

TOWN OF LOXAHATCHEE GROVES

TOWN HALL COUNCIL CHAMBERS

TOWN COUNCIL REGULAR MEETING

Community Open Discussion Meeting 6:00-6:55 PM (Non-Agenda Items Workshop)

AGENDA

AUGUST 17, 2021 - 7:00 - 10:30 P.M.



Robert Shorr, Mayor (Seat 4)

Phillis Maniglia, Councilmember (Seat 1)

Laura Danowski, Vice Mayor (Seat 2)

Marianne Miles, Councilmember (Seat 3)

Marge Herzog, Councilmember (Seat 4)

Administration

Town Manager, James S. Titcomb

Assistant Town Manager, Francine L. Ramaglia

Town Attorney, Elizabeth Lenihan, Esq.

Town Clerk, Lakisha Q. Burch

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

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

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

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

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

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

TOWN COUNCIL AGENDA ITEMS

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL

ADDITIONS, DELETIONS AND MODIFICATIONS

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Public Comments for all meetings may be received by email, or in writing to the Town Clerk's Office until 6:00 PM day of the meeting. Comments received will be "received and filed" to be acknowledged as part of the official public record for the meeting. The Town Council meeting will be live-streamed and close-captioned for the general public via our website, instructions are posted there.

CONSENT AGENDA

1. Approval of Meeting Minutes.
 - a. February 2, 2021

PUBLIC HEARING

2. Approval of Resolution No. 2021-38 Town Center TC Pod Site Plan.
3. Approval of Resolution No. 2021-39 Groves Town Center PUD Amendment No. 1 Plat.

PRESENTATIONS

4. Presentation from Safe Build status update.
5. Presentation from Florida League of Cities regarding financing and borrowing.

REGULAR AGENDA

6. Approval of Resolution No. 2021-40 amending of the Solid Waste rate schedule.

TOWN COUNCILMEMBER COMMENTS

Phillis Maniglia (Seat 1)
Laura Danowski (Seat 2)
Marianne Miles (Seat 3)
Marge Herzog (Seat 5)
Mayor Robert Shorr (Seat 4)

TOWN STAFF COMMENTS

Town Manager
Assistant Town Manager
Town Attorney
Public Works Director
Town Clerk

ADJOURNMENT

Comment Cards:

Note public comment rules are modified during the COVID-19 pandemic, see above.

Anyone from the public wishing to address the Town Council, it is requested that you complete a Comment Card before speaking. Please fill out completely with your full name and address so that your comments can be entered correctly in the minutes and give to the Town Clerk. During the agenda item portion of the meeting, you may only address the item on the agenda being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.

Agenda # 1

TO: Town Council of Town of Loxahatchee Groves

FROM: Lakisha Burch, Town Clerk

DATE: June 22, 2021

VIA: James Titcomb, Town Manager

SUBJECT: Meeting Minutes

Staff recommends approval of the attached meeting minutes.

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**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF REGULAR MEETING
FEBRUARY 2, 2021**

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Mayor El-Ramey called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

Mayor El-Ramey led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor El-Ramey led a prayer.

ROLL CALL

Mayor Lisa El-Ramey, Vice Mayor Marge Herzog, Councilmembers Laura Danowski, Phillis Maniglia and Robert Shorr, Town Manager James Titcomb, Assistant Town Manager Francine Ramaglia, Town Attorney James Brako, Public Works Director Larry Peters, and Town Clerk Lakisha Burch.

ADDITIONS/DELETIONS/MODIFICATIONS TO THE AGENDA

Town Manager Titcomb could item 4 approval of the renewal of the Palm Beach Aggregates Master Agreement be pulled from this agenda and be brought back for the February 16th meeting stating the legal department would like to take an additional look at the agreement before moving forward. Councilmember Shorr asked if the appendix could be added when this agreement comes back before Town Council. Town Manager Titcomb responded sure. Town Manager Titcomb also stated for housekeeping purpose if Capitan Turner and Ms. McNichols could speak during public comments to give monthly reports.

Vice Mayor Herzog asked could item 5 Presentation of FY 2018-2019 (FY19) Audits for the Town of Loxahatchee Groves Certified Annual Financial Report (CAFR) - from Terry Morton from Nowlen, Holt & Miner, P.A. be moved to be heard before the Consent Agenda.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Herzog to pull item 4 approval of the renewal of the Palm Beach Aggregates Master Agreement from the agenda and move item 5 presentation of FY 2018-2019 (FY19) Audits for the Town of Loxahatchee Groves Certified Annual Financial Report (CAFR) - from Terry Morton from Nowlen, Holt & Miner, P.A. be moved to be heard before the Consent Agenda; it was voted as follows: Aye: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

Councilmember Danowski stated that she may have to leave due a problem at home and she would have her phone on the dais.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Mary McNichols from Sluggett and Associates gave an update regarding Palm Beach Days being cancelled, she stated she recommends saving travel for mid-April and that she will continue to be actively involved but also being very creative. She also stated she recommends that Town Council please support the Village of Wellington's local bill regarding restricting usage of fireworks to just the Equestrian Preserve area and she will work with Town Clerk and Town Attorney to get a resolution to send to the Village of Wellington and the local legislative. She also stated that we were successful removing a proposed Okeechobee corridor from the Palm Beach County Transportation Plan. Ms. McNichols also stated that she requests that a "Thank You" be sent to County Commissioner Melissa McKinlay.

Captain Craig Turner of the Palm Beach County Sheriff Office gave an overview to Town Council of the stats for 2021 stating that the Town is averaging about two crimes per week. He stated that a stabbing, a stolen car, and burglary had been reported and arrest were made. He also mentioned that the yearly report for 2020 had been sent to Town Manager Titcomb and will be presented at the March's Town Council meeting and that there were changes made to reflect suggestions that were given by Town Council. He spoke about Deputy being on letter roads and continuing to use motor vehicles on those roads.

Councilmember Maniglia asked were there any luck getting the four-wheelers. Captain Turner responded that he will be receiving two four-wheelers and he is waiting to get some other officers through school. He also stated that once more Deputies are certified he would put them on the road- but he does have some Deputies that he can put in the area. He stated that his expectant time is about 2-3 weeks.

Councilmember Danowski congratulated Captain Turner on his promotion then asked about when Deputies are on the letter roads and Collecting Canal are there pros/cons of having unmarked cars verses marked cars. Captain Turner responded by stating there isn't but the issue he has is putting Deputies in unmarked vehicles that may have to respond to a call. He prefers for them to be in marked cars. Councilmember Danowski also asked Captain Turner about the uptick in underage aggressive riders on dirt bikes, what can be done. Captain Turner responded that when the Deputies catch them, they make sure they feel the pain of what they had done but they have a policy that they will not case if they run and a majority of them run. But if they are found they are cited.

Vice Mayor Herzog asked is there legal places where they can ride. Captain Turner responded by stating there are really not a park where kids can ride the dirt bikes, there are not a decent area to ride. There was further discussion among Vice Mayor Herzog and Captain Turner regarding underage kids riding dirt bikes.

Councilmember Maniglia asked if BMX track on Okeehelie Park be open to the motor bikes. Captain Turner stated he would have to find out that information.

Ryan Johnston of Johnston Group Development and Construction spoke about the use of Groves Medical Plaza building. He asked for feedback from Town Council about the proposal of changing the zoning of Groves Medical Plaza building from medical to medical/professional.

Alex Torres Chief Financial Officer of J & J Produce also address the Town Council in regard to their consideration of changing the zoning for Groves Medical Plaza building from medical to medical/professional.

Jo Siciliano addressed Town Council with concerns regarding the traffic circle on "B" Road at the Aldi/Publix intersection and speed limit on Okeechobee.

Katie Lakeman addressed Town Council about trails status now that the Aldi is open. She also passed out two pictures that she asked Town Council to receive and file.

CONSENT AGENDA

1. Approval of Meeting Minutes.
 - a. January 21, 2020 Town Council Workshop Meeting Minutes
 - b. February 18, 2020 Town Council Workshop Meeting Minutes
 - c. September 22, 2020 Town Council Final Budget Hearing Meeting Minutes
 - d. October 6, 2020 Town Council Regular Meeting Minutes
 - e. October 20, 2020 Town Council Workshop/Special Meeting Minutes
 - f. November 3, 2020 Town Council Regular Meeting Minutes
 - g. November 17, 2020 Town Council Workshop Meeting Minutes
 - h. December 1, 2020 Town Council Regular Meeting Minutes
 - i. December 15, 2020 Town Council Workshop/Special Meeting Minutes
 - j. January 5, 2021 Town Council Regular Meeting Minutes

Councilmember Shorr asked that the approval of Meeting Minutes be pulled from the Consent Agenda for discussion. There was discussion and review of all meeting minutes. Town Clerk Burch noted and will correct all Scrivener's errors.

Motion was made by Councilmember Maniglia seconded by Councilmember Danowski to make audio recordings of all the Town Council meetings a permanent record; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

Motion was made by Councilmember Shorr seconded by Councilmember Danowski to approve the meeting minutes item 1 with corrections to Scrivener's errors; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

PROCLAMATION

2. Proclamation- Village of Wellington's 25th Anniversary of Incorporation.

Councilmember Danowski read the proclamation into the record. There were two corrections made in the proclamation. Town Clerk Burch stated that corrections will be made before presenting to the Village of Wellington at their upcoming meeting.

There was consensus that the date would be February 2nd as the date by the Town Clerk to the proclamation for the Village of Wellington's 25th Anniversary of Incorporation.

REGULAR AGENDA

3. Approval of Resolution No. 2021-04 authorizing the entry by the Town into agreements with Vendors for goods and services utilizing other Government Agency Contracts; authorizing the mayor to execute necessary documents in forms acceptable to the Town Manager and Town Attorney to take necessary action to implement such Cooperative Purchasing Agreements.

Town Manager Titcomb presented the item. Assistant Town Manager Ramaglia gave further information stating that this is the Palm Beach County version of the Wellington and Palm Beach Gardens contracts that was approved. She also stated that this contract did not include Community

Asphalt so another contract would be coming forth from Palm Beach County which included Community Asphalt on it.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Herzog to adopt Resolution No. 2021-04 authorizing the entry by the Town into agreements with Vendors for goods and services utilizing the Palm Beach County Annual Pathway & Minor Contract for Project # 2020055; authorizing the Mayor to execute necessary documents in forms acceptable to the Town Manager and Town Attorney to take necessary action to implement such Cooperative Purchasing Agreements; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

4. Approval of the renewal of the Palm Beach Aggregates Master Agreement. **PULLED FROM AGENDA TO BE HEARD AT THE FEBRUARY 16TH TOWN COUNCIL WORKSHOP/SPECIAL MEETING.**
5. Presentation of FY 2018-2019 (FY19) Audits for the Town of Loxahatchee Groves Certified Annual Financial Report (CAFR) - from Terry Morton from Nowlen, Holt & Miner, P.A.- **MOTIONED TO BE HEARD BEFORE THE CONSENT AGENDA**

Town Manager Titcomb introduced the item.

Anita Kane, Finance Audit and Advisory Committee (FAAC) Chair addressed Town Council. Ms. Kane stated the following:

- FAAC met last night and will meet on March 8th at 6:00 p.m.
- Fund balances are up in all funds except Capital-not at 25%.
- Current Audit late due to the management change and finance software. But 2020 should be on time.
- Over budget- last minute payment to Underwood Management.
- Significant amount of FEMA payments from Hurricane Irma.
- Business Tax Registration
- Spoke about communications regarding regular meetings.

Councilmember Danowski asked who would be answering questions regarding the audit, Ms. Kane, Chair of the Finance Audit and Advisory Committee or Mr. Morton from Nowlen, Holt & Miner, P.A. Mayor El-Ramey responded that Town Council can wait until presentations are over and come back if needed. Councilmember Danowski are up but what are the ones besides Capital that is not up. Assistant Town Manager Ramaglia responded to her question. There was additional conversation among Councilmember Danowski and Ms. Kane. Town Manager asked that the auditor get an opportunity to present the audit before further questions are asked.

Assistant Town Manager Ramaglia continued to speak about fund balances. Terry Morton, Nowlen, Holt & Miner, P.A. presented the audit. Mr. Morton asked was there any questions specific questions that Town Council wanted him to address.

Councilmember Maniglia asked was there any money missing. Mr. Morton stated that all monies have been accounted for.

Town Manager Titcomb expressed his thanks to Assistant Town Manager Ramaglia, Town Clerk Burch and Desiree Rice, Accounting Technician for their work that was done and is being done on the Town's finances.

Mayor El-Ramey that the FAAC committee and staff for the work being done with the Town's money.

Assistant Town Manager Ramaglia also spoke about the Business Tax Receipts (BTRs).

Motion was made by Councilmember Maniglia seconded by Vice Mayor Herzog to receive and file the Town of Loxahatchee Groves FY 2019 audit reports Comprehensive Annual Finance Report (CAFR); it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

TOWN COUNCILMEMBERS COMMENTS

Phillis Maniglia, Councilmember (Seat 1)

- Answering of Town Hall phones
- Adding canals to Road and Trails committee
- Bollards (on B Road- never completed)
- Committees (asked if anyone wanted to be on the Roads, Equestrian Trails & Greenway Committee please contact her)
- Water truck (would like to see it out more often)
- Monthly maintenance report

Laura Danowski, Councilmember (Seat 2)

- Agenda preparation regarding Committees
- 5-day work week
- Consideration for what business will go into the plaza across from Town Hall
- Temporary CO for Aldi

Lisa El-Ramey, Mayor (Seat 3)

- Meeting with RETGAC (make sure sign language)
- Consensus when did Solar Sport come before Town Council to change shape of
- Insurance
- Seniors (vaccine)

Robert Shorr, Councilmember (Seat 4)

- Temporary Certificate of Occupancy (TPO)
- Permit process
- Traffic circle on B Road

Marge Herzog, Vice Mayor (Seat 5)

- Temporary CO (Aldi) and Paintball place
- Flags (replacement)
- Repair work being done on the equipment

TOWN STAFF COMMENTS

Town Manager

- Florida League of Cities and Legislative has changed protocols.
- Interviews for Public Works
- Spoke about Little Turtle Creek

Town Attorney

- **Update of 143rd**

Public Works

ADJOURNMENT

There being no further business the meeting was adjourned at 10:40 p.m.

Agenda Item # 2

TO: Town Council of Town of Loxahatchee Groves
FROM: James Fleischmann, Town Planning Consultant
VIA: James Titcomb, Town Manager
DATE: August 10, 2021
SUBJECT: Approval of Resolution No. 2021-38 Town Center TC Pod Site Plan

Background:

History: A Multiple Land Use Planned Unit Development (MLU/PUD) zoning designation was assigned to the 90-acre Groves Town Center (GTC) located at the northeast corner of Southern Boulevard and “B” Road by Town Council Ordinance 2013-09 and most recently updated by Ordinance 2019-08. Site Plan approval for the Town Center (TC) Pod is proposed.: Approval of the proposed Groves Town Center TC Pod Site Plan.

Issue Statement: The Applicant has requested approval of proposed Site Plan SP-20-2009 (TC Pod) for the 4.6-acre Town Center (TC) Pod of Groves Town Center.

