIC & PUMP, INC., TO REPAIR THE SOUTHERN BOULEVARD TRANSFER PUMP IN THE AMOUNT OF \$8,723.04 AND AUTHORIZING THE TOWN MANAGER TO ACCEPT THE PROPOSAL FOR THE REPAIRS; PROVIDING FOR AN EFFECTIVE DATE.

Following discussion relative costs and changes to the soft start quotes and costs, the Town Council unanimously agreed to differ this matter until the next regular meeting.

4. NEW BUSINESS

1. Discussion and Action on Legislative Appropriation Requests

Town Lobbyist Mary Nicholas provided the Town Council with a list of Legislative requests, and other appropriation requests for the purpose of obtaining input and prioritizing from the Town Council based on her meetings with each of the Town Council as follows:

1. Roads

- D Road – Costs for Water & Sewer that includes completed design and engineering - \$3,686.697
- D Road – possibilities for phased in approaches
- North B Road – emergency situation during the past year)
- Culverts at Bridges – public safety issue
- North Folsom Road – just north of Okeechobee Blvd.

2. Equestrian/Multi-Use Trails

- Previous Grant
- New Grant, Cooperative effort with J. Fleishmann to apply to FL Department of Environmental Protection

3. Water

- Aquifer Recharge Ideas

4. Other topics

Council Member Kane asked about the other surface materials available regarding road improvements.

Council Member DeMarois suggested that the State may want a specific product be used if they would be providing funding.

Council Member Maniglia advised that she would like to look into new technology.

McNicholas advised Town priorities need to be identified, and suggested that Aquifer recharge may want to be included as part of the priorities.

Council Member DeMarois advised that culvert bridges are needed and should be included as well.

Council Member Kane would like to focus on Trail grants as the Town had previously submitted a grant but were denied as they did not have ownership of the land at that time. She reminded the Council that the District purchased the land from Southern Land & Timber, and that surveys have been completed on those canal berms.

Vice Mayor McLendon and Member DeMarois both stated that it was their understanding that grants are not done by legislative appropriation. McNicholas advised that can also both apply for grants as well as requesting legislative funds for projects.

Council Member Maniglia questioned why North Folsom should be a priority rather than

Collecting Canal Road. McNicholas advised that the list incorporated those projects identified by Council Members from the meetings she had with each Council Member.

Vice Mayor McLendon suggested removing from the priorities list Culvert Bridges, and North Folsom Road, and adding Collecting Canal Road.

Council Member Maniglia also inquired why Collecting Canal Road and 6th Court North are not one way roads.

Council Member Kane suggested that paving and drainage estimates for Collecting Canal Road and D Road will need engineering estimates if they will be considering for funding requests.

Vice Mayor McLendon suggested that D Road from Southern Blvd. to Collecting Canal, D Road from Collecting Canal to Okeechobee Blvd, and North B Road be considered.

Mayor Browning advised that there are not enough residents on D Road for the Palm Beach County consideration of water line installations.

With respect to the Aquifer Recharge, Mayor Browning advised that gates will be needed at north end of Town for proper containment on North end, along with the right plants to filter waters within the canal system.

Council Member Maniglia inquired about Florida Department of Transportation's work along Tangerine, and use of the millings when start the expansion of Southern Blvd.

Additional funding options suggested were improvement to D Road from Southern to Okeechobee, conceptual engineering costs for design and drainage plans for Collecting Canal Road, and rock material for North B Road.

Guisele – Collecting Canal Road

Suggested the Town consider trails at E Road and Collecting Canal Road, but suggested blocked recycle surfaces for roads as dust contains silicon that has detrimental effects to people, and horses.

With respect to Trails, the Council was advised governmental agencies can provide grant fundings such as for horse crossings at Okeechobee and B Road, and Okeechobee and F Road. The Council was also advised that the engineering for those two horse crossings has been completed by the Town.

With respect to design grants, the Town Council that the Town can apply for grant funding for the design of Okeechobee Boulevard, with the Florida Department of Environmental Protection.

Motion: a motion was made by Council Member Maniglia, and seconded by Council Member Kane to authorize the Town's Planner, Land Research Management to work with Geoffrey B. Sluggett & Associates on grants for trails and design. Motion passed, 5/0.

Motion: a motion was made by Council Member Maniglia, and seconded by Council Member Kane to have Sluggett move forward on Aquifer Recharge as previously discussed to include culvert gates and Palm Beach County culverts at the intersections of lettered roads and Okeechobee Blvd. Motion passed, 5/0.

5. PUBLIC COMMENTS

Marianne Miles, North B Road, inquired why D Road funding should be considered as a priority as there has been no activity by the residents on that road to petition for improvement. She advised the Town Council that any funding should be split by roads that have petitions already in place, and additional assessment agreed to by the new Sod Farm on North road should be set aside for road paving.

Council Member Maniglia agreed with the recommendations and suggestions made by Mrs. Miles.

Simon Fernandez, North D Road, reminded the Town Council that the High School shooting in Broward County last year impacted the State on funding requests made during the legislative session last year. He also recommended that the Town incorporate parks into the Trails.

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 7:10 pm.

Acting Town Clerk

David Browning, Mayor

These minutes were approved by Town Council on Tuesday _____, 2019.

GOREN, CHEROF, DOODY & EZROL, P.A.
Attorneys at Law
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500

TOWN OF LOXAHATCHEE GROVES
155 F Road
Loxahatchee Groves FL 33470

Attn: William F. Underwood, II - Town Manager

Page: 1
01/25/2019
ACCOUNT NO: 1574-0702400
STATEMENT NO: 23589

General Matters



			HOURS
01/02/2019	MDC	Review materials for 1/15 Council meeting; continue preparing items for 1/15 meeting; continue preparing District Ordinance and related memo; telephone call with FM re: gun regulation; provide comments to PU on resolution for Council meeting.	2.90
01/03/2019	SMS	call with assistant town manager on drainage easements; review of easements; meeting regarding drainage easements	1.30
	MDC	Miscellaneous telephone conference on pending issues; review Agenda issues for 1/15; continue reviewing and revising District Ordinances; meet with Sean Swartz on easement issues.	1.70
01/04/2019	SMS	review for resolution regarding drainage easements	0.40
	MDC	Continue reviewing and preparing items for 1/15 Council Meeting.	0.60
01/07/2019	SMS	review and research on agricultural land clearing fees and permits; call with assistant town manager on easement issues	1.20
	MDC	Continue reviewing status of 1/15 Agenda items.	0.40
01/08/2019	SMS	meeting on agriculture land clearing permits and fees; correspondence memo regarding agricultural land clearing	0.30
	MDC	Miscellaneous telephone call with FR, BU; review correspondence for 1/15/19 Agenda items; prepare and revise Resolutions for 1/15/19 Agenda; review proposals related to Agenda items; provide comments to FR.	2.70
01/09/2019	SMS	review of questions posed for call with City planner; call with city planner regarding ULDC changes; review revisions to ULDC suggested amendments	1.00
	MDC	Continue researching and reviewing materials for 1/15 Agenda; review ULDC proposed changes to Tree Mitigation; telephone call with JF on ULDC Committee items.	1.70
01/10/2019	SMS	review of ULDC committee suggested revisions to article 87	0.30
	MDC	Review materials, attend call with Municode; review materials, attend LOI opening (Manager Search Consultants); confer with BU on Agenda items.	3.50
01/11/2019	MDC	Miscellaneous telephone calls on pending items; review e-mails, begin review of Agenda.	0.40

