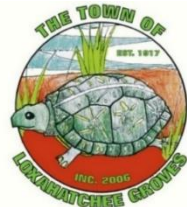


TOWN OF LOXAHATCHEE GROVES
TOWN HALL COUNCIL CHAMBERS
TOWN COUNCIL WORKSHOP/SPECIAL MEETING

AGENDA

JUNE 15, 2021, 6:00-9:30 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.

PRESENTATION AND PROCLAMATION

1. State Senator Bobby Powell and State Representative Matt Willhite, Florida House of Representatives representing District 86 and "Legislative Priorities" for upcoming 2021-22 Session. (15 min).
2. Awarding of the Loxahatchee Groves Scholarship Recipients. (15 min).
3. Eagle Scout William Logan Smith for Veteran Bench with Landscaping proposal. (15 min).
4. Update from Aquatic Vegetation Control, Inc. regarding canal vegetation. (15 minutes)

CONSENT AGENDA

5. Approval of Resolution No. 2021-27 appointing **Jai Subamanya** as a regular voting member of the Town's Roadway, Equestrian Trails & Greenway Advisory Committee.
6. Approval of Resolution No. 2021-28 appointing **Tom Goltzene** as a regular voting member of the Unified Land Development Advisory Committee.

PUBLIC HEARING

7. Approval of second reading of Ordinance No. 2021-04 amending Section 100-040 "Private Ingress/Egress Arrangements" and Section 100-045 "Minimum Standards for Public and Private Streets" both of Article 100 "Access Standards and Subdivision" of Part IV "Parking and Loading, Access and Subdivision, Sight Distance" of its Unified Land Development Code to provide for a prohibition on Private Ingress/Egress Arrangements providing access to and from areas outside the Town.

REGULAR AGENDA

8. Approval of road work on South "C" Road.
9. Discussion and direction of Cost Sharing Policy and Assessments.
10. Discussion and direction of Proposed Solid Waste Ordinance and Contract Amendments.

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.

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 1

TO: Town Council of Town of Loxahatchee Groves

FROM: Lakisha Burch, Town Clerk

VIA: James Titcomb, Town Manager

SUBJECT: State Senator Bobby Powell and State Representative Matt Willhite, Florida House of Representatives representing District 86 and “Legislative Priorities” for upcoming 2021-22 Session

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 2

TO: Town Council of Town of Loxahatchee Groves
FROM: Lakisha Burch, Town Clerk
VIA: James Titcomb, Town Manager
SUBJECT: Town of Loxahatchee Groves Scholarship Fund Awards

Background:

The Town of Loxahatchee Groves again has provided scholarships through donations to deserving Loxahatchee Groves High School, College Students and Special Needs Students who have shown dedication to their education and participation in community service. Monies was donated by the Town Council members, Town Organizations, Town Residents and Vendors doing business with and in Loxahatchee Groves.

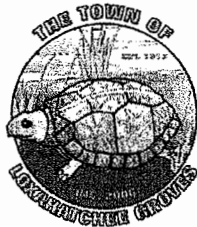
The Scholarship Fund Committee, consisting of Anita Kane, Ken Johnson and Mary McNichols who was appointed by Town Council on the June 1, 2021, Regular Town Meeting. Accept the applications of the applicants and nominate the Loxahatchee Groves Subcommittee which held the responsibility of reviewing and scoring the applications received by the Town and final decision on awards of scholarship money. It was decided that the amount of each scholarship would be \$1,000.00.

The Subcommittee consisted of Judy Blake, Principal of Education Place Private School, Julie Evans, Educator at Education Place Private School and Kimberly Lancaster, Dean of Academic Affairs at Palm Beach State Belle Glade/Loxahatchee Groves. They independently received and reviewed the applications received and sent to the Town Clerk at Town Hall their final discussions and awarding of the scholarships. Eleven students were awarded scholarships, whom the Subcommittee members had much admiration and praise for their dedication to continue their education, their community service, and excellent grades.

Recommendations:

Award \$1,000.00 Scholarships to the recipients chosen by the Loxahatchee Groves Scholarship Subcommittee, who are present tonight.

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**TOWN OF LOXAHATCHEE GROVES
SCHOLARSHIP FUND COMMITTEE
SPECIAL NEEDS SCHOLARSHIP APPLICATION
2020 ACADEMIC YEAR**

The Town of Loxahatchee Groves is offering up to ten (10) \$1,000 scholarships to graduating seniors and/or special needs students (physical or mental disabilities) residing in the Town of Loxahatchee Groves. Applications for scholarships may be made for two (2) or four (4) year accredited colleges/universities, vocational/technical schools, and/or special needs programs.