Issue Resolution: The Town Council should consider approval, approval with conditions, or denial of Resolution 2021-38, the subject of which is Site Plan Approval Application SP-20-2009.

Current Activity:

The Planning and Zoning Board (PZB), recommended approval of the TC Pod Site Plan Application SP-20-2009 at its August 4, 2021, meeting.

Based upon the review of Application SP-20-2009 within the report titled “Staff Summary Town Center Pod (TC Pod) Site Plan Review”, Staff finds the proposed TC Pod Site Plan consistent with the Town’s Comprehensive Plan and land development regulations. Further, Staff recommends approval of Resolution 2020-38 subject to the Site Plan dated June 14, 2021, and Conditions of Approval included therein.

Legal Sufficiency Review:

This is a quasi-judicial matter. Quasi-judicial decisions are those in which the local government applies rules to a particular situation. Quasi-judicial decisions are subject to certain procedural and substantive thresholds that involve due process, standards of review, and evidentiary considerations. In quasi-judicial proceedings, parties are entitled – as a matter of due process –

to cross examine witnesses, present evidence, demand that witnesses testify under oath, and demand a decision based on a correct application of the law and competent substantial evidence in the record. Competent substantial evidence is evidence that has a substantial basis in fact from which the fact at issue can be reasonably inferred.

Attachments:

1. Staff Summary Town Center Pod (TC Pod) Site Plan Review
2. Resolution 2021-38

Recommendations:

Approval of Resolution 2021-38, as recommended by PZB and Staff.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION 2021-38

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE TOWN CENTER (TC) POD SITE PLAN FOR LAND OWNED BY BW SOLAR SPORTSYSTEMS, INC., CONSISTING OF 4.6 ACRES MORE OR LESS, LOCATED ON THE NORTH SIDE OF SOUTHERN BOULEVARD EAST OF “B” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to site plans for development on property within the Town; and

WHEREAS, the Council, pursuant to Section 155-015 of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny site plans; and

WHEREAS, the notice and hearing requirements, as provided for in Section 115-010 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board), at its meeting of August 4, 2021 recommended approval of the Town Center (TC) Pod Site Plan Approval Application SP-20-2009; and

WHEREAS, the Town Center (TC) Site Plan Approval Application SP-20-2009 was presented to the Town Council at a quasi-judicial public hearing conducted on August 17, 2021; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of Town staff and Town P&Z Board; and

WHEREAS, this approval is subject to Section 05-040 of the Town of Loxahatchee Groves Unified Land Development Code (Town ULDC) and other provisions requiring that development commence in a timely manner.

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

Section 1. Each “WHEREAS” clause set forth above is true and correct and herein incorporated by this reference.

Section 2. The Town Council has considered the findings in the staff report dated August 17, 2021 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. The Site Plan is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan and Unified Land Development Code, including standards for building and structural intensities and intensities of use.
2. This Site Plan as presented in Exhibit B hereto, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations, including Section 25-015 “*Permitted uses*” and Article 155 “*Site Plans*”. This Site Plan, along with the Conditions of Approval, as adopted and presented in Exhibit C hereto, complies with standards imposed on it by all other applicable provisions of the Town ULDC. The Town Council finds the conditions, as presented in Exhibit C hereto, to be reasonable, and rationally related to the proposed development, and consistent with the Town’s character.
3. This Site Plan, as presented in Exhibit B hereto, along with Conditions of Approval, as adopted and presented in Exhibit C hereto, are compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with Conditions of Approval as adopted and presented in Exhibit C hereto, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Site Plan, as presented in Exhibit B hereto along with Conditions of Approval, as adopted and presented in Exhibit C hereto, minimize environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, noise and the natural functioning of the environment.
6. This Site Plan as presented in Exhibit B hereto along with Conditions of Approval, as adopted and presented in Exhibit C hereto, will result in logical, timely and orderly development patterns.

Section 3. The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Town Center (TC) Pod Site Plan SP-20-2009 for the parcel of land legally described in Exhibit A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit A, attached hereto and made a part hereof. A copy of the Site Plan, subject to the approved conditions presented in Exhibit C, is attached hereto as Exhibit B and made a part hereof.

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

Section 5. 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 6. This Resolution shall become effective upon adoption.

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 17th day of August 2021.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	☐	☐	☐
LAURA DANOWSKI, VICE MAYOR	☐	☐	☐
PHYLLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
MARGE HERZOG, COUNCIL MEMBER	☐	☐	☐
MARIANNE MILES COUNCIL MEMBER	☐	☐	☐

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Robert Shorr

Town Clerk

Vice Mayor Laura Danowski

Council Member Phillis Maniglia

APPROVED AS TO LEGAL FORM:

Council Member Marg Herzog

Town Attorney

Council Member Marianne Miles

Attachment A

TC Pod Legal Description

Tract Pod TC of "Groves Town Center PUD Amendment No. 1" plat, said lands situate, lying, and being in the Town of Loxahatchee Groves, Palm Beach County, Florida containing 4.596 acres, more or less.

TC Pod Location Map

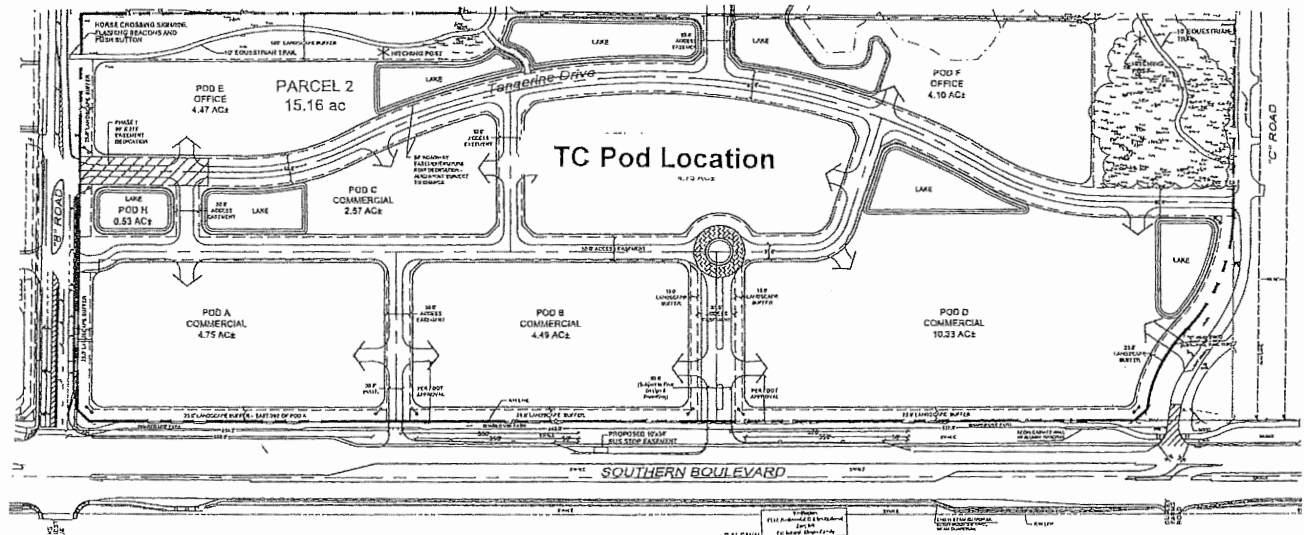


EXHIBIT B

TOWN CENTER (TC) POD SITE PLAN SP-20-2009

(Refer to the following page)

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Town Center Pod Site Plan

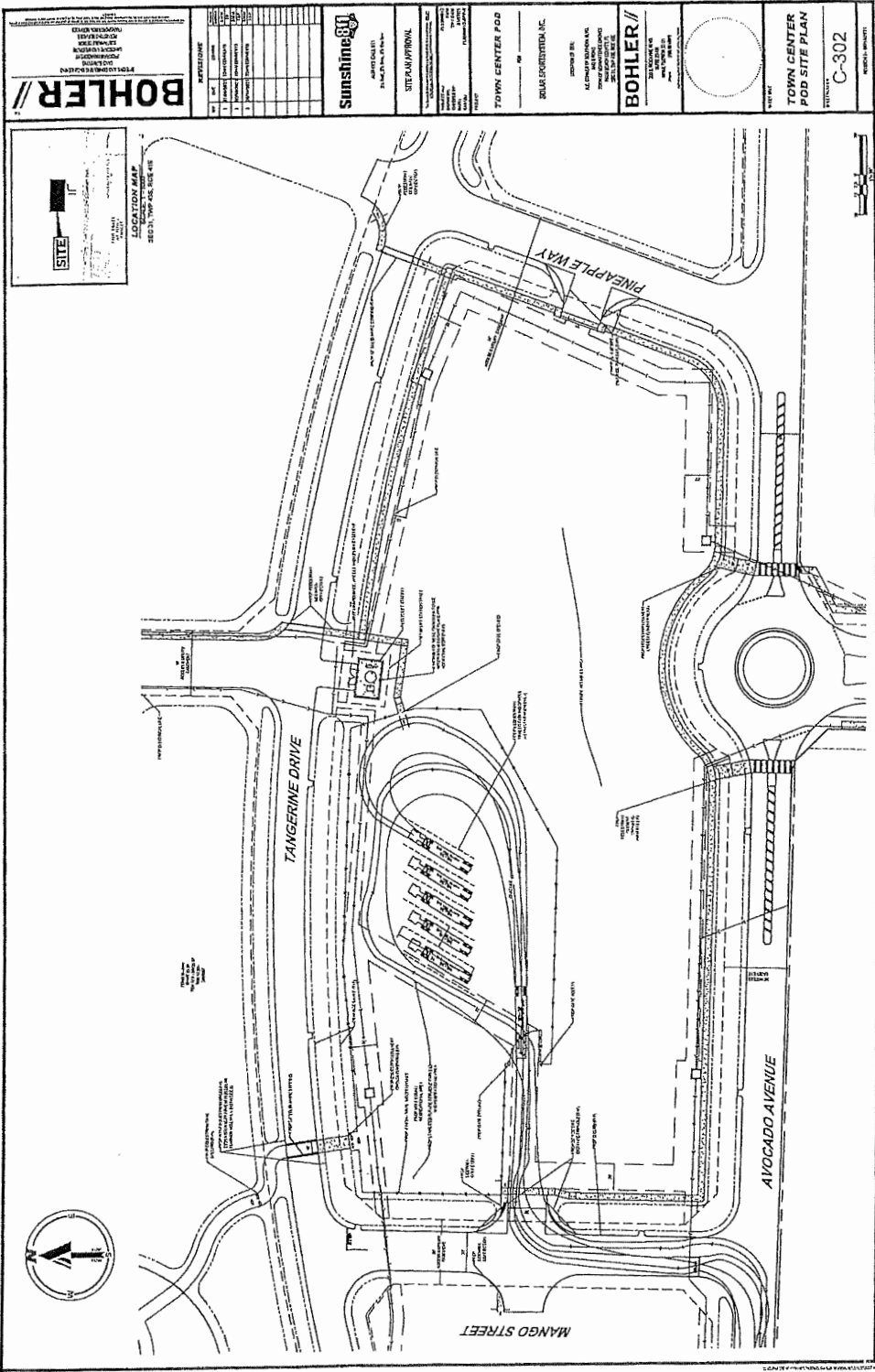


EXHIBIT C
Town Center (TC) Pod Site Plan
Conditions of Approval

A. GENERAL

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

2. The Final Conditions of Approval in Town Ordinance 2019-08 are adopted and incorporated herein by reference. Ordinance 2019-08 assigned an amended Multiple Land Use Planned Unit Development (MLU/PUD) zoning designation to the site.

3. Development of the site is limited to the uses depicted and stated in the Site Plan is dated June 14, 2021. All modifications to the Site Plan shall be approved by the Town Council with the following exceptions which may be approved by the Town Manager:

(a) Administrative amendments permitted under Section 155-005 of the ULDC;

(b) Amendments required to conform to the Conceptual Master Plan;

(c) Amendments necessary to comply with Site Plan Conditions of Approval;
and

(d) Infrastructure and utility improvements which are in accordance with the ULDC.

4 The Town Manager and his designated agents shall review and approve all building permit applications prior to processing by Palm Beach County for consistency with the following: (1) Site Plan and Conditions of Approval; (2) Landscape Plan; (3), and Pedestrian Access Exhibit

5. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Manager and Town Engineer shall review and approve all land development plans.

6. Consistent with the Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no building permits for the site shall be issued after October 29, 2023. A time extension for this condition shall be acknowledged by the Town of Loxahatchee Groves pursuant to a State of Emergency Order issued by the Governor of Florida upon written notification by the Owner, or approval of a traffic study which complies with the Palm Beach County Mandatory Traffic Performance Standards in place at the time of the request.

7. Exhibit D *Description of Common Areas* of the Declaration of Master Covenants for Groves Town Center recorded in the Public Records of Palm Beach County (ORB 30693 PG 680) shall be revised by Owner to reflect the current Conceptual Master Plan, per Town Ordinance 2019-08, including the redefined and relocated Town Center (TC Pod)

8. The Town Center (TC Pod) shown on the Conceptual Master Plan dated December 30, 2019 shall remain owned by Owner and their successors and assigns and maintenance of TC Pod is the responsibility of Owner. Scheduling uses for the TC Pod is the responsibility of the Town. The Town may use TC Pod at any time the Town sees fit, subject to compliance with the Town Unified Land Development Code (ULDC). The TC Pod may be rented or leased to any individual person(s) and/or business (es) for temporary uses, subject to compliance with the ULDC and any Town permitting requirements. Any party that uses TC Pod is responsible for cleaning up after the event and returning TC Pod to the same condition the TC Pod was in before the party used the TC Pod.

B. LAND USE AND SITE PLANNING

1. Development of the site shall be limited to a uses consistent with the Site Plan dated June 14, 2021.

2. All on-site deliveries during construction shall be made from project entrances off of Southern Boulevard unless previously approved by the town Manager.

3. Coincident with construction of the Equestrian Recreation and Trailer Parking Area, the equestrian crossing sign and striping shall be installed at the Tangerine Drive equestrian crossing and certified and approved by the Town.

4. Coincident with construction of the perimeter drainage swales, the pedestrian access connections shall be installed on Tangerine Drive, Avocado Avenue and Mango Street and certified and approved by the Town.

C. ENGINEERING

1. Prior to the issuance of the Site Development Permit for this project, the Master Site Development Permit for the 1st Phase of Construction must be approved by the Town.

2. Prior to the issuance of the Site Development Permit and Building Permit for this project, Applicant shall provide itemized cost estimates and surety for the affected portion of Pod B per Town Code Section 100-060.

3. Prior to the commencement of construction of this project Applicant shall:

- a. Provide the Town Engineer with copies of all permits, permit applications, and requests for additional information to and from the regulatory agencies regarding issues on all permit applications, certification, and approvals for this project including, but not limited to, the South Florida Water Management District, Palm Beach County Water Utilities Department, Palm Beach County Fire Rescue, Palm Beach County Health Department, etc.
- b. Schedule a pre-construction meeting with the Town. Inspections related to the Site Development Permit for this project will not be performed until the pre-construction

meeting has occurred. Failure to comply with this condition could result in a Stop Work Order for all work and construction activity related to this project.