General Matters

			HOURS	
01/14/2019	MDC	Continue to review materials in 01/15/19 Agenda; provide comments to Town Management; telephone call with BU.	1.30	
01/15/2019	MDC	Miscellaneous telephone call, review materials, prepare for and attend Council Meeting.	5.70	
	JAC	Review FMLA issue, discuss with BU and draft form letter.	1.10	
01/16/2019	JAC	Follow up re FMLA issue; discuss with MC.	0.40	
	MDC	Miscellaneous telephone calls on planning items; review materials, attend continuation of Council meeting.	6.10	
01/17/2019	MDC	Review materials from 1/15 and 1/16 meetings; begin work on Town Manager transition items (miscellaneous telephone calls, review notes for special meeting).	1.80	
01/18/2019	SMS	meeting discussing research items; drafting ordinance for basic sheriff services after termination of pbso agreement; research on barbed wire fencing for horse enclosures; research on fireworks	2.00	
	MDC	Review status of Town Manager items; prepare resolutions for 1/28 meeting; prepare, review Town Manager contract; meet with Sean Swartz; review follow up items from Town Council meeting.	2.80	
01/21/2019	JAC	Review and revise City Manager contract; review with MDC.	1.20	
	MDC	Continue preparing and reviewing Town Manager agreement; phone conference with JT; phone conference with Jim Cherof.	2.20	
01/22/2019	SMS	review revise ordinance on basic police services	0.30	
	MDC	Review status of 2/05 agenda materials, correspond with BU; finalize items for 1/29 special meeting; miscellaneous telephone calls on pending items; forward materials to BU for special meeting, forward JT contract to Council; review issues with Canvassing Board resolution.	1.60	
01/23/2019	SMS	meeting on outstanding issues and conference call with Jim Fleischman on ULDC matters	0.70	
	MDC	Review materials, prepare items for 2/05 meeting (PBSO ordinance, code enforcement resolution, SOE resolution); review response to tree ordinance, telephone call with JF; telephone call with BU on status of items, notice and agenda for special meeting; search and locate trails grant.	3.60	
01/24/2019	MDC	Finalize code enforcement resolution and law enforcement ordinance for 2/05 meeting; follow up on agenda items with BU, PU; review notice matters for ordinance; prepare amendment to Council policy 13-3, prepared resolution for policy amendments.	1.60	
		FOR CURRENT SERVICES RENDERED	50.80	10,414.00

RECAPITULATION

TIMEKEEPER	HOURS	HOURLY RATE	TOTAL
JAMES A. CHEROF	2.70	\$205.00	\$553.50
MICHAEL D. CIRULLO	40.60	205.00	8,323.00
SEAN M. SWARTZ	7.50	205.00	1,537.50

General Matters

Color photocopies	0.16
Photocopies	<u>159.84</u>
TOTAL EXPENSES THRU 01/24/2019	160.00

01/17/2019	Federal Express - Invoice 6-436-85534	19.27
		<u>19.27</u>

TOTAL ADVANCES THRU 01/24/2019	<u>19.27</u>
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TOTAL CURRENT WORK	10,593.27
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BALANCE DUE	<u>\$10,593.27</u>
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AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

GOREN, CHEROF, DOODY & EZROL, P.A.
Attorneys at Law
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500

TOWN OF LOXAHATCHEE GROVES
155 F Road
Loxahatchee Groves FL 33470

Page: 1
01/25/2019
ACCOUNT NO: 1574-1009270
STATEMENT NO: 23590

Attn: William F. Underwood, II - Town Manager

Code Enforcement Matters

(MDC)

			HOURS
01/02/2019	BJS	Review FWC website, and draft public record request re: Panther Ridge	0.50
01/03/2019	MDC	Telephone conference with Barry Trombley on pending Code Matters.	0.20
01/16/2019	BJS	Telephone call with Panther Ridge, follow up with MDC, draft follow up correspondence re: Public Records Request, draft correspondence to Barry Trombley and telephone call.	1.30
	MDC	Telephone conference with BU, BT re: Big Cat code case.	0.30
01/22/2019	BJS	Telephone call with Barry Trombley and follow up with FWC re: public records request	0.30
01/23/2019	BJS	Review public records request re: Produced Documents, and draft follow up correspondence, telephone call with Barry Trombley	1.50
		FOR CURRENT SERVICES RENDERED	4.10
			840.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	0.50	\$205.00	\$102.50
BRIAN J. SHERMAN	3.60	205.00	738.00

Photocopies	8.40
TOTAL EXPENSES THRU 01/24/2019	8.40
TOTAL CURRENT WORK	848.90
BALANCE DUE	\$848.90

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

GOREN, CHEROF, DOODY & EZROL, P.A.
Attorneys at Law
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500

TOWN OF LOXAHATCHEE GROVES
155 F Road
Loxahatchee Groves FL 33470

Page: 1
01/25/2019
ACCOUNT NO: 1574-1107609
STATEMENT NO: 23591

Attn: William F. Underwood, II - Town Manager

Lox Groves adv. Duck Puddle (Trails Lawsuit)

			HOURS	
01/23/2019	MDC	Telephone conference with plaintiff's counsel to confirm compliance with terms of settlement, status of easement; follow up with BU.	0.40	
		FOR CURRENT SERVICES RENDERED	0.40	82.00
RECAPITULATION				
	<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
	MICHAEL D. CIRULLO	0.40	\$205.00	\$82.00
	TOTAL CURRENT WORK			82.00
	BALANCE DUE			<u>\$82.00</u>

MDC

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

GOREN, CHEROF, DOODY & EZROL, P.A.
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TOWN OF LOXAHATCHEE GROVES
155 F Road
Loxahatchee Groves FL 33470

Page: 1
01/25/2019
ACCOUNT NO: 1574-1107613
STATEMENT NO: 23592

Attn: William F. Underwood, II - Town Manager

vs. Giliberti, Catherine (Code Compliance Issues)
2672 F Road

			HOURS	
01/04/2019	MDC	Review status of case and hearing.	0.20	
01/14/2019	MDC	Telephone call with C. Schoech, review materials to prepare for Code hearing.	1.00	
01/15/2019	MDC	Telephone call with Charles Schoech, review status of hearing and request to continue.	0.40	
01/16/2019	MDC	Telephone conference with Charles Schoech.	0.30	
01/17/2019	MDC	Review materials, attend hearing at Town Hall.	2.00	
		FOR CURRENT SERVICES RENDERED	3.90	799.50

	RECAPITULATION	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
<u>TIMEKEEPER</u>				
MICHAEL D. CIRULLO		3.90	\$205.00	\$799.50