CRITERIA

1. Applications downloaded are preferred at www.loxahatcheegrovesfl.gov. Typewritten applications must follow the document's format. Any questions please call Town Clerk at 561-793-2418. Only typewritten applications will be accepted. Font size 12.
2. All applications must be signed by the applicant (or guardian), and the applicable physician for special needs applicants.
3. All completed applications must received no later than Wednesday, April 8, 2020 to the Clerk's Office in Town Hall by 6:00 p.m.
4. No attachments, except proof of residency*. Any attachments will be reason for disqualification.

APPLICANT'S NAME: Allison Friedrich

ADDRESS: [REDACTED]

E-mail Address: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

SCHOOL ATTENDING (if applicable):

[REDACTED]

5/27/2021

Applicant's (guardian's) signature Date

****Applicant must provide proof of residency for two (2) years in the Town of Loxahatchee Groves WITH this application. New residents will be considered at the discretion of the Town Clerk.****



JUN 1 '21 PM 1:31

**TOWN OF LOXAHATCHEE GROVES
SCHOLARSHIP FUND COMMITTEE
COLLEGE/UNIVERSITY/VOCATIONAL/TECHNICAL
POST HIGH SCHOOL SCHOLARSHIP APPLICATION
2020 ACADEMIC YEAR**

The Town of Loxahatchee Groves is offering multiple* \$1,000 scholarships to Loxahatchee Groves Post High School Residents. Applications for Post High School Scholarships may be made for two (2) or four (4) year accredited post high school/colleges/universities, vocational/technical schools utilizing this application.**

CRITERIA

- 1. Applications downloaded are preferred at www.loxahatcheegrovesfl.gov. Typewritten applications must follow the document's format. Any questions please call Town Clerk's Office at 561-793-2418 ext. 5. Only typewritten applications will be accepted. Font size 12.**
- 2. All applications must be signed by the applicant, the principal, and the guidance counselor.**
- 3. All completed applications must be received no later than Thursday, May 27, 2021 to the Clerk's Office in Town Hall by 5:00 p.m.**
- 4. No attachments, EXCEPT for proof of residency*. Any attachments will be reason for disqualification.**

STUDENT'S

NAME: Andrea Schiola

ADDRESS:

[REDACTED]

EMAIL ADDRESS: [REDACTED]

TELEPHONE

NUMBER: 5612235079

HIGHSCHOOL ATTENDING: [REDACTED]

Guidance Counselor or Principal's Name: [REDACTED]



**TOWN OF LOXAHATCHEE GROVES
SCHOLARSHIP FUND COMMITTEE
COLLEGE/UNIVERSITY/VOCATIONAL/TECHNICAL
POST HIGH SCHOOL SCHOLARSHIP APPLICATION
2020 ACADEMIC YEAR**

The Town of Loxahatchee Groves is offering multiple* \$1,000 scholarships to Loxahatchee Groves Post High School Residents**. Applications for Post High School Scholarships may be made for two (2) or four (4) year accredited post high school/colleges/universities, vocational/technical schools utilizing this application.

CRITERIA

1. Applications downloaded are preferred at www.loxahatcheegrovesfl.gov. Typewritten applications must follow the document's format. Any questions please call Town Clerk's Office at 561-793-2418 ext. 5. Only typewritten applications will be accepted. Font size 12.
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4. No attachments, EXCEPT for proof of residency*. Any attachments will be reason for disqualification.

STUDENT'S NAME: Frank Schiola

ADDRESS: [REDACTED]

E-MAIL ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

HIGH SCHOOL ATTENDING: [REDACTED]

Guidance Counselor or Principal's Name: [REDACTED]

Applicant's Signature [REDACTED]

5/27/2021

Date

*Awards will be given out as funds are available, with first time applicants having priority.

**Applicant must provide proof of residency for two (2) years in the Town of Loxahatchee Groves WITH this application. New residents will be considered at the discretion of the Town Clerk.

Received via email
16/21 @ 11:13am



**TOWN OF LOXAHATCHEE GROVES
SCHOLARSHIP FUND COMMITTEE
COLLEGE/UNIVERSITY/VOCATIONAL/TECHNICAL
SCHOLARSHIP APPLICATION
2020 ACADEMIC YEAR**

The Town of Loxahatchee Groves is offering up to ten (10) \$1,000 scholarships to graduating seniors and/or special needs students residing in the Town of Loxahatchee Groves. Applications for scholarships may be made for two (2) or four (4) year accredited colleges/universities, vocational/technical schools, and/or special needs programs.