4. The applicant shall comply with all Federal EPA and State of Florida Department of Environmental Protection NPDES requirements including, but not limited to, preparation of a stormwater pollution prevention plan and identification of appropriate Best Management Practices, as generally accepted by the Environmental Protection Agency (EPA) and local regulatory agencies, for construction activities, implementation of the approved plans, inspection, and maintenance of controls during construction, including a Notice of Intent prior to the start of construction and a Notice of Termination prior to the certification of the Site Development Permit.

5. The construction, operation, and maintenance of any elements of this project shall not have any negative impacts on the existing drainage of the surrounding areas. If at any time during the project development, it is determined by the Town that any of the surrounding areas are experiencing negative drainage impacts caused by this project, it shall be the applicant's responsibility to resolve said impacts in a period of time and a manner that is acceptable to the Town prior to additional construction activities. The Town may issue a Stop Work Order or cease issuance of any related Building Permits until all drainage concerns are resolved.

6. Prior to the issuance of the Certificate of Completion for the Site Development Permit, the application shall:

- a. Submit to the Town all required recorded easements and easement modifications.
- b. Provide electronic certified civil design as-built drawings in both PDF and AutoCAD formats for review and approval by the Town Engineer.

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

D. LAND CLEARING AND LANDSCAPING

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

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1. Should exterior lighting be proposed in the future, a site plan amendment shall be required and lighting shall comply with the requirements of ULDC Section 50-030 *Outdoor Lighting*, as revised by Ordinance 2019-06.

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1. All equestrian parking and loading shall occur on site, as indicated on the approved Site Plan dated June 14, 2021.

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1. The initial sign permit submittal, including equestrian and pedestrian crossing signs, shall include a master sign program detailing the location, number, colors and size of proposed signage within the TC Pod development. The master sign program shall be used as model for all subsequent signage within the TC Pod development.

2. Per Sections 05-040 and 90-070 of the ULDC, permits for all project signs shall be obtained prior to building permit application.

I. UTILITIES AND SERVICES

1. A Developer's Agreement shall be executed between Owner and the Palm Beach County Water Utility Department and approved by the Town Council of the Town of Loxahatchee Groves for wastewater lit station.

2. Solid waste collection and disposal may become necessary, as determined by the Town Council, within the Equestrian Recreation and Trailer Parking Area. If so, collection and disposal service shall be accomplished by contract between the Owner and the Town's contract hauler.

**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL
August 17, 2021
STAFF SUMMARY:
Town Center Pod (TC Pod) Site Plan Review**

I. Site and Applicant Information

Project Name	Groves Town Center (GTC) TC Pod Site Plan
Project No.	SP-20-2009
Agent	Matthew Barnes, AICP Senior Project Manager, WGI
Applicant	Solar Sportsystems. Inc.
Owner	Solar Sportsystems, Inc.
Parcel Control No.	41-41-43-31-12-002-0010 (a portion thereof)
Location	Southeast corner of Tangerine Drive (extended) and Mango Street (proposed) in Groves town Center
Size (Acreage)	4.6 Acres
Zoning	Multiple Land Use Planned Unit Development (MLU/PUD)
Future Land Use	Multiple Land Use (MLU)
Existing Use	Vacant
Approved Use	TC Pod of Groves Town Center PUD (GTC PUD)
Proposed Use	TC Pod Improvements (Refer to Section III)

II. Adjacent Properties (Existing Use, Future Land Use and Zoning)

LAND USE	NORTH	SOUTH	EAST	WEST
EXISTING USE	Vacant	Vacant	Vacant	Vacant
APPROVED USE	GTC Tangerine Drive followed by detention lakes	GTC Avocado Avenue followed by GTC Pods B and D	GTC Pineapple Way followed by GTC Pod D	GTC Mango Street followed by GTC Pod C
FUTURE LAND USE	MLU	MLU	MLU	MLU
ZONING	MLU/PUD	MLU/PUD	MLU/PUD	MLU/PUD

III. Submitted Support Documents

ITEM	CONTENT
Site Plan	Locations of the following GTC Pod features: (1) Ingress/egress (equestrian, vehicular and pedestrian) ways; (2) grassed equestrian trailer parking lot; (3) drainage swales along the interior perimeter of the Pod; (4) sewer lift station; (5) area of wooden rail fencing; and (6) future activities area.

ITEM	CONTENT
Engineering Plans	Floodplain Development Application; Master Infrastructure Plan and Permit Application; Grading and Drainage Plan; First Phase of Construction
Architectural Plans	Not Applicable
Service Provider Letters	Correspondence from PBC Water Utilities Department stating that the current lift station, including screening is approved.
Natural Features Inventory	Overall Tree Disposition Plan
Landscape Plans	Landscape Plan and Landscape Details; Fence Details
Photometric Plan	Not Applicable

IV. Property History

The 4.6-acre property is part of the 90 acre “Groves Town Center” which was assigned a Multiple Land Use (MLU) future land use designation by the Town in 2011 (Ref: Ordinance 2011-17) for the purpose of implementing a mixed-use development concept consisting of the following three land use categories: Commercial Low (CL), Commercial Low Office (CL-O), and Institutional (INST). Subsequent to the MLU future land use designation, the Groves Town Center parcel was assigned an MLU/PUD zoning approval, including a Conceptual Master Plan, by the Town in 2015 (Ordinance 2013-10), later revised by Ordinances 2018-08 and 2019-08).

The initial Conceptual Master Plan (Ref: ATTACHMENT 1) included a TC Pod to be used primarily for future special events. The current Conceptual Master Plan (Ref: ATTACHMENT 2), most recently revised by Ordinance 2019-08, relocated, and reconfigured the TC Pod to better accommodate future special events and provide an equestrian transport parking lot to service the GTC multi-purpose trail.

V. Staff Review

Per ULDC Section 155-005 *Mandatory Site Plan Approval*, an approved site plan is required prior to development of the TC Pod.

The Applicant is currently in the process of applying for permits to construct the first phase of Groves Town Center master infrastructure improvements, some of which are located within the TC Pod. The subject infrastructure improvements are required in order to develop additional GTC Pods. Required infrastructure improvements within TC Pod include the following:

1. Construction of drainage swales along the inside perimeter of the TC Pod as part of the integrated surface drainage system for the GTC PUD. The swales will hold and convey surface water from the south to the north within the PUD. The South Florida Water Management District has issued a Conceptual Permit for the for the PUD master infrastructure, including the TC Pod swales.

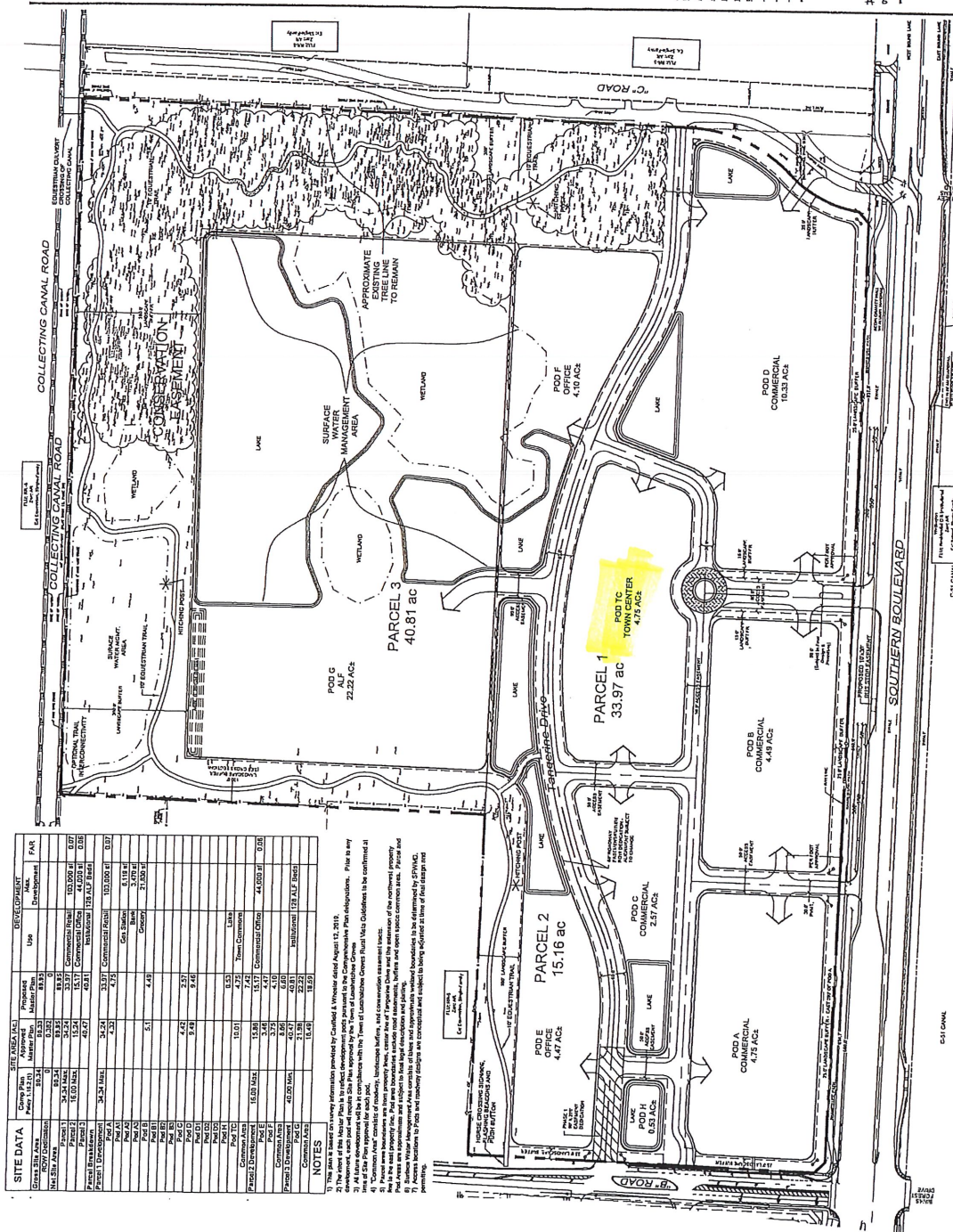
MASTER
PLAN

**MILLER
LAND
PLANNING, INC.**
200 E. Boynton Beach Blvd.
Boynton Beach, FL 33435
(561) 734-8833

Prepared For:
TD GARDEN
00 00 Legends Way
Bosdon, MA 02114

Groves Town Center
Loxahatchee Groves, Florida

August 15, 2019
 August 21, 2018 February 2019
 September 20, 2019
 September 9, 2018
 September 20, 2018

MASTER
PLAN[illegible][illegible]

2. Construction of a sewer lift station in order to provide the necessary pressure to move wastewater effluent through sewer collection pipes within the GTC PUD. The lift station is centrally located within the GTC PUD and has been approved by the Palm Beach County Water Utilities Department.

In addition to the above infrastructure improvements, the following features are included in the TC Pod Site Plan (REF: ATTACHMENTS 3, 4 and 5):

1. A fenced and gated equestrian area including pervious parking for 5 equestrian trailers and a grassed recreation area.
2. A culvert crossing providing access from the equestrian area to the Groves Town Center Equestrian Trail.
3. An Activities Area for future public and private events.
4. Pedestrian connections to adjacent GTC Development Pods; and
5. Landscaping.

The revised Declaration of Master Covenants for Groves Town Center (Declaration) was recorded in the Public Records of Palm Beach County on July 9, 2021 (ORB 326713 PG 71). Sections 3 and 4 define location and maintenance responsibilities for common areas within Groves Town Center.

Common Areas within Groves Town Center, defined on Exhibit D of the Declaration, and based upon the initial Conceptual Master Plan approved in Ordinance 2018-0 8, are highlighted on ATTACHMENT 6.

Sections 3.2 and 4.2 of the Declaration address Common Area maintenance responsibilities. Per Section 3.3, the Master Association shall maintain, insure, and repair Common Areas and, where appropriate, replace improvements and pay for utilities, insurance, taxes, and assessments. Section 4.2 requires that the Master Association shall maintain the Common Areas in a "reasonably attractive appearance and in compliance with all government requirements."

A. Infrastructure Impacts

Infrastructure Service	Summary
Water/wastewater	With the exception of the wastewater lift station, no additional potable water or sanitary sewer facilities are proposed.
Surface Water Management	Drainage swales are proposed along the inside perimeter of the TC Pod as part of the integrated surface drainage system for the GTC PUD. A Floodplain Development Application has been filed with the Town to determine the need additional on-site flood-prevention measures.

[illegible]

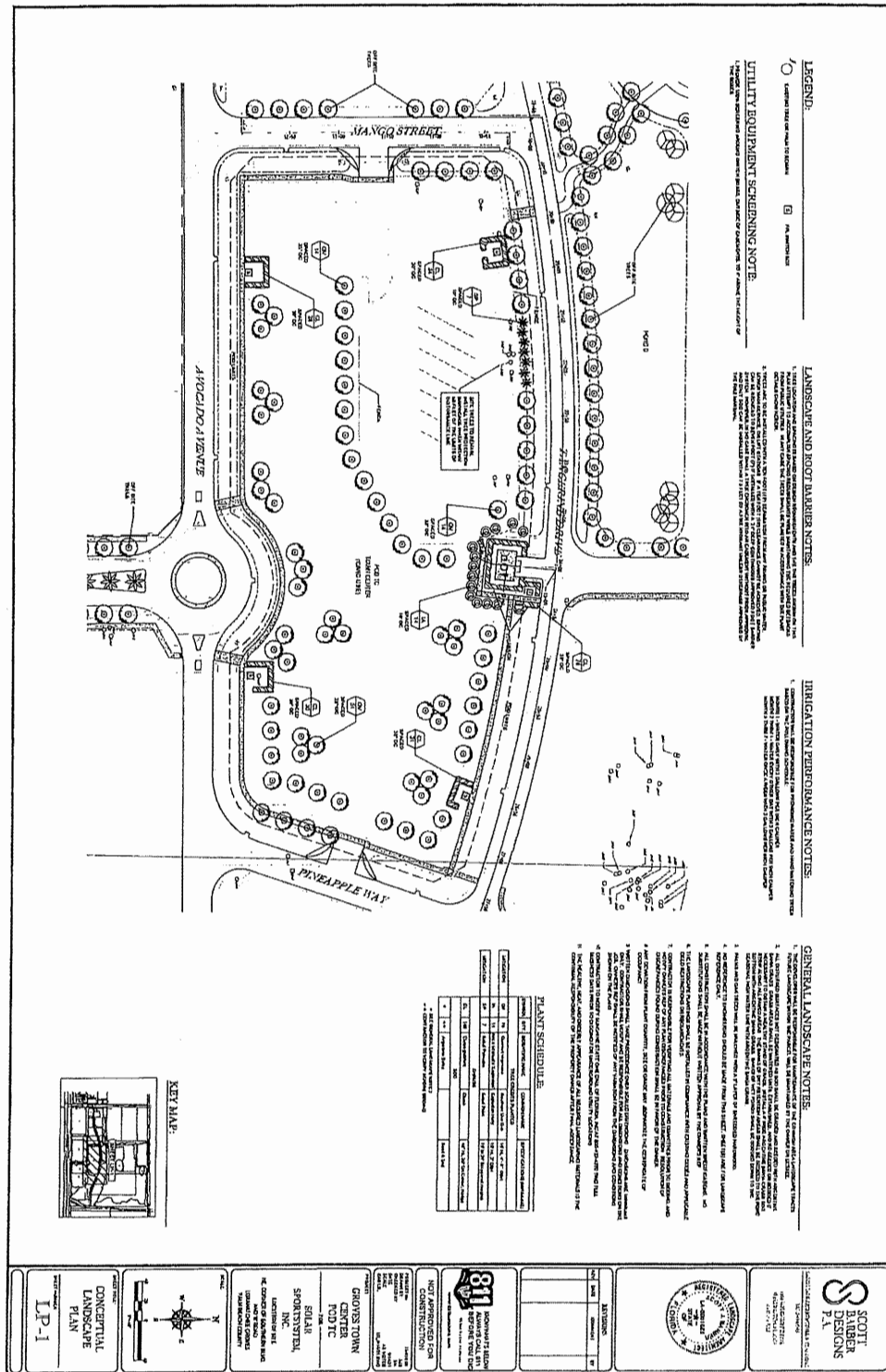
[illegible]