Color photocopies	1.40
Photocopies	13.65
TOTAL EXPENSES THRU 01/24/2019	15.05
TOTAL CURRENT WORK	814.55
BALANCE DUE	<u>\$814.55</u>

mnc

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

GOREN, CHEROF, DOODY & EZROL, P.A.
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Fort Lauderdale, Florida 33308
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TOWN OF LOXAHATCHEE GROVES
155 F Road
Loxahatchee Groves FL 33470

Attn: William F. Underwood, II - Town Manager

Page: 1
01/25/2019
ACCOUNT NO: 1574-1107622
STATEMENT NO: 23593

2018 Smiley/Brier Appeal

			HOURS	
01/16/2019	MDC	Review status of liens.	0.20	
01/23/2019	MDC	Review status of appeal, prepare release for case 2017-501.	0.40	
01/24/2019	MDC	Telephone conference with Al Malefatto, finalize easement, forward to Town to execute and record.	0.30	
		FOR CURRENT SERVICES RENDERED	0.90	184.50
RECAPITULATION				
<u>TIMEKEEPER</u>		<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO		0.90	\$205.00	\$184.50
TOTAL CURRENT WORK				184.50
BALANCE DUE				<u>\$184.50</u>

MDC

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

GOREN, CHEROF, DOODY & EZROL, P.A.
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TOWN OF LOXAHATCHEE GROVES
155 F Road
Loxahatchee Groves FL 33470

Page: 1
01/25/2019
ACCOUNT NO: 1574-1107628
STATEMENT NO: 23595

Attn: William F. Underwood, II - Town Manager

Water Control District General Matters

01/08/2019	MDC	Review materials, prepare Agenda items for 01/15/19 meeting.			HOURS	
					1.00	
		FOR CURRENT SERVICES RENDERED			1.00	205.00
RECAPITULATION						
	<u>TIMEKEEPER</u>		<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>	
	MICHAEL D. CIRULLO		1.00	\$205.00	\$205.00	
	TOTAL CURRENT WORK					205.00
	BALANCE DUE					<u>\$205.00</u>

MDC

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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Attorneys at Law
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Telephone (954) 771-4500

TOWN OF LOXAHATCHEE GROVES
155 F Road
Loxahatchee Groves FL 33470

Attn: William F. Underwood, II - Town Manager

PBSO Law Enforcement Matters

Page: 1

01/25/2019

ACCOUNT NO: 1574-1107629
STATEMENT NO: 23596

			HOURS	
01/14/2019	MDC	Review correspondence from FDLE, forward to Town.	0.30	
		FOR CURRENT SERVICES RENDERED	0.30	61.50

RECAPITULATION			
<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	0.30	\$205.00	\$61.50

TOTAL CURRENT WORK	61.50
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BALANCE DUE	\$61.50
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mpl

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

RESOLUTION NO. 2019-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING TOWN OF LOXAHATCHEE GROVES ADMINISTRATIVE POLICY 3-13 RELATING TO TOWN COUNCIL MEETINGS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, at its January 15-16, 2019, meeting, the Town Council directed that Town of Loxahatchee Groves Administrative Policy 3-13 be amended relating to the deadline for agenda materials to be in the Office of the Town Clerk.

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 of the Town of Loxahatchee Groves hereby amends Town of Loxahatchee Groves Administrative Policy 3-13, Rules of Procedures for Town Council Meetings, as set forth in **Exhibit "A"** attached hereto.

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 in application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective upon adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	☐	☐	☐
TODD MCLENDON, VICE MAYOR	☐	☐	☐
DAVE DEMAROIS, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ANITA KANE, COUNCIL MEMBER	☐	☐	☐

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

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

_____, Town Clerk

Mayor Dave Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Todd McLendon

Town Attorney

Council Member Dave DeMarois

Council Member Phillis Maniglia

Council Member Anita Kane

EXHIBIT “A”
AMENDED ADMINISTRATIVE POLICY 3-13

TOWN OF LOXAHATCHEE GROVES ADMINISTRATIVE POLICY 3-13

SUBJECT: Administrative Policy 3-13 Rules of Procedure for Town Council Meetings

PURPOSE: In order to promote efficient and effective procedures and practices during Town Council Meetings it is necessary to establish Rules of Procedure for all Town Council Meetings, Special Meetings and workshops

BACKGROUND: The Town currently has no specific policy that addresses, in a comprehensive fashion, a set of rules and procedures for the implementation of the agenda and conduct of Town Council Meetings. This policy, 3-13, will provide the Rules of Procedure for agenda preparation and conduct of meetings

POLICY:

1. All meetings of the Town Council whether such meetings are regular, special meetings or workshops shall be governed by the Rules of Procedure set forth herein, where applicable.
2. Any Councilmember desiring to speak must be recognized by the Mayor or Acting Chair. If the Mayor or Acting Chair desires to participate in a discussion, he or she shall do so only when all members of the Council have spoken at least once (if so desired). No member of the Council shall interrupt another member of the Council who has been recognized by the Mayor or Acting Chair and no member shall dominate the floor in excess of five minutes without offering to yield to other members of Council.
3. The Mayor or Acting Chair shall not use that position to dominate debate or discussion, nor unreasonably cut short or prolong any debate, discussion or taking of any vote.
4. Any matters not specifically addressed by this policy, will be governed by Robert's Rules of Order to the extent possible.

{00278601.1 1574-0702400}

Administrative Policy 3-13

Page 1 of 4

Adopted by Town Council on 4-2-13

Amended by Town Council on May 21, 2013

Amended by Town Council on June 4, 2013

Amended by Town Council on October 2, 2018

Amended by Town Council on February 5, 2019

EXHIBIT "A"

5. Except when abstaining from voting in accordance with Florida Statutes, each Council member who is present at a meeting must vote on each decision, ruling or other official act. A roll call vote shall be done for all resolutions and ordinances, or for any matter for which the Council deems a roll call vote is appropriate; otherwise all other votes may be done by voice vote. For roll call votes, the order of each Councilmember vote will rotate after each roll call vote. The Mayor or Acting Chair shall announce the results after each vote.

6. Public comments shall be placed on the Agenda at the beginning of the meeting (following the consent agenda) and at the end of meeting. Public comments will also be entertained for each agenda item. **Public Comment will be allowed after Town Council deliberation and prior to the vote on any item. Public Comment is an opportunity for members of the public to make comment, and shall not be a question/answer period conducted with the Town Council. All public comments shall be limited to a three minute time period.** Public comment during Public Hearings and Quasi-Judicial matters will occur after comment/testimony has been provided by the principals related to the matter.

7. There shall be a consent agenda during each regular Town Council meeting. The Consent Agenda shall contain matters that can be handled and implemented without necessity of comments. Notwithstanding the foregoing, any item placed on the Consent Agenda may be removed from the Consent Agenda by any Councilmember and discussed and deliberated by the Town Council.