CRITERIA

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2. All applications must be signed by the applicant, the principal and the guidance counselor, except for special needs applicants.
3. All completed applications must be received no later than Wednesday, April 8, 2020 to the Clerk's Office in Town Hall by 6:00 p.m.
4. **No attachments, EXCEPT for proof of residency*. Any attachments will be reason for disqualification.**

STUDENT'S NAME: Henry Plante

ADDRESS:

E-mail Address:

TELEPHONE NUMBER:

HIGH SCHOOL ATTENDING:

PRINCIPAL'S NAME:

Applicant's signature

4/3/21

Date

****Applicant must provide proof of residency for two (2) years in the Town of Loxahatchee Groves WITH this application. New residents will be considered at the discretion of the Town Clerk. ****

Received 5/24/21
is drop off



**TOWN OF LOXAHATCHEE GROVES
SCHOLARSHIP FUND COMMITTEE
COLLEGE/UNIVERSITY/VOCATIONAL/TECHNICAL
POST HIGH SCHOOL SCHOLARSHIP APPLICATION
2020 ACADEMIC YEAR**

The Town of Loxahatchee Groves is offering multiple* \$1,000 scholarships to Loxahatchee Groves Post High School Residents**. Applications for Post High School Scholarships may be made for two (2) or four (4) year accredited post high school/colleges/universities, vocational/technical schools utilizing this application.

CRITERIA

1. Applications downloaded are preferred at www.loxahatcheegrovesfl.gov. Typewritten applications must follow the document's format. Any questions please call Town Clerk's Office at 561-793-2418 ext. 5. Only typewritten applications will be accepted. Font size 12.
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3. All completed applications must be received no later than **Thursday, May 27, 2021 to the Clerk's Office in Town Hall by 5:00 p.m.**
4. No attachments, EXCEPT for proof of residency*. Any attachments will be reason for disqualification.

STUDENT'S NAME: Jacob Bell

ADDRESS: [REDACTED]

E-MAIL ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

HIGH SCHOOL ATTENDING: [REDACTED]

Guidance Counselor or Principal's Name: [REDACTED]

Received by email
6/4/21 @ 5pm



**TOWN OF LOXAHATCHEE GROVES
SCHOLARSHIP FUND COMMITTEE
COLLEGE/UNIVERSITY/VOCATIONAL/TECHNICAL
POST HIGH SCHOOL SCHOLARSHIP APPLICATION
2020 ACADEMIC YEAR**

The Town of Loxahatchee Groves is offering multiple* \$1,000 scholarships to Loxahatchee Groves Post High School Residents**. Applications for Post High School Scholarships may be made for two (2) or four (4) year accredited post high school/colleges/universities, vocational/technical schools utilizing this application.

CRITERIA

1. Applications downloaded are preferred at www.loxahatcheegrovesfl.gov. Typewritten applications must follow the document's format. Any questions please call Town Clerk's Office at 561-793-2418 ext. 5. Only typewritten applications will be accepted. Font size 12.
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4. No attachments, EXCEPT for proof of residency*. Any attachments will be reason for disqualification.

STUDENT'S NAME: Lorena Tello-Ramos

ADDRESS: [REDACTED]

E-MAIL ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

HIGH SCHOOL ATTENDING [REDACTED]

Guidance Counselor or Principal's Name [REDACTED]

[REDACTED]
Applicant's Signature

6/4/2021

Date

*Awards will be given out as funds are available, with first time applicants having priority.

**Applicant must provide proof of residency for two (2) years in the Town of Loxahatchee Groves WITH this application. New residents will be considered at the discretion of the Town Clerk.

Received by email
4/4/21 @ 5:01 pm



**TOWN OF LOXAHATCHEE GROVES
SCHOLARSHIP FUND COMMITTEE
COLLEGE/UNIVERSITY/VOCATIONAL/TECHNICAL
POST HIGH SCHOOL SCHOLARSHIP APPLICATION
2020 ACADEMIC YEAR**

The Town of Loxahatchee Groves is offering multiple* \$1,000 scholarships to Loxahatchee Groves Post High School Residents**. Applications for Post High School Scholarships may be made for two (2) or four (4) year accredited post high school/colleges/universities, vocational/technical schools utilizing this application.

CRITERIA

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3. All completed applications must be received no later than **Thursday, May 27, 2021 to the Clerk's Office in Town Hall by 5:00 p.m.**
4. No attachments, EXCEPT for proof of residency*. Any attachments will be reason for disqualification.