200 S. BISCAYNE BLVD.
SUITE 1P-105
MIAMI, FLORIDA 33131
Phone: (786) 621-0800

LOXAHATCHEE GROVES, FL | EXHIBIT EXA-1

ATTACHMENT 5

Landscape Plan



DEPICTION OF COMMON AREAS

AS A BETTER COPY OF EXHIBIT D DEPICTING THE COMMON AREAS

EXHIBIT "D"
DEPICTION OF COMMON AREAS

THIS PAGE IS PROVIDED
AS A BETTER COPY OF
EXHIBIT D DEPICTING THE
COMMON AREAS

Infrastructure Service	Summary
Solid Waste Disposal	Solid Waste Authority letter confirms disposal capacity available. The Town will determine whether or not Applicant must execute a contract with the Town's Contract Hauler for collection.
Transportation	With the exception of periodic use of the equestrian trailer parking lot, traffic generated by TC Pod is projected to be negligible. As a result, a Traffic Generation Statement is not provided. Should additionally parking facilities be provided to service the Activities Area, the Town Traffic Engineer may require a traffic study.
Parks and Recreation	Not Applicable –
Public Schools	Not Applicable – Commercial land use and zoning
FIRE/EMS	Based upon a recent letter (i.e., Heartland Dental Site Plan Approval) from Palm Beach County Fire/Rescue indicating an estimated response time 30 seconds above the average for the nearest station.

B. Environment

Item	Summary
Natural Resources	A tree inventory has been completed for Pod B of the Groves Town Center Plat. A Tree Mitigation Plan for Pod B is under development.
Historical Resources	One known archaeological site (i.e., No. 8PB11426 -West Palm Beach Canal) is located proximate to the subject property. If activities on the subject property impact the Canal, mitigation may be required by the Florida Division of Historic Resources.
Flood Zone	Zone AE, per Palm Beach County Flood Insurance Rate Panel 541 of 1,200 with a 100-year flood elevation of 17.6 feet NAVD.

C. Comprehensive Plan and Zoning Consistency

The Comprehensive Plan was amended in 2011 (i.e., Town Ordinance 2011-17) to add Special Policy 1.15.2 to the Future Land Use Element and revise the Future Land Use Map (FLUM) from RR 5 (Rural Residential 5) to MLU (Multiple Land Use) on the related 90.3-acre parcel of land located at the northeast corner of B Road and Southern Boulevard. Special Policy 1.15.2 was added to read as follows:

“1.15.2 Special Policy:

- (1) Land use and density/intensity of development on the property delineated as “Special Policy 1.15.2” on the Future Land Use Map, Map # FLU -1.10, shall be regulated by the application of the Multiple Land Use (MLU) land use category, and the following criteria: Commercial Low (CL) – Maximum of 34.34 acres/ 103,000 sq. ft. of retail commercial space; Commercial Low Office - Maximum of 16.0 acres/44,000 sq. ft. of professional and medical office commercial space; and Institutional – Minimum of 40.0 acres/Maximum of 128 congregate living beds.
- (2) A 300-foot-wide buffer shall be incorporated in the master plan along that portion of the MLU adjacent to the Collecting Canal”.

The Town Zoning Map was amended in 2015 (i.e., Town Ordinance 2013-10) to assign a Multiple Land Use Planned Unit Development (MLU/PUD) designation to the 90.3-acre property which is the subject of Special Policy 1.15.2.

As part of the MLU/PUD designation, a Conceptual Master Plan (i.e., Groves Town Center was approved (REF: ATTACHMENT 1) and amended (REF: ATTACHMENT 2). TC Pod is an existing component of the Conceptual Master Plan and designated for town center public and private use.

Based upon the above land use and zoning amendments, the proposed GTC TC Pod is consistent with the Town Comprehensive Plan, FLUM and Zoning Map.

D. ULDC Section 155-020: Substantive Requirements (Site Plan)

Criterion	Compliance
Section 150-020 (A) Conformance to the approved and/or recorded plat, if applicable	Property is in conformance with the Groves Town Center Plat, approved by the Town (Resolution 2010-27).
Section 150-020 (B) Consistency with the Loxahatchee Groves Comprehensive Plan	Yes – Refer to Section C, above.
Section 150-020 (C) Conformance with the Town of Loxahatchee Groves ULDC	Yes – Refer to Section C, above, and Section F, below.
Section 150-020 (D) Conformity with Town Water Control District's requirements and regulations.	Proposed stormwater management facilities to implement the GTC Master Drainage System

E. ULDC Supplementary Requirements

a. ULDC Article 85: Landscape Plan Requirements

Requirement	Response
Section 85-025 (C) Plots of 2 acres or more shall preserve or create, if there is no longer an existing ecological community, an ecological community of at least 3% of area of the property.	Not applicable. No ecological community to be replaced.
Section 85-040 (D) (2) and (3) A tree survey, including trees to be removed or relocated, including proposed relocation sites	Tree inventory and tabular list provided in the Plat Pod B Vegetation Removal Permit Application. Additional mitigation detail is required in the Vegetation Removal Permit.
Section 85-040 (D) (7) The location, including height, caliper and canopy spread of all landscape materials	Provided in the Landscape Plan (LP-1, LP-2 and LP-3 dated 6/14/21).
Section 85-040 (E) Irrigation plan if irrigation system to be used	Provided in the Irrigation Plan (L-2.00)
Section 85-050 (A) (1) No substances that prevent water percolation are in areas without structures or paving	OK. Illustrated in the Site Plan and Landscape Plan dated 6/14/21

Requirement	Response
Section 85-050 (A) (2) Primary structures treated with shrubs @ 2.5-foot height along 20% of the structure frontage	Not Applicable
Section 85-050 (C) Interior open space area defined and located @ 10% of the area of vehicular use areas, excluding landscape strip or perimeter buffers	Not Applicable.
Section 85-050 (B) Meets interior open space tree and shrub requirements	Not Applicable
Section 85-050 (D) Dumpsters, mechanical equipment and electrical transformers screened	Meets requirement. Lift Station screened (6' chain link fence) and landscaped per Site Plan and Landscape Plan
Section 85-050 (E) Signs screened	Not Applicable
Section 85-050 (F) Existing vegetation credit requested and calculated	No credit requested.
Section 85-055 (B) Landscape buffer along property line abutting AR District	Not Applicable
Section 85-055 (D) 25-foot vehicular use landscape strip along Arterial, Collector, or local roads.	Not Applicable
Section 85-055 (D) (1) Vehicular use landscape requirements: 1 canopy tree/25 feet and continuous hedge	Not Applicable
Section 85-035 Site distance requirements (Ref: ULDC Article 105)	Requirements met at equestrian area entrance/exit of Mango Street

b. ULDC Article 90 Signs

Allowed Signs	Response
Sections 05-040 Permits required.	Condition of Approval: (1) Crossing signs and pavement striping from TC Pod required at pedestrian crossings on Tangerine Drive, Mango Street and Avocado Street; and (2) Equestrian traffic control devices required at the crossing of Tangerine Drive.

c. Article 95 Parking and Loading

Requirement	Response
Section 95-070 Size of loading spaces – 12' x 45' with 14' vertical clearance	Not Applicable

d. Compatibility

An inventory of land uses adjacent to the 4.6-acre Subject Property is presented in Section II of this analysis. The adjacent properties to the north, east and west are assigned a Future Land Use designation of Multiple Land Use (MLU), all of which are portions of the 90.32-acre Groves Town Center which is assigned an MLU/PUD zoning designation including retail and office commercial and assisted living uses laid out in an approved Conceptual Master Plan.

In addition to the Conceptual Master Plan, access management and landscaping, can further enhance compatibility and reduce the potential negative effects of functionally different land uses. Due to the size the MLU/PUD and the requirement that individual uses apply for site plan approval, each of these techniques and directives can be used to insure compatibility among neighboring properties.

The Site Plan includes a Pedestrian Access plan and perimeter landscaping along Tangerine Drive, Pineapple Way, Avocado Avenue and Mango Street. In addition to site plan includes landscaping along the interior fence line of the equestrian area and tree clusters within the Future Activities Area.

VI. Planning and Zoning Board (PZB) Recommendation

The PZB, at its meeting on August 4, 2021, recommended approval of the Town Center (TC) Site Plan, SP 20-2009.

VII. Staff Recommendation

Staff finds the proposed TC Pod Site Plan consistent with the Town's Comprehensive Plan, Groves Town Center MLU/PUD approval, and land development regulations. Further, Staff recommends approval of Resolution 2021-38, SP 20-2009, subject to the Site Plan dated June 14, 2021 (REF: ATTACHMENTS 3, 4 AND 5) and Conditions of Approval per ATTACHMENT 7.

ATTACHMENT 7

Town Center Pod (TC Pod) Site Plan

Conditions of Approval

A. GENERAL

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

2. The Final Conditions of Approval in Town Ordinance 2019-08 are adopted and incorporated herein by reference. Ordinance 2019-08 assigned an amended Multiple Land Use Planned Unit Development (MLU/PUD) zoning designation to the site.

3. Development of the site is limited to the uses depicted and stated in the Site Plan is dated June 14, 2021. All modifications to the Site Plan shall be approved by the Town Council with the following exceptions which may be approved by the Town Manager:

- (a) Administrative amendments permitted under Section 155-005 of the ULDC.
- (b) Amendments required to conform to the Conceptual Master Plan.
- (c) Amendments necessary to comply with Site Plan Conditions of Approval; and
- (d) Infrastructure and utility improvements which are in accordance with the ULDC.

4 The Town Manager and his designated agents shall review and approve all building permit applications prior to processing by Palm Beach County for consistency with the following: (1) Site Plan and Conditions of Approval; (2) Landscape Plan; (3), and Pedestrian Access Exhibit

5. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Manager and Town Engineer shall review and approve all land development plans.

6. Consistent with the Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, coupled with extensions granted by the Governor's Executive Orders, no building permits for the site shall be issued after October 29, 2023. An additional time extension for this condition shall be acknowledged by the Town of Loxahatchee Groves pursuant to a subsequent State of Emergency Order issued by the Governor of Florida upon written notification by the Owner, or approval of a traffic study which complies with the Palm Beach County Mandatory Traffic Performance Standards in place at the time of the request.

7. Exhibit D *Description of Common Areas* of the Declaration of Master Covenants for Groves Town Center recorded in the Public Records of Palm Beach County (ORB 30693 PG 680) shall be revised by Owner to reflect the current Conceptual Master Plan, per Town Ordinance 2019-08, including the redefined and relocated Town Center (TC Pod)

8. The Town Center (TC Pod) shown on the Conceptual Master Plan dated December 30, 2019, shall remain owned by Owner and their successors and assigns and maintenance of TC Pod is the responsibility of Owner. Scheduling uses for the TC Pod is the responsibility of the Town. The Town may use TC Pod at any time the Town sees fit, subject to compliance with the Town Unified Land Development Code (ULDC). The TC Pod may be rented or leased to any individual person(s) and/or business (es) for temporary uses, subject to compliance with the ULDC and any Town permitting requirements. Any party that uses TC Pod is responsible for cleaning up after the event and returning TC Pod to the same condition the TC Pod was in before the party used the TC Pod.

B. LAND USE AND SITE PLANNING

1. Development of the site shall be limited to a use consistent with the Site Plan dated June 14, 2021.

2. All on-site deliveries during construction shall be made from project entrances off of Southern Boulevard unless previously approved by the town Manager.

3. Coincident with construction of the Equestrian Recreation and Trailer Parking Area, the equestrian crossing sign and striping shall be installed at the Tangerine Drive equestrian crossing and certified and approved by the Town.

4. Coincident with construction of the perimeter drainage swales, the pedestrian access connections shall be installed on Tangerine Drive, Avocado Avenue and Mango Street and certified and approved by the Town.

C. ENGINEERING

1. Prior to the issuance of the Site Development Permit for this project, the Master Site Development Permit for the 1st Phase of Construction must be approved by the Town.

2. Prior to the issuance of the Site Development Permit and Building Permit for this project, Applicant shall provide itemized cost estimates and surety for the affected portion of Pod B per Town Code Section 100-060.

3. Prior to the commencement of construction of this project Applicant shall:

- a. Provide the Town Engineer with copies of all permits, permit applications, and requests for additional information to and from the regulatory agencies regarding issues on all permit applications, certification, and approvals for this project including, but not limited to, the South Florida Water Management District, Palm Beach County

Water Utilities Department, Palm Beach County Fire Rescue, Palm Beach County Health Department, etc.

- b. Schedule a pre-construction meeting with the Town. Inspections related to the Site Development Permit for this project will not be performed until the pre-construction meeting has occurred. Failure to comply with this condition could result in a Stop Work Order for all work and construction activity related to this project.

4. The applicant shall comply with all Federal EPA and State of Florida Department of Environmental Protection NPDES requirements including, but not limited to, preparation of a stormwater pollution prevention plan and identification of appropriate Best Management Practices, as generally accepted by the Environmental Protection Agency (EPA) and local regulatory agencies, for construction activities, implementation of the approved plans, inspection, and maintenance of controls during construction, including a Notice of Intent prior to the start of construction and a Notice of Termination prior to the certification of the Site Development Permit.

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collection and disposal service shall be accomplished by contract between the Owner and the Town's contract hauler.

Agenda Item # 3

TO: Town Council of Town of Loxahatchee Groves
FROM: James Fleischmann, Town Planning Consultant
VIA: James Titcomb, Town Manager
SUBJECT: Approval of Resolution No. 2021-39 Groves Town Center PUD Amendment No.1 Plat

Background:

The Groves Town Center PUD Plat (PUD Plat) was approved by the Town Council (Resolution 2019-27) on May 7, 2019. The MLU/PUD was amended on January 7, 2020 (Ordinance 2019-08). Revisions to the Conceptual Master Plan and Conditions of Approval in Ordinance 2019-08 require amendments to the PUD PLAT which are included within Resolution 2021-39.