8. Any Councilmember, the Town Manager or Town Staff may place items on the Town Council Agenda for a regular

TOWN OF LOXAHATCHEE GROVES ADMINISTRATIVE POLICY 3-13

meeting for discussion, review or consideration of any action, and must be submitted by a written request referencing the business item, stating the purpose of the item/action, the major points to be covered, the reasons for the action and the action requested by The Town Council. All appropriate background material shall accompany the signed written request. Items so provided to the Town Manager shall be placed on the Agenda. ~~The deadline for such submission shall be noon on the Tuesday prior to the scheduled Council meeting (i.e. one week prior). If an item is requested by a Councilmember after the deadline, an addendum shall be provided to the Town Council and considered as an amendment to the agenda at the meeting.~~ An item may be added to the agenda at the meeting upon adoption of a motion by the Council approving the additional item.

9. Once an item has been placed on the Agenda in accordance with the terms and conditions of this policy, it may be only removed by the person who originally placed it on the agenda.

10. For the presentation/explanation of Agenda items the Mayor shall call on the Town Manager or a designated spokesperson for a brief explanation of the item under consideration. Upon completion of the presentation/explanation the item shall be opened for public hearing or Town Council discussion as necessitated by requirements of the Agenda item.

11. All items for a regular meeting agenda must be in the Town Clerk's Office no later than 9:00 am on the Monday prior to the regular meeting. Absent extenuating circumstances, materials received after that day and time will not be included in the agenda. In the event Monday is a holiday, agenda

TOWN OF LOXAHATCHEE GROVES ADMINISTRATIVE POLICY 3-13

materials must be in the Town Clerk's Office no later than 9:00 am on the prior Thursday.

12. Absent extenuated circumstances, agenda materials shall be delivered to the Town Council no later than the end of business on Wednesday prior to the meeting, and any addenda to the agenda shall be delivered to members of the Town Council no later than the close of business on Monday prior to the meeting.

RESOLUTION NO. 2019-11

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

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

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

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

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

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

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

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

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

Section 5. This Resolution shall become effective upon adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	☐	☐	☐
TODD MCLENDON, VICE MAYOR	☐	☐	☐
DAVE DEMAROIS, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ANITA KANE, COUNCIL MEMBER	☐	☐	☐

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

ATTEST:

_____, Town Clerk

APPROVED AS TO LEGAL FORM:

Town Attorney

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

Mayor Dave Browning

Vice Mayor Todd McLendon

Council Member Dave DeMarois

Council Member Phillis Maniglia

Council Member Anita Kane

TOWN OF LOXAHATCHEE GROVES
RESOLUTION NO. 2019-12

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING RESOLUTION 2018-90, TO REPLACE REFERENCES TO SUSAN BUCHER WITH WENDY S. LINK AS SUPERVISOR OF ELECTIONS FOR PALM BEACH COUNTY, AND AS A MEMBER OF THE TOWN'S CANVASSING BOARD FOR THE MARCH 12, 2019, MUNICIPAL ELECTION; PROVIDING FOR CONFLICTS, SEVERABILITY AN EFFECTIVE DATE.

WHEREAS, Section 7(5) of the Town Charter, as amended by Ordinance No. 2016-02, and approved by referendum question ballot on August 30, 2016, allows for the canvassing and certification of a Town election pursuant to the Florida Election Code by the Town Clerk, and two others, who shall this year be the Supervisor of Elections, or designee, and a Town resident, in conformance with any applicable agreement with the Supervisor of Elections; and,

WHEREAS, on December 18, 2018, the Town Council approved Resolution 2018-90, which designated the Canvassing Board for the Town's March 12, 2019, municipal election, including Supervisor of Elections for Palm Beach County Susan Bucher as a member of the Town's Canvassing Board; and,

WHEREAS, on January 18, 2019, Governor Ron DeSantis issued Executive Order 19-19, which suspended Susan Bucher as Supervisor of Elections for Palm Beach County, and appointed Wendy S. Link as the Supervisor of Elections for Palm Beach County; and

WHEREAS, the office of Wendy S. Link, Supervisor of Elections of Palm Beach County, advised the Palm Beach County Clerk's Association that in the event any municipality had specifically named Susan Bucher as the Supervisor of Elections for Palm Beach County, the municipality would need to adopt a resolution to revise the name to Wendy S. Link as Supervisor of Elections of Palm Beach County.

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 is hereby made a specific part of this Resolution.

Section 2. Resolution 2018-90 is amended to reflect that the Supervisor of Elections for Palm Beach County is Wendy S. Link, and all references to Susan Bucher as Supervisor of Elections for Palm Beach County in Resolution 2018-90 shall be to Wendy S. Link. To that end, the Town Council of the Town of Loxahatchee Groves, hereby requests and designates Wendy Link, Palm Beach County Supervisor of Elections, or her designee, Acting Town Clerk, Virginia Walton, and William Ford, Esquire, Town Resident, to serve as the Town's Canvassing Board, for the March 12, 2019 Town Election.

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, or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and shall in no way affect the validity of the remaining portions of this Resolution.

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

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	☐	☐	☐
TODD MCLENDON, VICE MAYOR	☐	☐	☐
DAVE DEMAROIS, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ANITA KANE, COUNCIL MEMBER	☐	☐	☐

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

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor David Browning

Acting Town Clerk

Vice Mayor Todd McLendon

Council Member Dave DeMarois

APPROVED AS TO LEGAL FORM:

Council Member Phillis Maniglia

Office of the Town Attorney

Council Member Anita Kane

Town of Loxahatchee Groves, Florida
Local Planning Agency/Town Council Agenda Item Report
Article 87 Land Clearing ULDC Revisions

PREPARED BY: Jim Fleischmann

February 5, 2019

SUBJECT:

A. Ordinance 2019-01: Revision of the Article 87 Native Tree Preservation and Invasive Exotics Removal of the Unified Land Development Code (ULDC).

1. BACKGROUND

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

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

Problem Solution: Adopt Ordinance 2019-00x (Replacement ULDC Article 87 *Native Tree Preservation and Invasive Exotics Removal*).

2. CURRENT ACTIVITY

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

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

3. ATTACHMENTS

1. Proposed Ordinance 2019-00x.

4. FINANCIAL IMPACT

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

5. RECOMMENDED ACTION

1. **ULDC and Staff Recommendations:** The Town Council approve proposed revised Article 87 on First Reading, as presented in Attachment 1.

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE TOWN'S UNIFIED LAND DEVELOPMENT CODE; REPEALING EXISTING PART III, ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 87 ENTITLED "NATIVE TREE PRESERVATION, SOIL STABILIZATION AND INVASIVE EXOTIC REMOVAL" IN ITS ENTIRETY; REPLACING REPEALED ARTICLE 87 WITH PART III, ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 87 ENTITLED "NATIVE TREE PRESERVATION AND INVASIVE EXOTIC REMOVAL" IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 16, 2010, the Town adopted Ordinance 2010-009, which adopted the Town's Unified Land Development Code (ULDC), including Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal"; and,

WHEREAS, the Town Council directed the Unified Land Development Regulations Advisory Committee (ULDC Advisory Committee) to recommended revisions to the Town's Unified Land Development Code (ULDC) related to Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal"; and,

WHEREAS, pursuant to the direction of the Town Council, the ULDC Advisory Committee has reviewed the matter of revisions to Article 85 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal"; and

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

WHEREAS, at its meeting of February 5, 2019, the Local Planning Agency (LPA), sitting as the Town's Land Development Regulation Commission recommended repealing and replacing Article 87 "Landscaping" to the Town Council in its entirety as set forth herein; and

WHEREAS, the Town Council of Loxahatchee Groves, Florida, believes it is in the best interest of the Town, based upon recommendations of the ULDC Advisory Committee and Land Development Regulation Commission to repeal and replace ULDC Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" in its entirety as set forth herein; and

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

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted a public hearing for repealing and replacing ULDC Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal", the recommendations of the ULDC Advisory Committee, Town Staff, and comments from the public; and

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

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

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

Section 2. The Town Council has considered the findings in the Staff Report dated February 5, 2019, the Town ULDC Advisory Committee, and the Town's LPA, sitting as the

Town's Land Development Regulation Commission, recommendations and makes the following findings of fact:

1. The Town Council finds repeal and replacement of ULDC Article 85 "Landscaping" in its entirety, to be generally consistent with the intent and direction of the Comprehensive Plan.