STUDENT'S NAME: Marie Goltzene

ADDRESS: [REDACTED]

E-MAIL ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

HIGH SCHOOL ATTENDING: [REDACTED]

Guidance Counselor or Principal's Name: [REDACTED]

[REDACTED]

Applicant's Signature

6/4/21

Date

*Awards will be given out as funds are available, with first time applicants having priority.

**Applicant must provide proof of residency for two (2) years in the Town of Loxahatchee Groves WITH this application. New residents will be considered at the discretion of the Town Clerk.

Received
Via email @ 6:58 pm on 5/26/20



**TOWN OF LOXAHATCHEE GROVES
SCHOLARSHIP FUND COMMITTEE
COLLEGE/UNIVERSITY/VOCATIONAL/TECHNICAL
SCHOLARSHIP APPLICATION
2020 ACADEMIC YEAR**

The Town of Loxahatchee Groves is offering up to ten (10) \$1,000 scholarships to graduating seniors and/or special needs students residing in the Town of Loxahatchee Groves. Applications for scholarships may be made for two (2) or four (4) year accredited colleges/universities, vocational/technical schools, and/or special needs programs.

CRITERIA

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2. All applications must be signed by the applicant, the principal and the guidance counselor, except for special needs applicants.
3. All completed applications must be received no later than Wednesday, April 8, 2020 to the Clerk's Office in Town Hall by 6:00 p.m.
4. No attachments, EXCEPT for proof of residency*. Any attachments will be reason for disqualification.

STUDENT'S NAME: Maya LeeAnn Suchy

ADDRESS: _____

E-mail Address: _____

TELEPHONE NUMBER: _____

HIGH SCHOOL ATTENDING: _____

PRINCIPAL'S NAME: _____

Applicant's signature

05-26-21
Date

****Applicant must provide proof of residency for two (2) years in the Town of Loxahatchee Groves WITH this application. New residents will be considered at the discretion of the Town Clerk. ****

Received
Via email @ 1:41 PM on 5/27/21



**TOWN OF LOXAHATCHEE GROVES
SCHOLARSHIP FUND COMMITTEE
COLLEGE/UNIVERSITY/VOCATIONAL/TECHNICAL
POST HIGH SCHOOL SCHOLARSHIP APPLICATION
2020 ACADEMIC YEAR**

The Town of Loxahatchee Groves is offering multiple* \$1,000 scholarships to Loxahatchee Groves Post High School Residents**. Applications for Post High School Scholarships may be made for two (2) or four (4) year accredited post high school/colleges/universities, vocational/technical schools utilizing this application.

CRITERIA

1. Applications downloaded are preferred at www.loxahatcheegrovesfl.gov. Typewritten applications must follow the document's format. Any questions please call Town Clerk's Office at 561-793-2418 ext. 5. Only typewritten applications will be accepted. Font size 12.
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3. All completed applications must be received no later than **Thursday, May 27, 2021 to the Clerk's Office in Town Hall by 5:00 p.m.**
4. No attachments, EXCEPT for proof of residency*. Any attachments will be reason for disqualification.

STUDENT'S NAME: Nancy Sluggett

ADDRESS: [REDACTED]

E-MAIL ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

HIGH SCHOOL ATTENDING: [REDACTED]

Guidance Counselor or Principal's Name: [REDACTED]

[REDACTED] 5/27/2021
Applicant's Signature Date

*Awards will be given out as funds are available, with first time applicants having priority.
**Applicant must provide proof of residency for two (2) years in the Town of Loxahatchee Groves WITH this application. New residents will be considered at the discretion of the Town Clerk.



MAY 26 '21 PM 12:12

**TOWN OF LOXAHATCHEE GROVES
SCHOLARSHIP FUND COMMITTEE
COLLEGE/UNIVERSITY/VOCATIONAL/TECHNICAL
POST HIGH SCHOOL SCHOLARSHIP APPLICATION
2020 ACADEMIC YEAR**

The Town of Loxahatchee Groves is offering multiple* \$1,000 scholarships to Loxahatchee Groves Post High School Residents**. Applications for Post High School Scholarships may be made for two (2) or four (4) year accredited post high school/colleges/universities, vocational/technical schools utilizing this application.