Recommendations:

Move that the Town Council approve Resolution 2021-39

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2021-39

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE GROVES TOWN CENTER PUD AMENDMENT NO. 1 PLAT, FOR LAND OWNED BY LOXAHATCHEE EQUESTRIAN PARTNERS. LLC, SOLAR SPORTSSYSTEMS, INC., AND SOUTHERN PALMS CAR WASH, CONSISTING OF 84.651 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 177, Florida Statutes requires approval of a plat by the municipality in which it is located; and

WHEREAS, the Town Council, on February 17, 2013, adopted Ordinance 2013-10, approving the rezoning of the property from the Agricultural Residential (AR) zoning district to Multiple Land Use Planned Unit Development (MLUPUD/PUD), including the Final Conceptual Master Plan and Final Conditions of Approval ; and

WHEREAS, the Town Council, on November 6 2018, adopted Ordinance 2018-08 amending the MLU/PUD including an amended Final Conceptual Master Plan and Final Conditions of Approval ; and

WHEREAS, the Town Council, on May 7 2019, adopted Resolution 2019-07 which approved for recordation the Groves Town Center Plat Approval PA 2019-01 for the parcel of land legally described in Exhibit A; and

WHEREAS, the Groves Town Center Plat, by adopted Resolution 2019-07, was recorded in Plat Book 128 Pages 66 – 70; and

WHEREAS, the Town Council, on January 7, 2020, adopted Ordinance No. 2019-08 amending the MLU/PUD including an amended Final Conceptual Master Plan and Final Conditions of Approval; and

WHEREAS, the notice and hearing requirements, as provided for in Section 115-010 *Table of public notice requirements* of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, the Town Engineering Consultant has completed a Technical Compliance Review (TCR) and recommended approval of the Groves Town Center PUD Amendment No. 1 Plat Approval PA 2021-01; and

WHEREAS, the Groves Town Center PUD Amendment No. 1 Plat Approval PA 2021-01, was presented to the Town Council at a quasi-judicial public hearing conducted on August 17, 2021; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of Town Consulting Engineer and Town staff.

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

Section 1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

Section 2. The Town Council has considered the findings in the agenda report dated August 17, 2021 and Town Consulting Engineer TCR and Town staff recommendation and makes the following findings of fact:

1. Groves Town Center Amendment No. 1 Plat Approval PA 2021-01 is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including standards for building and structural intensities and intensities of use.
2. Groves Town Center Amendment No. 1 Plat Approval PA 2021-01 is consistent with Town Ordinance 2019-08 (Groves Town Center MLU/PUD)), as approved by the Town Council.
3. Groves Town Center PUD Amendment No. 1 Plat PA 2021-01, as presented in Exhibit B hereto, complies with Sections 140-030 *Plat submittal requirements* and Section 140-035 *Platted reservations and dedications* of the Town of Loxahatchee Groves Unified Land Development Code (ULDC) as determined by the Town Consulting Engineer. Groves Town Center PUD Amendment No. 1 Plat PA 2021-01, as presented in Exhibit B hereto, along with Groves Town Center PUD Plat Amendment No. 1 Plat PA 2021-01 conditions of approval, as adopted and presented in Exhibit C hereto, complies with standards and conditions imposed on it by Town Ordinance 2019-08 and Town Resolution 2019-07 and all other applicable provisions of the Town ULDC. The Town Council finds the conditions of approval, as presented in Exhibit C hereto, to be reasonable, and rationally related to the proposed development, and consistent with the Town's character.

Section 3. Section 140-040 *Procedure*, Subsection (B) of the Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves for recordation the Groves Town Center PUD Amendment No. 1 Plat Approval PA 2021-01 for the parcel of land legally described in Exhibit A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit A, attached hereto and made a part hereof. A copy of Groves Town Center PUD Amendment No. 1 Plat PA 2021-01 and Groves Town Center PUD Plat Amendment 1 PA 2021-01 conditions of approval are presented in Exhibits B and C hereto and made a part hereof.

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

Section 5. 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 6. This Resolution shall become effective upon adoption.

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this **17th** day of **August** 2021.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	☐	☐	☐
LAURA DANOWSKI, VICE MAYOR	☐	☐	☐
PHYLLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
MARGE HERZOG, COUNCIL MEMBER	☐	☐	☐
MARIANNE MILES COUNCIL MEMBER	☐	☐	☐

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Robert Shorr

Town Clerk

Vice Mayor Laura Danowski

Council Member Phillis Maniglia

APPROVED AS TO LEGAL FORM:

Council Member Marg Herzog

Town Attorney

Council Member Marianne Mile

EXHIBIT A

LEGAL DESCRIPTION AND LOCATION MAP

The following Legal Descriptions are applicable to Resolution 2021-39:

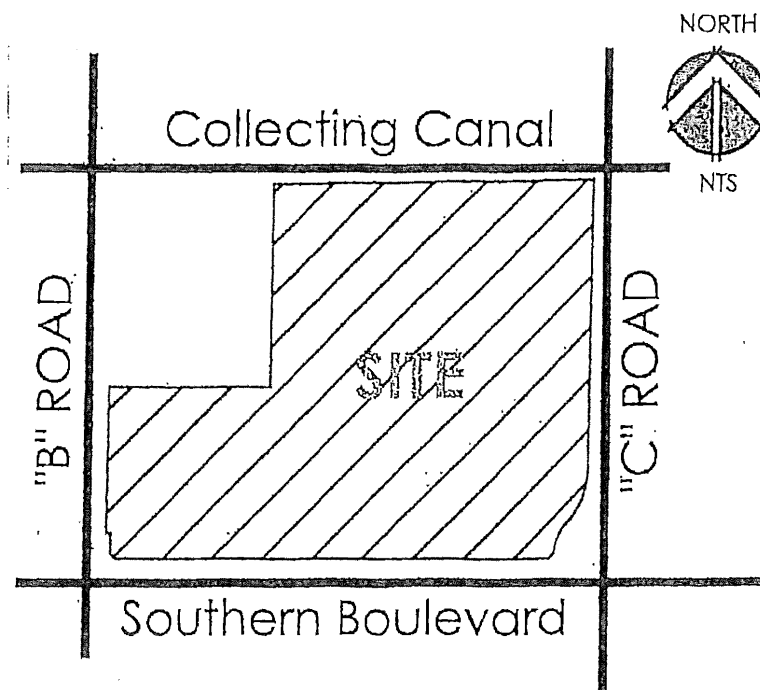
Parcel Control Numbers: 41-41-43-17-01-804-0030; 41-41-43-17-01-805-0010; and 41-41-43-17-01-806-0010.

LEGAL DESCRIPTION:

Legal description of Groves Town Center Plat Amendment No. 1

A REPLAT OF GROVES TOWN CENTER PUD, LESS TRACT POD A AND LESS TRACT LB3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 128, PAGE 66, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 41 EAST, THE TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY, FLORIDA. SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA. CONTAINING 3,687,420 SQUARE FEET/84.651 ACRES MORE OR LESS.

LOCATION MAP



EXHIBITB

GROVES TOWN CENTER PUD AMENDMENT NO. 1 PLAT PA 2019-01
(Refer to the following pages)

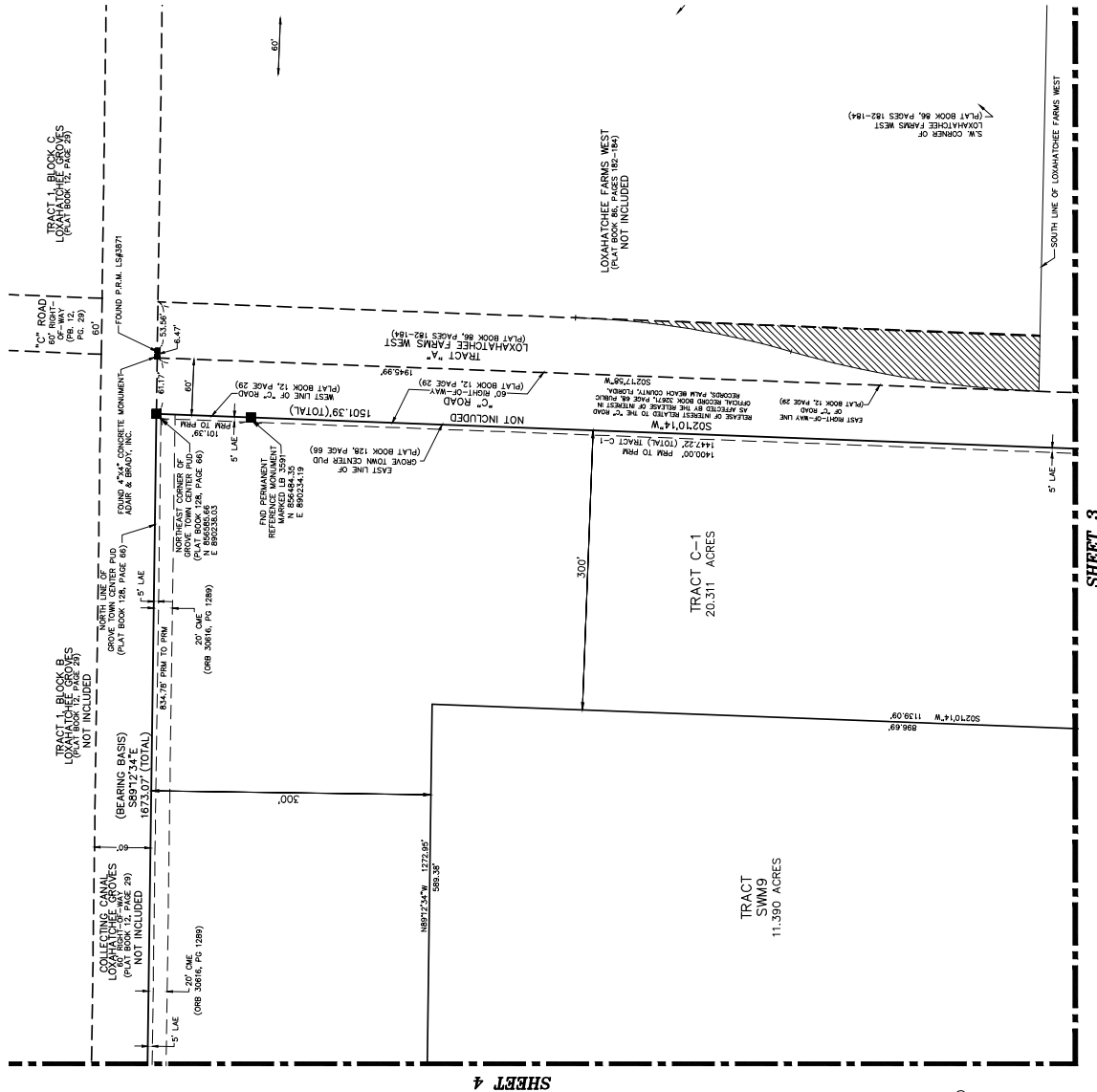
LB #3591

LB #3591

SHEET 3

LB #3591

SHEET 5 OF 5



EXHIBITC

**GROVES TOWN CENTER PUD AMENDMENT NO. 1 PLAT PA 2021-01
CONDITIONS OF APPROVAL**

(Refer to the following pages)

EXHIBIT C

GROVES TOWN ENTER PUD PLAT PA 2021-01

CONDITIONS OF APPROVAL

1. Prior to recording, Applicant shall obtain a final Technical Compliance Review by the Town Engineer and sign-off on Plat PA 2021-01 by the Town Manager.
2. Within 60 calendar days after approval by the Town Council, the Town shall record Plat PA 2021-01 with the Palm Beach County Clerk's Office.
3. Within 30 calendar days after Plat PA 2021-01 is recorded with the Palm beach County Clerk's Office, digital files of the approved Plat shall be submitted to the Town of Loxahatchee Groves.
4. In the event that an infrastructure permit is issued prior to Plat recordation, Applicant shall submit a certified statement from the Surveyor-of-Record which states that there have been no changes to the approved Plat.

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Agenda Item # 4

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Asst. Town Manager

VIA: James Titcomb, Town Manager

DATE: August 17, 2021

SUBJECT: Update on Safebuilt Transition Plan

The key members of the Safebuilt team include John Stone (building), Bernard Pita (code), Robin Verse (account management) –all of whom have been with us from the start--will provide an update of the code and building services transition plan. They will also introduce assigned staff members.

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Agenda Item # 5

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Asst. Town Manager

VIA: James Titcomb, Town Manager

DATE: August 17, 2021

SUBJECT: Presentation from FLC on Municipal Borrowing

Rodney Walton with the Florida League of Cities will present an overview of FLC municipal borrowing programs available to the Town including estimated costs for 3, 10 and 20 year borrowing scenarios.

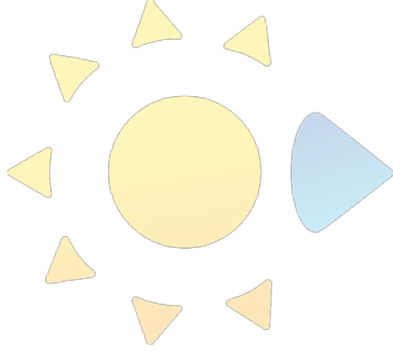


FMLC FLORIDA
MUNICIPAL
LOAN COUNCIL

**MAKING YOUR DOLLARS
DO MORE FOR LOCAL
COMMUNITIES**

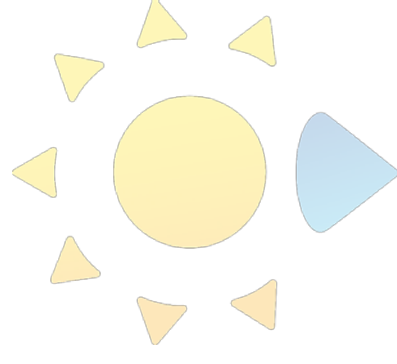
Overview

- ▶ Created in December 1998 through an interlocal agreement, the Florida Municipal Loan Council allows cities, counties and other governmental entities to finance projects on a cooperative, cost-effective basis in order to benefit from economies of scale associated with larger financings.
- ▶ Governed by a Board of Directors of up to seven elected public officials.



Overview Continued

- ▶ **Bond Issue Program** (formerly Fixed-Rate Bond Program) validated up to \$1.25 million.
- ▶ **Bank Loan Program** (formerly Competitive Capital Access Program) offers RFP services for bank loans.
- ▶ Previously offered Commercial Paper and Direct Loan Programs.