Section 3. Repeal and replacement of ULDC Article 85 "Landscaping", presented in Exhibit "A" which reflects the repeal of Article 85 in its entirety, and Exhibit "B" which reflects the new language replacing Article 85 in its entirety, attached hereto, are hereby approved.

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

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

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

Section 7. Effective Date. This Ordinance shall take effect as provided by law.

[Signature page to follow]

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF
LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 5th DAY OF
FEBRUARY 2019.**

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	☐	☐	☐
TODD MCLENDON, VICE MAYOR	☐	☐	☐
DAVE DEMAROIS, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ANITA KANE, 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:

Mayor

, Town Clerk

Vice Mayor

APPROVED AS T LEGAL FORM:

Council Member

Town Attorney

Council Member

Council Member

ATTACHMENT A - DELETED ARTICLE 87

(Strikethroughs are deleted Article 87 language).

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

~~Section 87-005.—General.~~

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

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

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

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

~~(C) Applicability.~~

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

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

~~Section 87-010.—Definitions.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Section 87-035. Appeals.~~

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

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~~Section 87-040. — Violations.~~

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

ATTACHMENT B - REPLACEMENT ARTICLE 87

(Underlines are new Article 87 language).

ARTICLE 87 – NATIVE TREE PRESERVATION AND INVASIVE EXOTIC REMOVAL

Section 87-005 - Purpose and Intent.

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

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

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

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

Section 87-010- Applicability.

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

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

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

Section 87-015. - Definitions.

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

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

Caliper. Thickness of a tree.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Land clearing. The removal of trees, shrubs, and/or undergrowth by stripping or any other process, with the intention of preparing real property for development, as defined in F.S. Section 380.04. Land

clearing shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed, the removal of dead or nuisance trees; or normal mowing operations.

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

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

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

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

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

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

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

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

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

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

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

Section 87-020 - Exempt Activities.

The following activities are exempt from these requirements:

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

(B) **Utilities and Easements.** Any alteration to design specification, pursuant to the direction of public or private utility organizations or agencies, water control district, or water management district within drainage easements where such activity has received all required construction and/or operating permits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Clearing required for the house pad and attached structures, the septic system, driveway and a 50 foot cleared buffer area around the house

(3) Clearing required for building accessory structures, including a 30-foot cleared buffer around such structures.

(4) Pruning and removal of trees within a utility easement, for maintenance and where the trees are interfering with services provided by a utility. Including public utility, water control, water management, and road right-of-way activities within utility and drainage easements.

(5) Wetland mitigation or enhancement activities conducted pursuant to a permit from the South Florida Water Management District or the Florida Department of Environmental Protection under

Chapter 62-312, F.A.C. as amended. A copy of the permit shall be attached to the Waiver granted by the Town.

(6) Parcels of vacant land shall be allowed to remove overgrown herbaceous understory vegetation to preserve tree canopy in areas where natural fire has been suppressed and where a prescribed burn would not be feasible.

(7) One-time removal of up to 5 non-specimen native trees on an existing developed property.

(B) No healthy native trees that have two inches DBH or greater are to be removed or damaged unless exempted under Section 87-020 or permitted under Section 87-030 Tree Removal Permits or a Tree Removal Waiver.

Section 87-030 – Tree Removal Permits.

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

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

(1) Permit applications shall be made on forms provided by the Town.

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

- a. A completed application form with the signature of the parcel owner, or authorized agent of the parcel owner with agent authorization letter;
- b. A description of the work to be performed;
- c. Parcel information including legal description and a location map;
- d. Identification of the type, size and location of native trees that are two inches DBH and greater to be removed with representative color photographs; and
- e. A tree replacement or tree relocation table, if applicable.

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

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

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

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

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

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(1) The trees interfere with utility services.

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

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

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

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

(2) Conditions for vegetation debris removal.

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

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

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

(F) Issuance and Expiration.

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

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

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

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

Section 87-035 - Tree Protection Standards.

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

(B) Preservation of Native Trees.

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

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

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

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

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

Ordinance 2019-01

- (1) Best management practices shall be implemented to protect exposed and disturbed soils from stormwater or wind forces during construction activities.
- (2) Removal of existing native vegetation shall be limited to that area necessary to implement an approved project.
- (3) Development projects shall be designed to maximize removals from areas dominated by invasive non-native vegetation.
- (4) Native trees in the footprint of the proposed development that can reasonably be transplanted with an anticipated high degree of success should be incorporated into other areas on the parcel to the maximum extent practicable. If movement is not practical, trees shall be mitigated (See Section 87-035 (C) Mitigation).
- (5) All exposed and disturbed surfaces shall be mulched, seeded, sodded, vegetated or otherwise stabilized by the time of Certificate of Occupancy or final inspection. Failure to stabilize disturbed surfaces, as well as the removal of vegetation resulting in on-site or off-site erosion (sedimentation or siltation or both) or the windblown loss of soil shall be deemed a violation of this article.

(C) Mitigation.

- (1) Mitigation. Mitigation, through tree replacement as specified under this section, shall be required for the removal of native trees that are two inch DBH or greater. A tree replacement table identifying and quantifying all replacement trees to be mitigated shall be submitted with the permit application. The tree replacement plan shall also identify the size of each replacement tree and location for installation. The tree replacement plans shall maximize tree and vegetative buffering between properties. Tree replacement can be done by the landowner.
- (2) Tree replacement. Removed native trees shall be mitigated through replacement in accordance with the Tree Replacement Table, shown below. For relocated trees which die within one year of relocation, the replacement value shall be that as shown in the Tree Replacement Table. Those trees less than six inches DBH shall be replaced with the same size tree as the relocated tree.
 - (a) All replacement trees shall consist of native trees indigenous to the area, and have an appropriately sized root ball and be free of disease, defects or damage that will prohibit the tree from attaining its natural growth habit. Pine trees that are selected as replacement trees shall be South Florida Slash Pine trees only.
 - (b) If the required replacement trees cannot be purchased within 60 miles of the parcel, an alternate replacement may be approved by the Town.
 - (c) At least 50 percent of the trees planted as mitigation shall be the same species as the trees removed.
 - (d) All replacement plants specified in the Tree Removal Permit are required to be accepted prior to the release of the Certificate of Occupancy, unless otherwise approved by the Town.
 - (e) Monitoring time frames for all replacement plants specified in the Tree Removal Permit shall be established as permit conditions.
 - (f) Mitigation vegetation, other than trees, may be approved by the Town providing the vegetation is native and indigenous to the area.
 - (g) For parcels that have a conservation easement requirement from the SFWMD or the Town, where the dedication of upland buffers around a wetland is included as wetland mitigation, any trees installed within the dedication upland buffer may apply to the tree replacements required in the Tree Replacement Table.
 - (h) All replacement trees must survive at least within one year of planting and must be replaced as often as necessary for the replacement to live beyond one year.
 - (i) Specimen trees are not subject to cutting, relocation or mitigation without approval of the Town Council.