CRITERIA

1. Applications downloaded are preferred at <https://www.loxahatchee.org/Forms/PostHighSchoolScholarshipApplication.pdf>. Typewritten applications must follow the document's format. Any questions please call Town Clerk's Office at 561-793-2418 ext. 5. Only typewritten applications will be accepted. Font size 12.
2. All applications must be signed by the applicant, the principal, and the guidance counselor.
3. All completed applications must be received no later than
4. No attachments, EXCEPT for proof of residency*. Any attachments will be reason for disqualification.

STUDENT'S NAME: Rachel Savino

ADDRESS:

E-MAIL ADDRESS:

TELEPHONE NUMBER:

HIGH SCHOOL ATTENDING:

Guidance Counselor or Principal's Name:

Applicant's Signature

Date

05/25/2021

*Awards will be given out as funds are available, with first time applicants having priority.

**Applicant must provide proof of residency for two (2) years in the Town of Loxahatchee Groves WITH this application. New residents will be considered at the discretion of the Town Clerk.

Received via email
5/25/21 @ 6:17pm



TOWN OF LOXAHATCHEE GROVES SCHOLARSHIP FUND COMMITTEE

**COLLEGE/UNIVERSITY/VOCATIONAL/TECHNICAL POST
HIGH SCHOOL SCHOLARSHIP APPLICATION
2020 ACADEMIC YEAR**

The Town of Loxahatchee Groves is offering multiple* \$1,000 scholarships to Loxahatchee Groves Post High School Residents**. Applications for Post High School Scholarships may be made for two (2) or four (4) year accredited post high school/colleges/universities, vocational/technical schools utilizing this application.

CRITERIA

1. Applications downloaded are preferred at www.loxahatcheegrovesfl.gov. Typewritten applications must follow the document's format. Any questions please call Town Clerk's Office at 561-793-2418 ext. 5. Only typewritten applications will be accepted. Font size 12.
2. All applications must be signed by the applicant, the principal, and the guidance counselor.
3. All completed applications must be received no later than **Thursday, May 27, 2021 to the Clerk's Office in Town Hall by 5:00 p.m.**
4. No attachments, EXCEPT for proof of residency*. Any attachments will be reason for disqualification.

STUDENT'S NAME: Troy Sly

ADDRESS: [REDACTED]

E-MAIL ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

HIGHSCHOOLATTENDING: [REDACTED]

Guidance Counselor or Principal's Name: [REDACTED]

Applicant's Signature [REDACTED]

Date: 5/23/21

*Awards will be given out as funds are available with first time applicants having priority.

**Applicant must provide proof of residency for two (2) years in the Town of Loxahatchee Groves WITH this application. New residents will be considered at the discretion of the Town Clerk.

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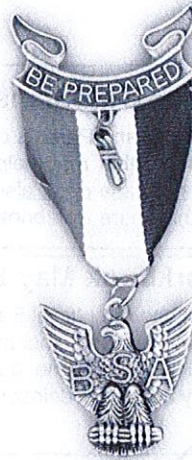
155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 3

TO: Town Council of Town of Loxahatchee Groves

FROM: James Titcomb, Town Manager

SUBJECT: Presentation from Eagle Scout William Logan Smith for Veteran Bench with Landscaping proposal.



Eagle Scout Service Project Workbook



BOY SCOUTS OF AMERICA®

Eagle Scout candidate's full legal name William Logan Smith

Please give a name to your project Lox. Groves Veterans Memorial Bench and Landscaping

Scouts and Parents or Guardians

Please read "Message to Scouts and Parents or Guardians" on pages 5 and 6. This includes excerpts and summaries from the Guide to Advancement that may help ensure requirements are properly administered according to national BSA policies and procedures. Please note, also, that when Eagle Scout candidates submit their project proposal they will promise they have read this entire workbook. Doing so will be important to their success.

Only the Official Workbook May Be Used

Eagle Scout candidates must use the official Eagle Scout Service Project Workbook, No. 512-927, as produced by the BSA and found at www.scouting.org/advancement. Although it is acceptable to copy and distribute the workbook, no council, district, unit, or individual has the authority to produce or require additional forms, or to add or change requirements, or to make any additions, deletions or changes in the text, outlines, links, graphics, or any other elements of the workbook.

Attention: Unit, District, and Council Reviewers

Eagle Scout projects must be evaluated primarily on impact—the extent of benefit to the religious institution, school, or community, and on the leadership provided by the candidate. There must also be evidence of planning and development. This is not only part of the requirement but relates to practicing the Scout motto, Be Prepared. However, in determining if a project meets Eagle Scout requirement 5, reviewers must not require more planning and development than necessary to execute the project. These elements must not overshadow the project itself, as long as the effort was well led and resulted in otherwise worthy results acceptable to the beneficiary.