Board of Directors



Isaac Salver
Chairman
Councilmember
Town of Bay Harbor Islands



Leo E. Longworth
Commissioner
City of Bartow



Susan Starkey
Vice Chairman
Vice Mayor
Town of Davie



Frank C. Ortis
Mayor
City of Pembroke Pines



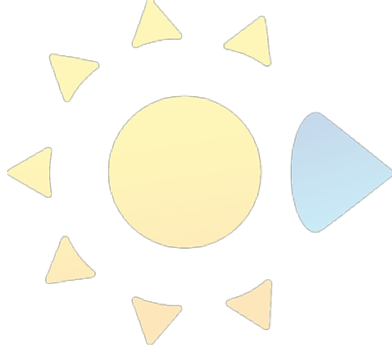
Anne Gerwig
Mayor
Village of Wellington

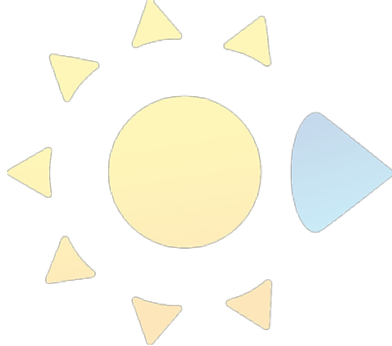
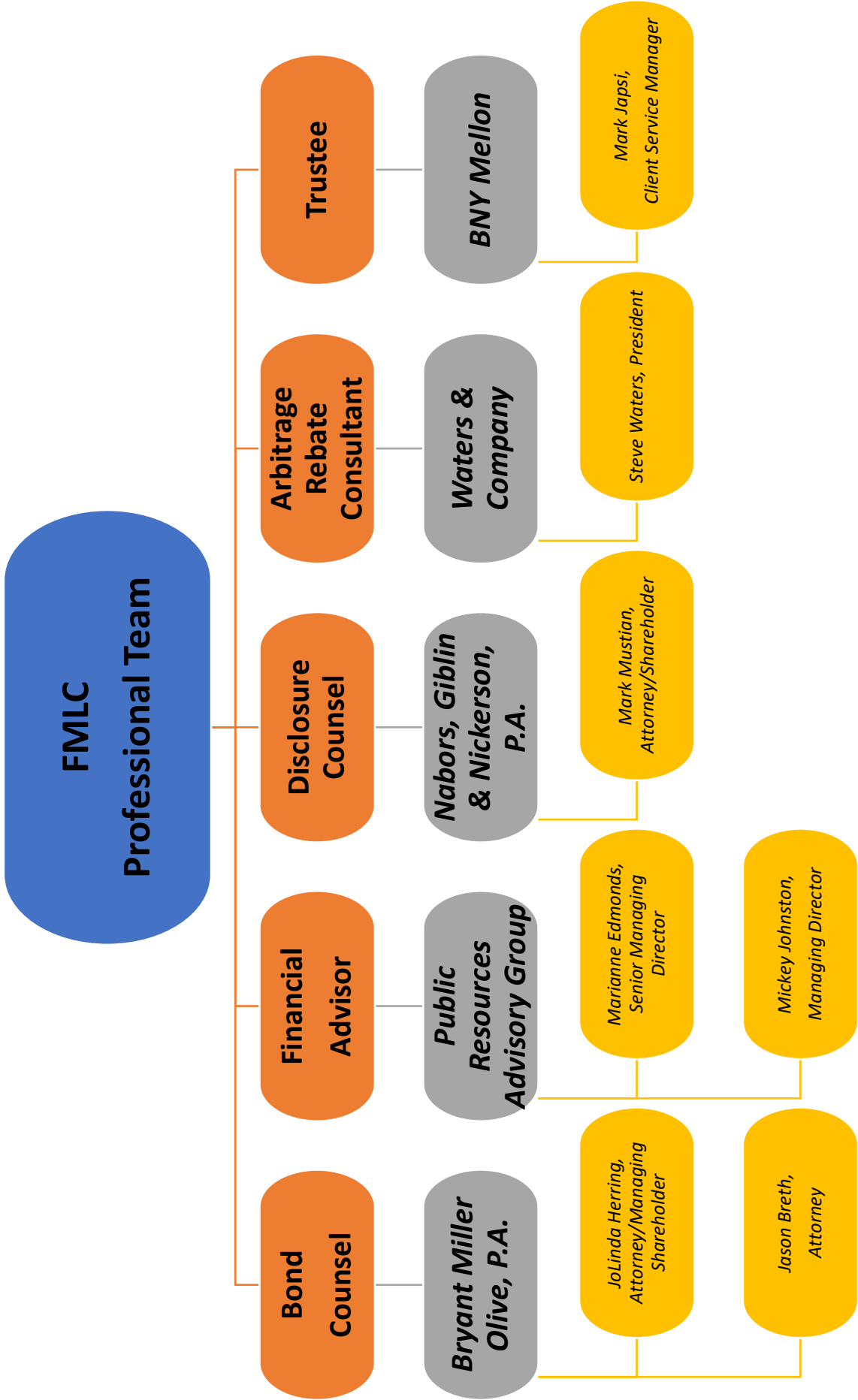


Holly Smith
Mayor
City of Sanibel



Teresa Watkins-Brown
Councilmember
City of Fort Myers





Bryant Miller Olive, P.A.



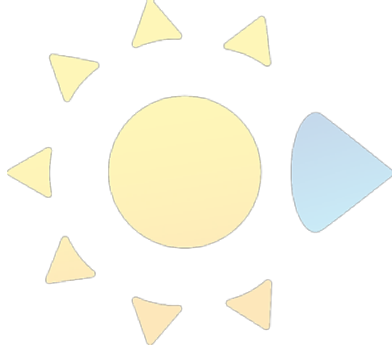
JoLinda L. Herring, Attorney/Managing Shareholder

25+ years of experience



Jason Breth, Attorney

14+ years of experience



Public Resources Advisory Group



Marianne Edmonds, Senior Managing Director

15 Years with PRAG

35+ years of experience



Wendell Gaertner, Senior Managing Director

8 years with PRAG

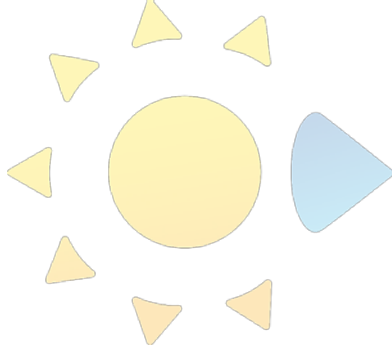
30+ years of experience



Mickey Johnston, Managing Director

3 years with PRAG

13+ years of experience



Other Professional Players



Disclosure Counsel: **Nabors, Giblin & Nickerson P.A.**

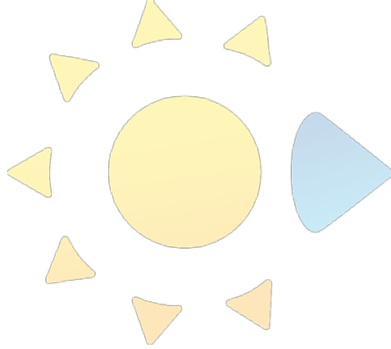


BNY MELLON

Trustee: **BNY Mellon**

WATERS AND COMPANY, LLC

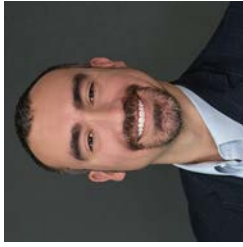
Arbitrage Consultant: **Waters & Co**



FLC Financial Services Staff - FMLC



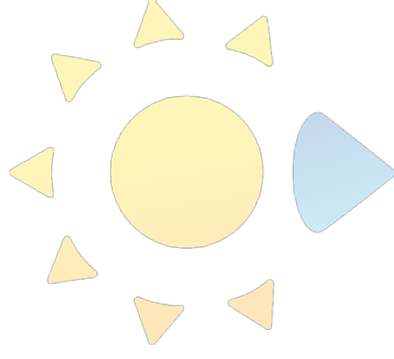
Paul Shamoun, Director Financial Services



Rodney Walton, Financial Services Account Executive

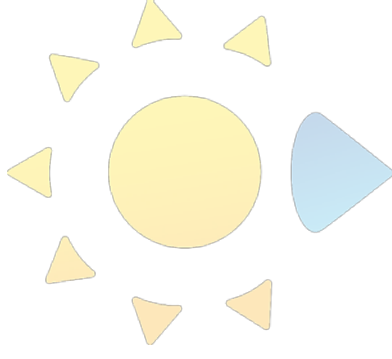


Dana Anderson, Financial Analyst



No Procurement Process

- ▶ Municipalities may lack the resources and time to fully evaluate financing options and to procure a full team of professionals.
- ▶ The FMLC offers a proven solution by providing a full team of finance professionals – including financial advisor and bond counsel – under both the Bond Issue and Bank Loan programs.
- ▶ This eliminates the procurement process and allows entities to move quickly to finance projects without further straining limited staffing/resources.
- ▶ This program was created by local government for local government.

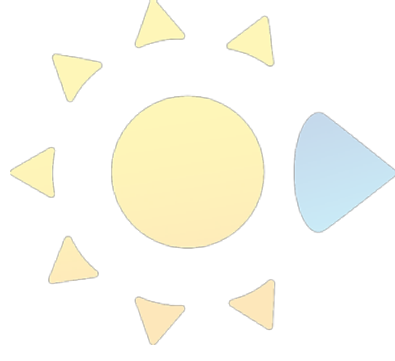


Bond Issue Program

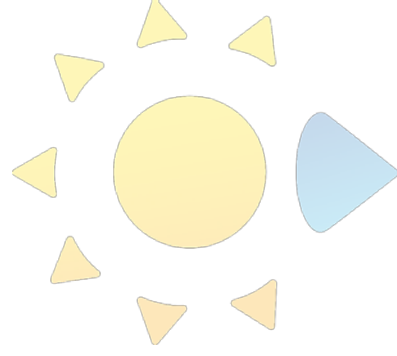
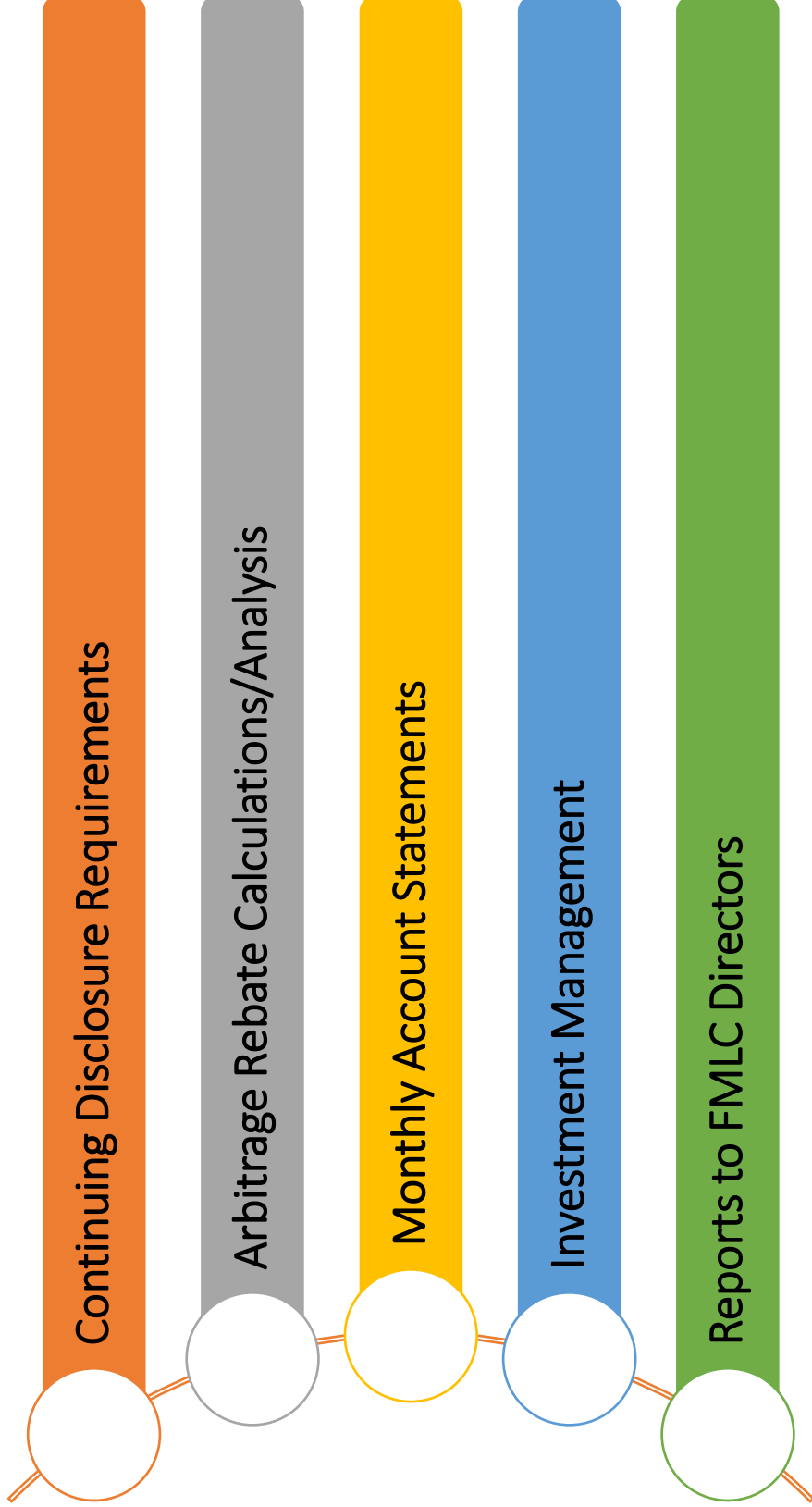
The fixed-rate bond program allows cities to use funds for capital improvements, renovations, fixed-asset additions or refinancing existing debt.

Advantages of the program include:

- ▶ Fixed-rate financing.
- ▶ Individualized terms up to 30 years.
- ▶ Financing for loan amounts greater than \$3 million.
- ▶ Flexible security pledges.
- ▶ Team of professionals (financial advisor, bond counsel, disclosure counsel, arbitrage consultant).
- ▶ Bond Insurance and/or a surety bond may be available.
- ▶ May be pooled with other issuers to reduce costs of issuance.