Tree Replacement Table

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

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

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

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

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

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

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

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

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

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

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

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

(E) Removal of Prohibited Invasive, Non-Native Plants. All prohibited invasive, non-native plant species on the list maintained by the Town shall be removed from the site prior to issuance of a certificate of occupancy.

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

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

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

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

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

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

(1) Replacement of trees damaged during construction and those that do not survive the first year following transplantation.

(2) Submission trees.

(3) Proper maintenance of preserved trees.

Section 87-040 Specimen Trees.

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

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

Specimen Tree Trunk DBH and Circumference Table

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

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

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

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

- (1) Site plans, building plans or tree removal permits, including those for proposed residential use shall be developed to incorporate specimen trees in place in the site design to the greatest extent possible.
- (2) Specimen trees on nonagricultural/nonresidential sites shall be relocated on site if there is no construction alternative that allows incorporation of the tree into the site design.
- (3) If specimen tree on a nonagricultural/nonresidential site cannot be preserved in place, or relocated on site, then the specimen tree can be relocated off site.
- (4) Relocated specimen trees shall be provided with irrigation, mulching, and other means to ensure survivorship. If relocated specimen trees do not survive, they shall be replaced with native tree species on a one-for-one or DBH inch-by-inch basis, whichever maintains the greatest amount of tree canopy.
- (5) Trees planted in mitigation shall comply with the requirements in the Specimen Tree Trunk DBH and Circumference Table.
- (6) If on-site mitigation is not possible on a nonagricultural/nonresidential site, off-site mitigation within the Town shall be required consistent with the requirements of Section 87-035 (C) (7).

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

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

Section 87-045 Other Jurisdiction Approvals.

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

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

Section 87-050 Appeals.

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

Section 87-055 Enforcement.

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

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

(1) The removal of any tree, in violation of this section, shall constitute a separate violation. Each day a violation exists for such unlawful removal shall constitute a separate violation.

(2) Removal of each additional tree in violation of this section shall constitute a separate violation. Each day a violation exists for such unlawful removal shall constitute a separate violation.

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

(1) **Native Trees.**

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

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

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

Ordinance 2019-01

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

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

Section 87-060 Variation from Minimum Property Development Regulations.

In order to accommodate the preservation of native and specimen trees, the Town Council may provide the following incentives: (1) Waive up to twenty (20) percent of a required property line setback standard on a nonresidential/nonagricultural land use which does not abut a residential land use; or (2) Waive up to ten (10) percent of the required parking spaces, or permit a portion of the required standard spaces to be reduced in size, for nonagricultural/nonresidential development.

If the applicant has requested a variance to either of these standards for other reasons, the decision to allow a further waiver for preservation purposes shall be made by the Town Council.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING THAT IN THE EVENT THERE IS NO CONTRACT FOR LAW ENFORCEMENT SERVICES IN EFFECT BETWEEN THE TOWN AND THE PALM BEACH COUNTY SHERIFF'S OFFICE ("PBSO") OR AN ADJOINING MUNICIPALITY, THE LAW ENFORCEMENT SERVICES IN THE TOWN WILL BE THE STANDARD LAW ENFORCEMENT SERVICES PROVIDED BY THE PBSO; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town currently has an agreement for law enforcement services with the Palm Beach County Sheriff's Office that expires September 30, 2019, and the Sheriff of Palm Beach County has advised the Town in writing that his current intention is not to extend the agreement beyond that date; and,

WHEREAS, Florida law currently limits the options for contractual law enforcement services for a municipality to the Sheriff of the County, or with a law enforcement agency of an adjoining municipality; however, while the Town could legally enter into a law enforcement services agreement with an adjoining municipality, all municipalities adjoining the Town currently have agreements for law enforcement services with the PBSO; and,

WHEREAS, given the budgetary restraints of the Town and other logistical challenges to the Town creating its own law enforcement agency, the Town will need to rely on the standard law enforcement services of the PBSO which the PBSO provides without an agreement with the Town, in the event there is no agreement for law enforcement services between the Town and the PBSO or an adjoining municipality.

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

Section 1. The above stated “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. In the event there is no agreement for law enforcement services in effect between the Town and the Palm Beach County Sheriff’s Office (PBSO) or with an adjoining municipality, the law enforcement services to be provided within the Town will be the standard law enforcement services of the PBSO which the PBSO provides without an agreement with the Town.

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

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

Section 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 take effect as provided by law.

ORD NO. 2019-02

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF
LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING AND PUBLIC
HEARING, 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>
DAVID BROWNING, MAYOR	☐	☐	☐
TODD MCLENDON, VICE MAYOR	☐	☐	☐
DAVE DEMAROIS, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ANITA KANE, COUNCIL MEMBER	☐	☐	☐

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

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor

TOWN CLERK

Vice Mayor

Council Member

APPROVED AS TO LEGAL FORM:

Council Member

Office of the Town Attorney

Council Member



1/10/2019

Palm Beach County Fire Rescue

Loxahatchee Groves - # of Calls by Situation Disp

20181201 to 20181231

<u>Situation Dispatched</u>	<u># of Events</u>
Brush Fires:	6
Fire Alarms:	6
Vehicle Accidents:	5
Difficulty Breathing:	3
Investigation:	2
Unconscious:	2
Fall:	2
Domestic:	2
Sick Person:	2
Assault:	2
Structure Fires:	1
Vehicle Fires:	1
Other Fires:	1
Public Assist:	1
Powerlines Down:	1
Illegal Burn:	1
Chest Pain:	1
Fainting/Syncope:	1
Unknown Medical:	1
Traumatic Injuries:	1
179	1
510	1
605	1
641	1
821	1
Total number of Events:	47



Palm Beach County Fire Rescue

Loxahatchee Groves - # of Calls by Type

20181201 to 20181231

<u>Type - Situation Dispatched</u>	<u># of Incidents</u>
Medical Calls:	22
Vehicle/Boating Accidents:	5
Fires:	9
Hazardous Material\Power Lines	1
Assists\Investigations:	4
Alarms:	6
Total number of Events:	47