How to Use This Workbook

This workbook includes valuable information that can help ensure your success. It includes four project forms: a proposal, a plan, a fundraising application, and a report. Following the project report you will find "Navigating the Eagle Scout Service Project," an information sheet that you should provide to the project beneficiary before the beneficiary approves your proposal. You will find it helpful to take the entire workbook—even the parts that have not yet been prepared—with you to all meetings and discussions concerning your project.

Before preparing any of the four forms, read with your parent or guardian, the "Message to Scouts and Parents or Guardians" found on pages 5 and 6. If your project is worthy and meets Eagle Scout requirement 5 as written, the message will help you successfully present your proposal through the approval process.

Preparing the Project Proposal

Your proposal must be completed first. It is an overview, but also the beginnings of planning. Be sure to read "Instructions for Preparing Your Proposal" which appears right after the proposal cover page in this workbook.

The Project Plan

Prepare your project plan after your proposal has been approved, but before you begin work on your project. The Project Plan form is a tool for your use. No one approves it, although your project beneficiary has the authority to review it and require changes in it. Your project plan can also be important in showing your Eagle Scout board of review that you have planned and developed your project as required. And you are strongly encouraged to share your project plan with an Eagle Scout service project coach. Doing so can help you avoid many problems associated with service projects. Be sure to check with the council or district person who approved your proposal to learn how project coaches are designated in your community.

The Fundraising Application

If your fundraising effort involves contributions only from the beneficiary, or you, your parents or relatives, your unit or its chartered organization, or parents or members in your unit, then you do not need a fundraising application. If you will be obtaining money, materials, supplies, or donations from other sources, you may need to submit an application. See "Procedures and Limitations on Eagle Scout Service Project Fundraising," which appears on page B of the fundraising application.

The Project Report

Prepare the project report after the project has been executed. You must sign it to confirm you led and executed the project. Note also, the signature lines for the beneficiary's and your unit leader's approval that your project fulfilled Eagle Scout requirement 5.

Meeting Eagle Scout Requirement 5

Eagle Scout Requirement 5

While a Life Scout, plan, develop, and give leadership to others in a service project helpful to any religious institution, any school, or your community. (The project must benefit an organization other than the Boy Scouts of America) A project proposal must be approved by the organization benefiting from the effort, your unit leader and unit committee, and the council or district before you start. You must use the Eagle Scout Service Project Workbook, No. 512-927, in meeting this requirement.

Project Purpose

In addition to providing service and fulfilling the part of the Scout Oath, "To help other people at all times," one of the primary purposes of the Eagle Scout service project is to learn leadership skills, or to improve or demonstrate leadership skills you already have. Related to this are important lessons in project management and taking responsibility for a significant accomplishment.

Choosing a Project

Your project must be for any religious institution, any school, or your community. It is important to note, however, that the BSA has defined "your community" to include the "community of the world." Normally, "your community" would not refer to individuals, although a council or district advancement committee may consider scenarios in which an individual in need can affect a community. It is then a matter of identifying a source representing the "community" who will provide approvals. For more information, see the Guide to Advancement, No. 33088, topic 9.0.2.5.

Your project must present an opportunity for planning, development, and leadership. For example, if a blood drive is chosen and the blood bank provides a set of "canned" instructions to be implemented with no further planning, the planning effort would not meet the test. You may need to meet with blood bank officials and work out an approach that requires planning, development, and leadership. This might involve developing and carrying out a marketing and logistics plan, reaching a challenging collection goal, or coordinating multiple blood collection events.

An Internet search can reveal hundreds of service project ideas. Your project does not have to be original, but it could be. It might be a construction, conservation, or remodeling project, or it could be the presentation of an event with a worthwhile purpose. Conversations with your unit leader, teachers, your religious leader, or the leaders of various community organizations can also uncover ideas. In any case, be sure the project presents a challenge that requires leadership, but also something that you can do with unskilled helpers, and within a reasonable period of time.

Restrictions and Other Considerations

There are no required minimum hours for a project. No one may tell you how many hours must be spent on it.