Bond Issue Program Ongoing Administrative Services

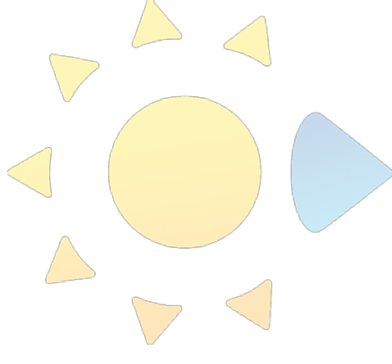


Bank Loan Program

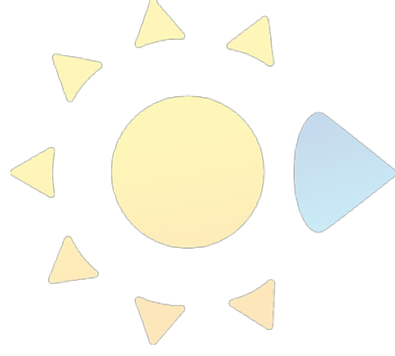
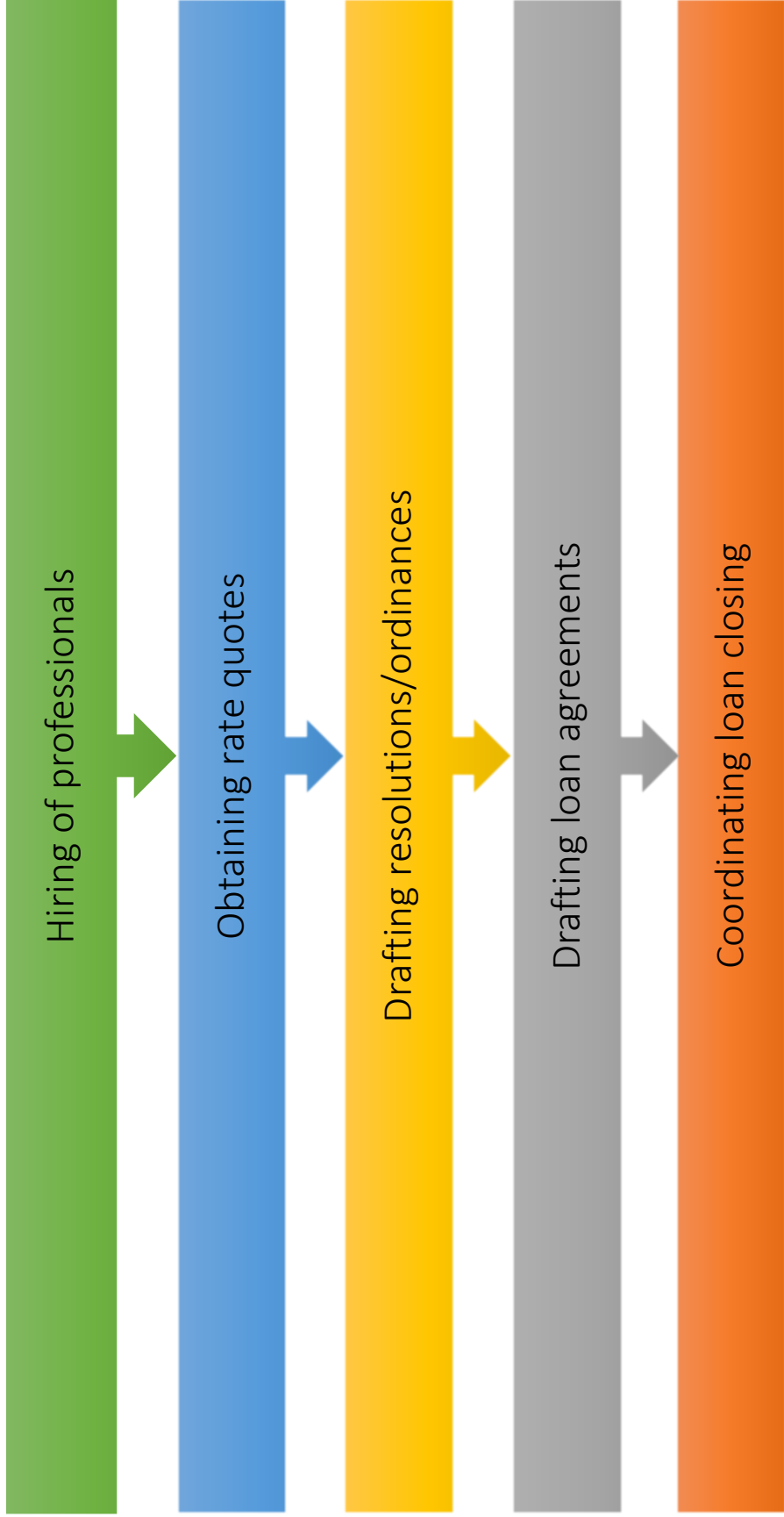
Competitive Request for Proposals (RFP) process for identifying and negotiating with banks that are interested in providing financing for new projects and/or loan/bond refinancing.

Advantages of the program include:

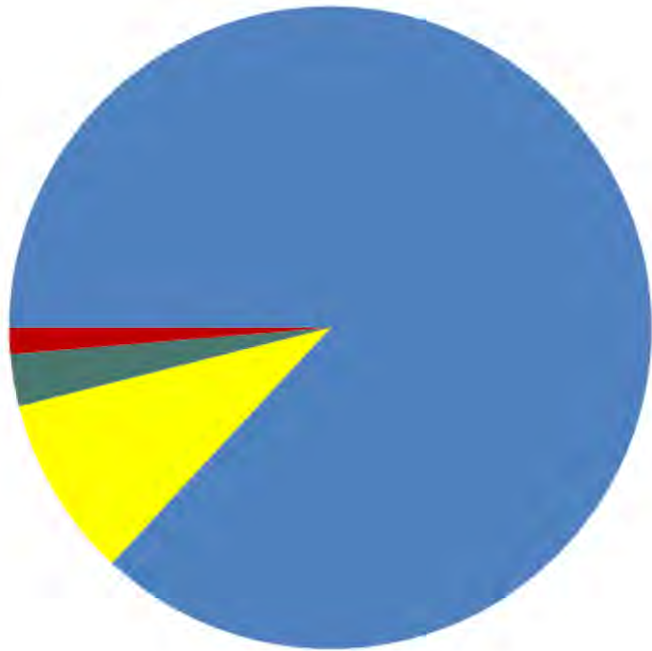
- ▶ Tax-exempt and taxable financing available.
- ▶ Individualized terms usually 10, 15 or 20 years.
- ▶ Financing for loan amounts greater than \$1 million.
- ▶ Competitive bank RFP process.
- ▶ Team of professionals (financial advisor, bond counsel).
- ▶ Lower upfront costs.
- ▶ Quick completion.
- ▶ No bond insurance needed.
- ▶ Flexible payment schedules.



Bank Loan Program Administrative Services



FMLC Loans Issued Total Issued: \$1.2 Billion As of September 30, 2020



■ Fixed Rate (87%) - \$1,024,344,031

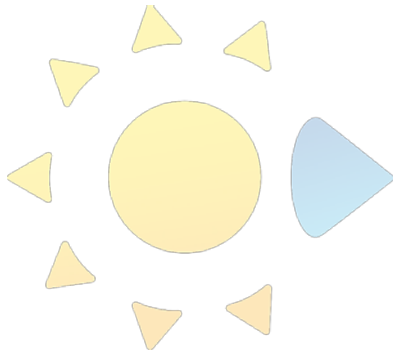
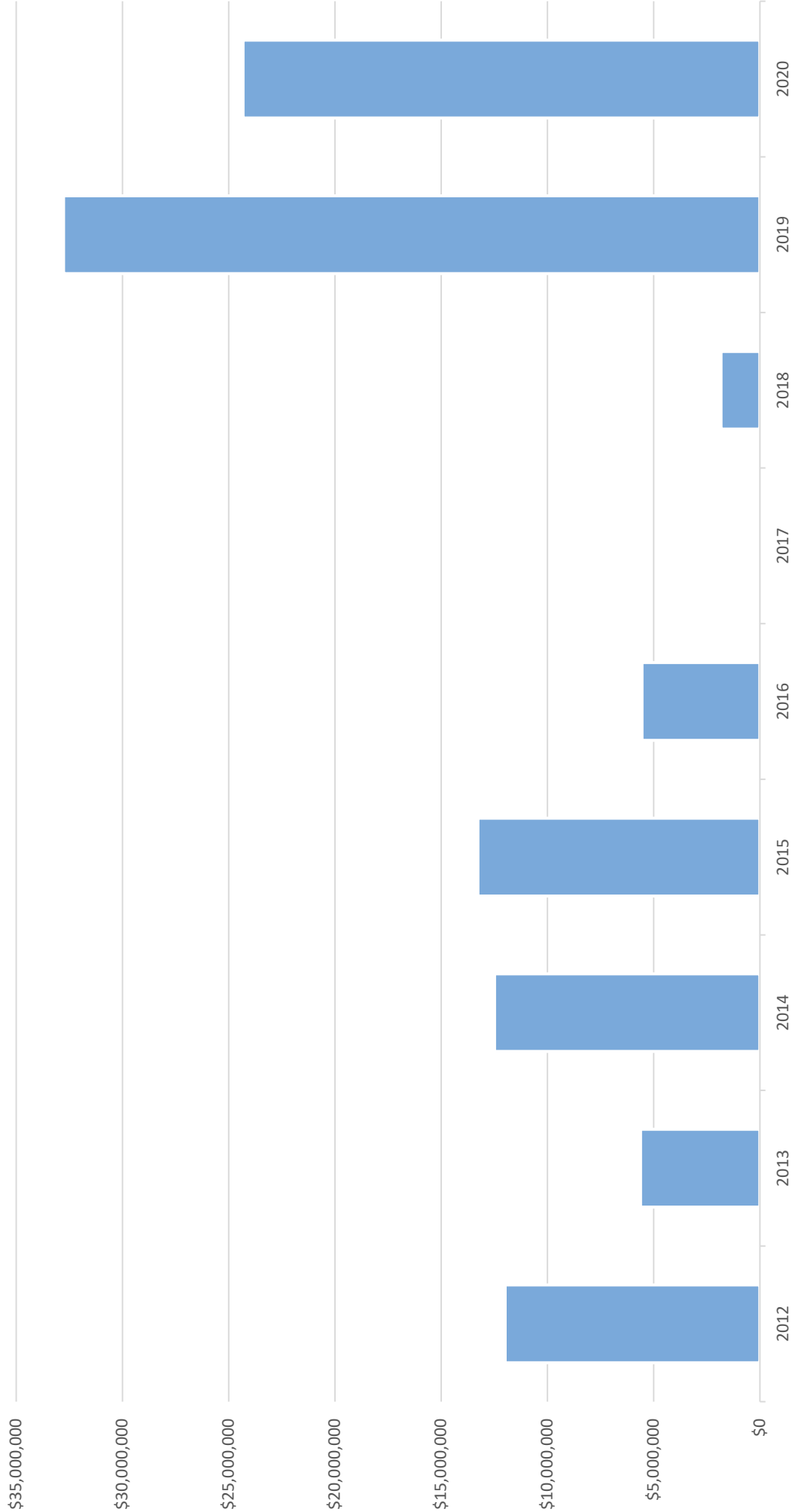
■ Capital Access Program (9%) - \$107,817,825

■ Direct Loan (3%) - \$30,943,786

■ Commercial Paper (1%) - \$15,498,000



Bank Loan Program - Debt Issued Since Inception



Online Resources



Search for...



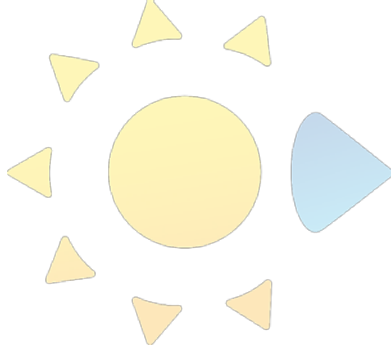
FLORIDA MUNICIPAL LOAN COUNCIL

The Florida Municipal Loan Council allows cities, counties and other governmental entities to finance projects on a cooperative, cost-effective basis to benefit from economies of scale associated with larger financings.

The FMLC was created in December 1998 through an interlocal agreement and is governed by a Board of Directors of up to seven elected public officials. This program was created by local government for local government. Local officials can trust that there is no procurement process needed for this program.

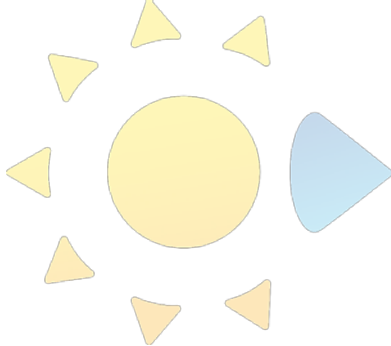
Select a category below to learn more or contact [Rodney Walton](#) at 850.701.3620.

Click [here](#) to view the 2019 Comprehensive Annual Financial Report (CAFR).



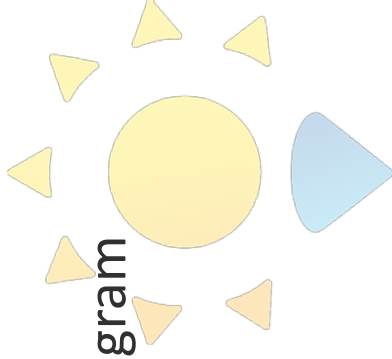
Borrowers

City of Apopka	City of Haines City	City of Oakland Park
City of Aventura	City of Hallandale Beach	City of Oldsmar
City of Auburndale	Harbour Waterway Special District	City of Palatka
City of Avon Park	City of Hialeah	City of Palm Bay
City of Bartow	Town of Indialantic	Village of Palm Springs
Town of Bay Harbor Islands	Town of Indian Shores	Village of Palmetto Bay
City of Belle Isle	Infrastructure Development Partners	City of Parkland
City of Belleair Beach	City of Inverness	Village of Pinecrest
City of Bonita Springs	City of Keystone Heights	City of Plant City
City of Bradenton	Town of Lake Park	City of Port Richey
City of Cape Coral	City of Largo	City of Safety Harbor
City of Dania Beach	City of Lauderdale Lakes	City of Sanibel
City of Deerfield Beach	City of Lighthouse Point	City of Seminole
City of DeFuniak Springs	Town of Longboat Key	City of South Miami
City of Destin	City of Marco Island	Town of Southwest Ranches
City of Eagle Lake	Town of Melbourne Beach	City of St. Augustine Beach
Town of Eatonville	Village of Miami Shores	City of St. Pete Beach
Village of Estero	City of New Smyrna Beach	City of Stuart
City of Fort Myers	City of North Miami	City of Sunny Isles Beach
City of Fort Walton Beach	City of North Miami Beach	City of Valparaiso
Gadsden County	Town of Oakland	Village of Wellington
Village of Golf		City of West Melbourne



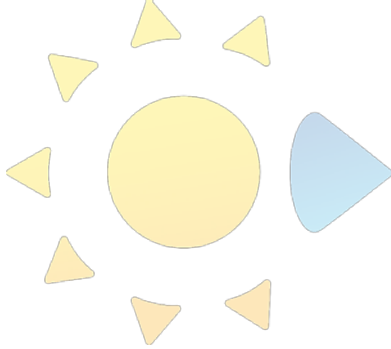
Closed Loans

- ▶ As of September 2020, the FMLC has:
 - 137 Bond Issues totaling more than \$1 billion (now called Bond Issue Program)
 - Issued to 65 municipalities/local governments/special districts
- ▶ The FMLC has closed additional loans through the Commercial Paper, Direct Loan and Capital Access Programs which are currently closed
 - Programs open 2007-2013
 - 11 loans totaling nearly \$60 million
- ▶ The FMLC has closed additional loans through the Competitive Capital Access Program (now Bank Loan Program)
 - Started in 2013
 - 22 loans totaling more than \$112 million



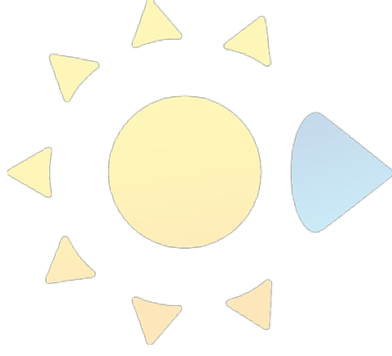
Closed Loans

Municipality	Type of Loan	Loan Amount	Projects	Date Closed
City of Sanibel	Bank Loan	\$15 Million	Wastewater plant improvements, Senior Center	June 2020
City of Valparaiso	Bank Loan	\$1.1 Million	Series 2010C Refunding	July 2020
City of Belle Isle	Bank Loan	\$2.6 Million	Purchase of property, stormwater improvements	September 2020
City of Palatka	Bank Loan	\$5.6 Million	Series 2010A Refunding	September 2020
Town of Indian Shores	Bank Loan	\$3.8 Million	Refunding of existing loans	December 2020
Village of Pinecrest	Bank Loan	\$7.9 Million	Revamping Pinecrest Gardens	February 2021
Village of Pinecrest	Bank Loan	\$5.7 Million	Palermo Property/2011 Refunding	July 2021
Village of Palmetto Bay	Bond Issue	\$8.8 Million	Series 2010B Refunding	August 2021
TOTAL		\$50.5 Million		



What Could Happen - Informational

- ▶ This is next slide is meant for informational purposes only



**TOWN OF LOXAHATCHEE GROVES
PROJECT FINANCING
ESTIMATED ANNUAL DEBT SERVICE PAYMENTS**

Loan Amortization	3 Year	10 Year	20 Year
\$1 million Project			
Project Fund (plus est. issuance costs)	\$ 1,040,000	\$ 1,040,000	\$ 1,040,000
Estimated Interest Rate	1.25%	1.90%	2.75%
Estimated Annual Debt Service	\$ 355,369	\$ 115,175	\$ 68,299
\$5 million Project			
Project Fund (plus est. issuance costs)	\$ 5,050,000	\$ 5,050,000	\$ 5,050,000
Estimated Interest Rate	1.25%	1.90%	2.75%
Estimated Annual Debt Service	\$ 1,725,591	\$ 559,262	\$ 331,642
\$10 million Project			
Project Fund (plus est. issuance costs)	\$ 10,060,000	\$ 10,060,000	\$ 10,060,000
Estimated Interest Rate	1.25%	1.90%	2.75%
Estimated Annual Debt Service	\$ 3,437,514	\$ 1,114,093	\$ 660,658

*The estimated preliminary figures above are based on assumptions and market conditions that are subject to change.