Calls by Situation Dispatched





1/9/2019

Palm Beach County Fire Rescue

Loxahatchee Groves Response Time Report

20181201 to 20181231

Event #	Station	Location of Event	Date	Received	Entered	Dispatch	Enroute	Onscene	Close	Disp Hand	Turnout	Travel	Resp Time*
Emergency Calls:													
F18202499	21	COMPTON RD LOX	12/05/2018		04:21:14	04:21:23	04:23:29	04:29:55	04:55:52	0:00:34	0:02:06	0:06:26	0:09:06
F18202874	20	COLLECTING CANAL RD LOX	12/05/2018	17:42:13	17:43:10	17:43:20	17:43:59	17:49:39	18:12:53	0:01:07	0:00:39	0:05:40	0:07:26
F18205041	21	22ND RD N LOX	12/09/2018	10:48:56	10:49:58	10:50:38	10:50:57	10:58:20	11:35:55	0:01:42	0:00:19	0:07:23	0:09:24
F18205979	21	SOUTHERN BLVD PBC	12/10/2018	23:14:14	23:14:28	23:14:38	23:15:29	23:22:47	23:59:45	0:00:24	0:00:51	0:07:18	0:08:33
F18205979	21	SOUTHERN BLVD PBC	12/10/2018	23:14:19	23:14:28	23:14:38	23:15:29	23:22:47	23:59:45	0:00:19	0:00:51	0:07:18	0:08:28
F18206868	20	SOUTHERN BLVD PBC	12/12/2018	13:20:49	13:21:14	13:21:34	13:22:55	13:26:46	13:32:14	0:00:45	0:01:21	0:03:51	0:05:57
F18206894	20	SOUTHERN BLVD LOX	12/12/2018		13:51:16	13:51:37	13:52:37	13:56:29	14:05:06	0:00:46	0:01:00	0:03:52	0:05:38
F18207530	21	E RD/22ND RD N LOX	12/13/2018	13:15:57	13:16:47	13:16:57	13:18:32	13:22:16	14:20:30	0:01:00	0:01:35	0:03:44	0:06:19
F18208152	21	22ND RD N LOX	12/14/2018		13:33:42	13:33:48	13:34:20	13:36:54	13:55:23	0:00:31	0:00:32	0:02:34	0:03:37
F18208159	21	D RD LOX	12/14/2018	13:39:49	13:40:31	13:40:45	13:41:24	13:45:31	14:45:49	0:00:56	0:00:39	0:04:07	0:05:42
F18208298	21	42ND ST N LOX	12/14/2018	17:37:01	17:38:28	17:38:33	17:39:12	18:00:41	18:06:33	0:01:32	0:00:39	0:21:29	0:23:40
F18209799	26	NORTH RD LOX	12/17/2018	07:18:19	07:18:42	07:18:59	07:20:25	07:30:45	08:14:36	0:00:40	0:01:26	0:10:20	0:12:26
F18210458	20	COLLECTING CANAL RD LOX	12/18/2018	07:30:26	07:31:11	07:31:19	07:32:40	07:37:21	08:16:11	0:00:53	0:01:21	0:04:41	0:06:55
F18211848	21	SOUTHERN BLVD LOX	12/20/2018	11:23:27	11:23:52	11:24:16	11:25:34	11:33:05	12:16:15	0:00:49	0:01:18	0:07:31	0:09:38
F18211877	21	6TH CT N LOX	12/20/2018	12:05:39	12:06:28	12:06:55	12:07:09	12:12:36	13:58:35	0:01:16	0:00:14	0:05:27	0:06:57
F18211968	21	E CITRUS DR LOX	12/20/2018		14:09:06	14:09:12	14:10:04	14:18:46	14:49:10	0:00:31	0:00:52	0:08:42	0:10:05
F18212074	21	F RD LOX	12/20/2018	17:09:44	17:11:27	17:11:39	17:12:01	17:16:43	17:28:32	0:01:55	0:00:22	0:04:42	0:06:59
F18212635	21	D RD LOX	12/21/2018	14:31:23	14:31:44	14:31:50	14:33:11	14:41:23	15:20:55	0:00:27	0:01:21	0:08:12	0:10:00
F18212839	21	E RD/OKEECHOBEE BLVD LOX	12/21/2018		19:47:29	19:47:39	19:48:15	19:50:53	20:01:04	0:00:35	0:00:36	0:02:38	0:03:49
F18213451	20	SOUTHERN BLVD/BINKS FOREST DR PBC	12/22/2018	21:15:59	21:16:16	21:16:24	21:17:23	21:20:37	21:42:57	0:00:25	0:00:59	0:03:14	0:04:38
F18213479	21	SOUTHERN BLVD LOX	12/22/2018		22:28:06	22:28:12	22:29:56	22:41:37	23:18:57	0:00:31	0:01:44	0:11:41	0:13:56
F18213906	21	25TH PL N LOX	12/23/2018	16:17:14	16:17:47	16:17:56	16:19:02	16:23:18	16:59:14	0:00:42	0:01:06	0:04:16	0:06:04
F18214229	21	F RD/E RD	12/24/2018	06:53:41	06:53:56	06:54:02	06:55:10	07:02:09	07:39:44	0:00:21	0:01:08	0:06:59	0:08:28
F18214579	21	F RD/OKEECHOBEE BLVD LOX	12/24/2018	17:27:39	17:28:30	17:28:41	17:29:27	17:32:38	18:02:41	0:01:02	0:00:46	0:03:11	0:04:59
F18215783	21	PARADISE TRL LOX	12/26/2018		19:12:56	19:13:01	19:13:55	19:20:04	19:53:33	0:00:30	0:00:54	0:06:09	0:07:33
F18215965	21	24TH CIR N LOX	12/27/2018	04:33:44	04:34:10	04:34:15	04:36:22	04:42:07	05:22:17	0:00:31	0:02:07	0:05:45	0:08:23
F18216752	21	E RD LOX	12/28/2018	10:50:07	10:51:19	10:51:25	10:51:37	10:56:47	11:12:53	0:01:18	0:00:12	0:05:10	0:06:40
F18216817	21	A RD LOX	12/28/2018	12:32:51	12:33:46	12:33:53	12:34:23	12:41:11	13:11:02	0:01:02	0:00:30	0:06:48	0:08:20
F18217131	21	OKEECHOBEE BLVD/D RD LOX	12/28/2018		22:23:56	22:24:02	22:25:33	22:27:35	22:41:34	0:00:31	0:01:31	0:02:02	0:04:04

Created by Jill Gregory on 10/08/2008 (updated 05/23/2012)

\\Client\H\$\Alyssa\Monthly Crystal Reports\Updated 9.40 Reports\Municipal Response Time - NEW 9.4 Updated August 2018.rpt



1/9/2019

Palm Beach County Fire Rescue

Loxahatchee Groves Response Time Report

20181201 to 20181231

Event #	Station	Location of Event	Date	Received	Entered	Dispatch	Enroute	Onscene	Close	Disp Hand	Turnout	Travel	Resp Time*
Average Response Times:										0:00:49	0:01:00	0:06:15	0:08:03

Non Emergency Calls:

F18199949	21	OKEECHOBEE BLVD LOX	12/01/2018		05:10:03	05:11:15	05:12:27	05:16:02	05:28:41	0:01:37	0:01:12	0:03:35	0:06:24
F18199979	21	OKEECHOBEE BLVD LOX	12/01/2018		07:07:23	07:07:31	07:08:06	07:13:03	07:20:16	0:00:33	0:00:35	0:04:57	0:06:05
F18201210	21	D RD LOX	12/03/2018	07:45:08	07:45:32	07:45:39	07:46:14	07:50:54	08:36:03	0:00:31	0:00:35	0:04:40	0:05:46
F18204747	21	CASEY RD/F RD LOX	12/08/2018	20:27:49	20:29:06	20:29:13	20:30:08	20:36:37	21:08:41	0:01:24	0:00:55	0:06:29	0:08:48
F18205008	21	OKEECHOBEE BLVD/C RD LOX	12/09/2018		09:30:34	09:30:38	09:31:02	09:33:17	09:36:35	0:00:29	0:00:24	0:02:15	0:03:08
F18205744	21	22ND RD N LOX	12/10/2018	14:34:26	14:35:49	14:36:03	14:37:38	14:40:57	14:58:52	0:01:37	0:01:35	0:03:19	0:06:31
F18207495	21	22ND RD N LOX	12/13/2018	12:33:34	12:33:58	12:34:11	12:36:02	12:39:18	12:50:22	0:00:37	0:01:51	0:03:16	0:05:44
F18208010	21	OKEECHOBEE BLVD LOX	12/14/2018		09:47:11	09:47:21	09:48:30	09:52:39	10:08:00	0:00:35	0:01:09	0:04:09	0:05:53
F18212199	21	E RD/22ND RD N LOX	12/20/2018		20:23:58	20:24:05	20:25:01	20:30:12	21:09:55	0:00:32	0:00:56	0:05:11	0:06:39
F18212696	21	G RD W LOX	12/21/2018		15:57:53	15:58:01	15:58:46	16:06:33	16:12:04	0:00:33	0:00:45	0:07:47	0:09:05
F18214756	21	F RD LOX	12/25/2018		00:34:44	00:34:53	00:35:54	00:46:04	00:50:43	0:00:34	0:01:01	0:10:10	0:11:45
F18214991	21	F RD LOX	12/25/2018		12:01:24	12:01:30	12:02:28	12:13:12	12:25:43	0:00:31	0:00:58	0:10:44	0:12:13

Corrupt Data:

F18202370	21	42ND ST N LOX	12/04/2018		20:35:30	20:35:34	20:36:08		20:40:48	Empty Time Fields			
F18205979	21	SOUTHERN BLVD PBC	12/10/2018	23:15:01	23:14:28	23:14:38	23:15:29	23:22:47	23:59:45	Received Time is greater than Entered Time			
F18206453	26	NORTH RD LOX	12/11/2018	18:12:56	18:13:38	18:13:45	18:15:17		18:16:27	Empty Time Fields			
F18207298	20	SOUTHERN BLVD/BINKS FOREST DR PBC	12/13/2018		06:39:28	06:39:45	06:41:02		06:41:47	Empty Time Fields			
F18209504	21	SOUTHERN BLVD LOX	12/16/2018		16:42:14	16:42:23	16:43:09		16:52:48	Empty Time Fields			
F18212358	21	COLLECTING CANAL RD LOX	12/21/2018	05:54:27	05:54:54	05:54:59	05:56:57		06:10:53	Empty Time Fields			
F18213451	20	SOUTHERN BLVD/BINKS FOREST DR PBC	12/22/2018	21:16:23	21:16:16	21:16:24	21:17:23	21:20:37	21:42:57	Received Time is greater than Entered Time			
F18213563	21	SOUTHERN BLVD LOX	12/23/2018	02:37:36	02:38:56	02:39:00	02:41:48		02:44:36	Empty Time Fields			
F18216487	20	SOUTHERN BLVD LOX	12/27/2018	22:11:46	22:12:29	22:12:55	22:14:07		22:27:18	Empty Time Fields			

Total number of Events: 47

*Represents call received to arrival. If there is no received time, the County annual average call received to call entered time is used.

Created by Jill Gregory on 10/08/2008 (updated 05/23/2012)

\\Client\H\$\Alyssa\Monthly Crystal Reports\Updated 9.40 Reports\Municipal Response Time - NEW 9.4 Updated August 2018.rpt

RESOLUTION NO. 2019-DD01

A RESOLUTION OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE PURCHASE OF A JOHN DEERE TRACTOR FROM EVERGLADES FARM EQUIPMENT (EFE, INC.). THROUGH THE FLORIDA SHERIFFS ASSOCIATION 2018-2019 CONTRACT FSA18-VEH16.0 FOR VEHICLES AND EQUIPMENT; AUTHORIZING THE EXECUTION OF ALL DOCUMENTATION FOR THE PURCHASE OF THE TRACTOR; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the District, as a dependent District of the Town of Loxahatchee Groves, is in need of a grader for road maintenance work on roadways associated with District Services; and,

WHEREAS, the District has the ability to utilize the Florida Sheriffs Association 2018-2019 Contract FSA18-VEH16.0 for Vehicles and Equipment with Everglades Farm Equipment (EFE, Inc.), in order to obtain a John Deere JD5100M Tractor pursuant to the Contract Quote attached hereto as Exhibit "A"; and,

WHEREAS, the vendor, EFE, Inc., will permit the District to purchase the Tractor from the Florida Sheriffs Association 2018-2019 Contract FSA18-VEH16.0 for Vehicles and Equipment at prices that equal those within the Contract; and,

WHEREAS, given the purchasing power of the Florida Sheriffs Association, many local governments utilize their purchasing contracts to obtain vehicles and equipment, and it is unlikely that the District would get better prices and rates for the tractor through its own competitive bidding or proposals process; and,

WHEREAS, the District Board of Supervisors finds it in the best interest of the District to authorize the District Administrator to purchase the new John Deere JD5100N Tractor from EFE, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, THAT:

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

Section 2. The District Board of Supervisors authorizes the District Administrator to purchase a John Deere JD5100M Tractor from EFE, Inc. through the Florida Sheriffs Association 2018-2019 Contract FSA18-VEH16.0, pursuant to the Florida Sheriff’s Contract Quote attached hereto as **Exhibit “A”**, and authorizes the appropriate District Officials to execute same and expend the fund necessary for the purchase.

Section 3. This Resolution shall become effective immediately upon its passage and adoption.

Supervisor _____ offered the foregoing Resolution.
Supervisor _____seconded the Motion; and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, CHAIRPERSON/PRESIDENT	☐	☐	☐
TODD MCLENDON, SUPERVISOR	☐	☐	☐
DAVID DEMAROIS, SUPERVISOR	☐	☐	☐
PHILLIS MANIGLIA, SUPERVISOR	☐	☐	☐
ANITA KANE, SUPERVISOR	☐	☐	☐

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

LOXAHATCHEE GROVES WATER
CONTROL DISTRICT

ATTEST:

Chairperson/President

Clerk for the Loxahatchee Groves
Water Control District

Supervisor

Supervisor

APPROVED AS TO LEGAL FORM:

Supervisor

Attorney for the Loxahatchee Groves
Water Control District

Supervisor