- Routine labor is not normally appropriate for a project. This might be defined as a job or service you may provide as part of your daily life, or a routine maintenance job normally done by the beneficiary (for example, pulling weeds on the football field at your school).
- While projects may not be of a commercial nature or for a business, this is not meant to disallow work for community institutions, such as museums and service agencies (like homes for the elderly, for example), that would otherwise be acceptable. Some aspect of a business operation provided as a community service may also be considered; for example, a park open to the public that happens to be owned by a business, but primarily benefits the community.
- A project may not be a fundraiser. In other words, it may not be an effort that primarily collects money, even for a worthy charity. Fundraising is permitted only for securing materials and facilitating a project, and it may need to be approved by your council. See "Eagle Scout Service Project Fundraising Application" later in this workbook.
- No more than one Eagle Scout candidate may receive credit for working on the same Eagle Scout service project.
- Projects must not be performed for the Boy Scouts of America, or its councils, districts, units, or properties.

Collecting Service Project Data

The BSA collects information on hours worked on Eagle Scout projects because it points to achievement of our citizenship aim. Please assist with data collection by keeping a list of people who help and the number of hours they work. When you prepare your project report you will need to include this data on page B of the report. Providing accurate information will also help your unit leadership enter your project into the BSA's Journey to Excellence tracking system.

Message to Scouts and Parents or Guardians

The Eagle Scout service project requirement has been widely interpreted—both properly and improperly. This message is designed to share with you, the Eagle Scout candidate, and your parents or guardians the same information BSA provides to council and district volunteers responsible for project proposal approvals throughout the Boy Scouts of America.

In addition to reading this entire workbook, you and your parents or guardians should consult the Guide to Advancement, No. 33088, beginning with topic 9.0.2.0, "The Eagle Scout Service Project." The Guide may be accessed at www.scouting.org/advancement.

The current Guide to Advancement, No. 33088, along with the Scouts BSA Requirements book, No. 33216, and this workbook, are the primary official sources on policies and procedures for Eagle Scout service projects. The Guide to Advancement and Scouts BSA Requirements book are available in Scout shops or on www.scoutshop.org. Your local council and district are important resources for information and guidance and can tell you where to submit service project proposals.

The council and district may also establish limited local procedures as necessary. However, all of this must be done in harmony with the official sources mentioned above. Councils, districts, units, and individuals must not add requirements or ask you to do anything that runs contrary to, or that exceeds, the policies, procedures, or requirements of the Boy Scouts of America.

Available from your Scout Shop or on www.scoutshop.org is an Eagle Project plaque to place at your project location at the completion of the project (<https://www.scoutshop.org/catalog/product/view/id/6831>).

What an Eagle Scout Candidate Should Expect

The Eagle Scout service project belongs to the Eagle Scout candidate. The candidate's parents and others may help, but the Scout must be the leader. Nonetheless, while working toward completion of the project, especially during the proposal approval process, a candidate has the right to expect the following, as reprinted from the Guide to Advancement, topic 9.0.2.1.

1. Questioning and probing for their understanding of the project, the proposal, and what must be done, shall be conducted in a helpful, friendly, courteous, and kindhearted manner. We will respect the Scout's dignity. Scouts will be allowed, if they choose, to have a parent, unit leader, or other adult present as an observer at any time while they are discussing their proposal or project with someone who is reviewing it.
2. Project expectations will match Eagle Scout requirement 5, and we will not require proposals to include more than described in the Eagle Scout Service Project Workbook.
3. If requested by the Scout or the Scout's parent or guardian, an explanation of a proposal rejection will be provided in writing, with a copy sent to the council advancement chair and staff advisor. It will indicate reasons for rejection and suggestions concerning what can be done to achieve approval.
4. Guidance that maximizes the opportunity for completion of a worthwhile project will be readily available and strongly recommended. Ultimately, however, the responsibility for success belongs to the Scout, and final evaluation is left to the board of review.
5. Candidates who believe they have been mistreated or their proposal wrongfully rejected, will be provided a method of redress. This will include the opportunity for a second opinion and approval, either through another volunteer or professional advancement administrator*, or the Scout executive, as determined by the council advancement committee or executive board.

**An "advancement administrator" is a member or chair of a council or district advancement committee, or a volunteer or professional designated according to local practices, to assist in advancement administration.*

Excerpts and Summaries From the Guide to Advancement

Eagle Scout Service Project Coaches (See the Guide to Advancement, topic 9.0.2.9)

Many units, districts, and councils use Eagle Scout service project “coaches,” because the advice they provide after approval of a proposal can be invaluable as candidates develop their project plan. A coach can help Scouts see that if a plan is not sufficiently developed then projects can fail. Assistance can come through evaluating a plan and discussing its strengths, weaknesses, and risks, but coaches do not have the authority to dictate changes or take any other such directive action. Instead, coaches must use the BSA method of positive adult association, logic, and common sense to help the candidate make wise decisions.