Next Steps

► Capital Plan

- GFOA Best Practices

<https://www.gfoa.org/best-practices/capital-planning-and-infrastructure>

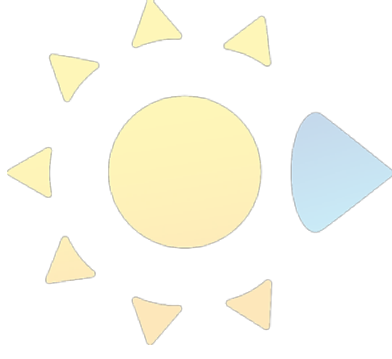
- Florida Statutes – for example Section 163.3177(3)(b)

The capital improvements element must be reviewed by the local government on an annual basis. Modifications to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan.

- Identify Project Framework
- FLC's new Grant Program

► Engagement Letter with PRAG and Letter of Intent with FMLC

► Reimbursement Resolution set in place



Agenda Item # 6

TO: Town Council of Town of Loxahatchee Groves
FROM: Francine Ramaglia, Asst. Town Manager
VIA: James Titcomb, Town Manager
DATE: August 17, 2021
SUBJECT: Approval of Resolution 2021-40 Amending Solid Waste Rates and Franchise Fees

Background:

Resolution 2021-40 amends the rate schedule in Exhibit I of the Solid Waste and Recycling Collection Service agreement as well as Section 49 regarding Franchise Fees. The effect of these changes is to better balance commercial and residential rates within the Town and to restore the previous commercial franchise fees to 25%. The commercial rate has been adjusted to \$10.89 per cubic yard (which is the most recent local bid rate) and along with the effect of the re-instatement of the 25% commercial franchise fee, the residential rate has been lowered to \$425 per year (\$35.42 per month per unit which is lower than the rates paid to the previous contractor). The commercial rate increase and corresponding franchise fee take effect on October 1, 2021 while the residential rate takes effect on January 1, 2022 in accordance with the agreement. There is also a 15% franchise fee imposed on special services that takes effect on October 1, 2021.

Recommendation:

Motion to approve Resolution 2021-40 Authorizing The Third Amendment To Solid Waste And Recycling Collection Services Agreement

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2021-40

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AUTHORIZING THE THIRD AMENDMENT TO SOLID WASTE AND RECYCLING COLLECTION SERVICES AGREEMENT WITH COASTAL WASTE & RECYCLING OF PALM BEACH COUNTY, LLC AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves (“Town”) issued a request for proposals for solid waste and recycling collection services; and

WHEREAS, Coastal Waste & Recycling of Palm Beach County, LLC (“Coastal”) responded to the request for proposals and was selected as the awarded vendor; and

WHEREAS, the Town and Coastal entered into a Solid Waste and Recycling Collection Services Agreement on September 19, 2019, which was amended by the First Amendment on November 5, 2019, and the Second Amendment on November 5, 2019 (collectively, the “Agreement”); and

WHEREAS, the Town and Coastal have agreed to revise the rates and franchise fee to be more consistent with the current market; and

WHEREAS, the Town has determined it to be in the best interests of the residents of the Town to execute the attached Third Amendment amending the rates and franchise fee.

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

Section 1. The above recitals are hereby adopted as if fully set forth herein.

Section 2. The Town Council of the Town of Loxahatchee Groves, Florida hereby approves the Third Amendment to Solid Waste and Recycling Collection Services Agreement with Coastal Waste and Recycling of Palm Beach County, LLC.

Section 3. This Resolution shall take effect immediately upon adoption.

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

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

Laura Danowski, VICE MAYOR

☐ ☐ ☐

Marge Herzog, COUNCIL MEMBER

☐ ☐ ☐

Marianne Miles, COUNCIL MEMBER

☐ ☐ ☐

Phillis Maniglia, COUNCIL MEMBER

☐ ☐ ☐

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES,
FLORIDA, THIS ___ DAY OF _____, 2021.**

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Mayor

Town Clerk

Vice Mayor

APPROVED AS TO LEGAL FORM:

Council Member

Council Member

Office of the Town Attorney

Council Member

**THIRD AMENDMENT TO SOLID WASTE AND RECYCLING COLLECTION
SERVICES AGREEMENT**

This Third Amendment (“Third Amendment” hereafter) is made as of the ____ day of _____, 2021, by and between the **Town of Loxahatchee Groves**, a municipal corporation organized and existing under the laws of the State of Florida, (“Town”), and **Coastal Waste & Recycling of Palm Beach County, LLC**, a company authorized to do business in the State of Florida (“Coastal”).

RECITALS

WHEREAS, the parties entered into a Solid Waste and Recycling Collection Services Agreement on **September 19, 2019**, which was amended by the First Amendment on **November 5, 2019**, and the Second Amendment on **November 5, 2019** (collectively, the “Agreement”); and

WHEREAS, the Agreement provides for specific rates to be charged to the customers within the Town by Coastal and provides for a franchise fee to be paid to the Town by Coastal; and

WHEREAS, the pricing of collection services provided in the Agreement should be equitable between commercial and residential collection rates; and

WHEREAS, the Town desires to reduce residential rates and to adjust commercial rates to be comparable to other municipalities; and

WHEREAS, the Town imposed a commercial franchise fee of twenty-five percent (25%) prior to October 1, 2019; and

WHEREAS, the Town and Coastal have agreed to revise the rates and franchise fee to be more consistent with the current market; and

WHEREAS, the Town has determined that the amendments are in the best interests of the Town and its citizens.

NOW, THEREAFORE, in consideration of the mutual promises set forth herein, the receipt and sufficiency of which are hereby acknowledges, the parties agree as follows:

1. Recitals. The parties agree that the recitals set forth above are true and correct and are fully incorporated herein by reference.
2. Amendment to Paragraph 49, “Franchise Fee”. Paragraph 49, “Franchise Fee”, of the Agreement is hereby deleted in its entirety and replaced with the following:

49. FRANCHISE FEE: To compensate the Town for the privilege of conducting and operating Collection Services on the public streets, roads, alleys, and other thoroughfares of the Town and for the cost of administration, supervision and inspection rendered for the effective performance of this Agreement, as well as other costs related to Collection, the Contractor shall pay to the Town

a franchise fee of three percent (3%) for Residential Collection Service, twenty- five percent (25%) for Commercial Collection Service, and fifteen percent (15%) for Special Services. The franchise fee shall be calculated based on all gross revenues charged for services or operations conducted in the Service Area in accordance with Exhibit I. Solid Waste disposal costs paid by the Contractor to the Authority under this Agreement shall be deducted from the gross revenue total prior to calculation of the franchise fee due to the Town. Franchise fees shall be payable within forty-five (45) days of the last day of each calendar quarter. A late charge of 1.5% of the monies due for the franchise fee shall be calculated monthly until payment is received. Misrepresentation of revenues by Contractor shall result in the following: 1) Contractor must pay the Town the calculated difference determined from the misrepresentation within five (5) Business Days; 2) Contractor must pay an additional twenty percent (20%) assessment based on the misrepresented amount; and 3) Contractor shall submit a Certified Financial Statement on a quarterly basis for the remainder of the Agreement. Such Certified Financial Statement must include the opinion of a Florida Certified Public Accountant who has conducted an audit of the Contractor's books and records in accordance with generally accepted auditing standards which include tests and other procedures necessary, that the Financial Statements are fairly presented, in all material respects, in conformity with generally accepted accounting practices.

3. Amendment to Exhibit I, "Residential Collection", "Commercial Collection", "Special Services Rates", and "Monthly Container Maintenance Fees". Exhibit I of the Agreement is hereby deleted in its entirety and replaced with the Exhibit I as attached to this Third Amendment.
4. Entire Agreement. The Town and Coastal agree that this Third Amendment, the Second Amendment, the First Amendment and the Agreement set forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in the Agreement including the First, Second, and this Third Amendments thereto may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties hereto.
5. Legal Effect. This Third Amendment shall not become binding and effective until approved by the Town Council.
6. Counterparts. This Third amendment may be executed in one or more counterparts, each of which shall be deemed an original, and will become effective and binding upon the parties as of the effective date at such time as all the signatories hereto have signed a counterpart of this Third Amendment.
7. Amendment. Except for the provisions of the Agreement specifically modified by this Third Amendment, all other terms and conditions of the Agreement as amended shall remain in full force and effect.

IN WITNESS WHEREOF, the Town and Coastal have caused this Third Amendment to be executed the day and year shown above.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

By: _____
Robert Shorr, Mayor

ATTEST

Lakisha Burch, Town Clerk

Approved as to form and legal sufficiency:

Elizabeth V. Lenihan, Town Attorney

COASTAL WASTE & RECYCLING OF PALM BEACH COUNTY, LLC

By: _____

Print Name: _____

Title: _____

[Corporate Seal]

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ___ physical presence or ___ online notarization this _____ day of _____, 2021 by_____, as _____ of Coastal Waste & Recycling of Palm Beach County, LLC, a company authorized to do business in the State of Florida, and who is personally known to me or who has produced the following _____ as identification.

Notary Public _____

Print Name: _____

My commission expires: _____

EXHIBIT I

RESIDENTIAL COLLECTION

The rates are as set forth as follows:

Year One beginning January 1, 2020 - \$37.50 per month/dwelling unit

Year Two beginning January 1, 2021- \$38.62 per month/dwelling unit

Year Three beginning January 1, 2022- \$35.42 per month/dwelling unit

Year Four beginning January 1, 2023- \$36.48 per month/dwelling unit

Year Five beginning January 1, 2024- \$37.50 per month/dwelling unit

Year Six beginning January 1, 2025– any increase is based on the Payment Adjustment Schedule

Year Seven beginning January 1, 2026– any increase is based on the Payment Adjustment Schedule

Residential Solid Waste Collection Services: Residential Solid Waste Collection shall be performed on one of the following two collection cycles. Monday and Thursday or Tuesday and Friday

Vegetative Waste Collection Services: Vegetative Waste Collection shall be performed one time per week on either a Monday, Tuesday, Thursday, or Friday.

Residential Recycling Collection Services: Residential Recycling Collection shall be performed on Wednesday.

Residential Collection Equipment: Contractor will provide the following equipment:

Two (2) 25-yard Rear Load type trucks with cart tippers

One (1) F350 or similar type Satellite Vehicle with cart tipper collection equipment.

COMMERCIAL COLLECTION

Container Solid Waste Collection Rate	\$3.55 per cubic yard
Compactor Collection Rate (8 cubic yards or less)	\$4.44 (1.25x the container collection rate)
Commercial Recycling Collection Rate	<u>\$10.89</u> per cubic yard
Small Business Generator (less than 1 cubic yard per week, additional Cart maintenance fee)	\$32.00 per month (\$16.00 collection and \$16.00 disposal)
96 Gallon Recycling Container (1 time per week)	\$16.00
Compactor Collection Rate (greater than 8 cubic yards Roll-off Compactors)	\$250.00 per pull
Roll-off Collection Rate	\$200.00 per pull

SPECIAL SERVICES RATES

(Not to be Adjusted during the Term of the Agreement)

SERVICE	RATE PER SERVICE
Rolling Out Commercial 95-or 101-Gallon Container with 10 or more feet per direction	\$1.00 (No charge for Residential regardless of distance, no charge for commercial less than 10 feet per direction)
Rolling Out Container (and returning it to original location)	\$1.84 per Service per Container
Back Door Service (Residential Curbside Only) *	\$22.00 per Dwelling Unit
Opening (and closing) Doors or Gates	No Charge
Locks for Containers	\$9.00 (one time) Charge for Replacements based on cost +10%
Unlocking Containers	\$1.35
Supplying (and retrofitting) locking mechanism on Container per customer request only	\$55.00
Adding wheels to or changing wheels on Containers	No Charge
Adding lids to or changing lids on Containers	No Charge
Moving Container Location Per Customer Request	No Charge
Changing Out Sizes (above one time per year residential only)	\$55.00
Changing Out Sizes (Commercial)	\$55.00
Additional Scheduled Pick-ups for Residential Containerized Customers	Same as Applicable Commercial Collection Rates (No Disposal Charges)
Additional Unscheduled (picked up by end of business the following day but not including “on-call”) Pick-ups for Commercial and Residential Containerized Customers	\$25.00 Special Service Fee Plus Applicable Commercial Collection and Disposal Rates Per Dumpster (No Disposal Charges for Residential)
Special Service or Special Equipment required because of impaired accessibility	Negotiable
Turn around Compactors (commercial customer only)	\$20.00 (No Charge for Multi-family)
Stump/Land Clearing Collection	Negotiable
Residential Vegetation Collection	\$8.00 Per CY
Residential Mixed Collection (Vegetation with C&D and/or bulk)	\$22.00 Per CY

* No charge for residents medically unable to bring Solid Waste or Recovered Materials to curbside as delineated in Section 4

MONTHLY CONTAINER MAINTENANCE FEES

(Not to be Adjusted during the Term of the Agreement)

CONTAINERS (NON-COMPACTING)	
SIZE (cubic yards)	RATE w/out locking
CART	\$2.10
2 YD	\$24.00
3 YD	\$26.00
4 YD	\$28.00
6 YD	\$30.00
8 YD	\$32.00
10-40 YD ROLL-OFF	\$50.00

Capacities in between these values can be obtained by interpolation. Capacities outside of these values can be obtained by extrapolation