It is up to the council to determine who may serve as project coaches and how they might be assigned or otherwise provided to candidates. Coaches must be registered with the BSA (in any adult position) and be current in BSA Youth Protection training, and may come from the unit, district, or council level. For examples of how a service project coach can assist, please see the Guide to Advancement, topic 9.0.2.9. Note that there should be only one coach that is designated for you by your council or district; but your unit may also provide people to coach you.

What Is Meant by “Give Leadership to Others ...?” (See the Guide to Advancement, topic 9.0.2.4)

“Others” means at least two people besides the Scout. Helpers may be involved in Scouting or not, and of any age appropriate for the work. Councils, districts, and units shall not establish requirements for the number of people led, or their make-up, or for time worked on a project.

Evaluating the Project After Completion (See the Guide to Advancement, topic 9.0.2.13)

Eagle Scout projects must be evaluated primarily on impact—the extent of benefit to the religious institution, school, or community, and on the leadership provided by the candidate. There must also be evidence of planning and development. This is not only part of the requirement, but relates to our motto to, “Be Prepared.” However, in determining if a project meets requirement 5, reviewers must not require more planning and development than necessary to execute the project. These elements must not overshadow the project itself, as long as the effort was well led, and resulted in an otherwise worthy outcome acceptable to the beneficiary.

There may be instances where, upon its completion, the unit leader or project beneficiary chooses not to approve a project. One or the other may determine, for example, that modifications were so significant that the extent of the service or impact of the project was insufficient to warrant approval. The candidate may be requested to do more work or even start over with another project. The candidate may choose to meet these requests or may decide—if he or she believes the completed project worthy and in compliance—to complete an Eagle Scout Rank Application and submit the project workbook without final approval. If requested, the candidate must be granted a board of review. If it is thought a unit board may not provide a fair hearing, a board of review under disputed circumstances may be initiated according to the Guide to Advancement, topic 8.0.3.2.

Risk Management and Eagle Scout Service Projects (See the Guide to Advancement, topic 9.0.2.14)

All Eagle Scout service projects constitute official Scouting activity and thus are subject to Boy Scouts of America policies and procedures. Projects are considered part of a unit's program and are treated as such with regard to policies, procedures, and requirements regarding Youth Protection, two-deep leadership, etc. The health and safety of those working on Eagle projects must be integrated into project execution. Since an Eagle Scout service project is a unit activity, unit leadership has the same responsibility to assure safety in conducting a project as with any other unit activity. The unit leader or unit committee should reject proposals for inherently unsafe projects. The candidate should plan for safe execution, but it must be understood that minors cannot and must not be held responsible for safety concerns. As with any Scouting activity, the Guide to Safe Scouting applies. The “Sweet 16 of BSA Safety” must also be consulted as a planning tool. It can be found at: <https://www.scouting.org/health-and-safety/gss/sweet16/>. The Guide to Safe Scouting may be accessed at <https://www.scouting.org/health-and-safety/gss/>.

Insurance and Eagle Scout Projects (See the Guide to Advancement, topic 9.0.2.15)

The Boy Scouts of America General Liability Policy provides general liability insurance coverage for official Scouting activities. Registered adult leaders are provided primary coverage. Unregistered adults participating in a Scouting activity are provided coverage in excess of their personal insurance. Every council has the opportunity to participate in the BSA Accident and Sickness insurance program. It provides some insurance for medical and dental bills arising from Scouting activities. If councils do not purchase this, then units may contract for it. In some cases, chartered organizations might provide insurance, but this must not be assumed. Most of these programs provide only secondary coverage, and are limited to registered youth and adults and those interested in becoming members.

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Eagle Scout Service Project Proposal



BOY SCOUTS OF AMERICA®

Eagle Scout candidate's full legal name William Logan Smith

Please give a name to your project Lox. Groves Veterans Memorial Bench and Landscaping

Instructions for Preparing Your Proposal

Meeting the Five Tests of an Acceptable Eagle Scout Service Project

Your proposal must be prepared first. It is an overview, but also the beginnings of planning. It must show your unit leader, unit committee, and council or district that your project can meet the following tests.

1. ***It provides sufficient opportunity to meet the Eagle Scout service project requirement.*** You must show that planning, development, and leadership will take place; and how the three factors will benefit a religious institution, a school, or your community.
2. ***It appears to be feasible.*** You must show the project is realistic for you to carry out.
3. ***Safety issues will be addressed.*** You must show you have an understanding of what must be done to guard against injury, and what will be done if someone gets hurt.
4. ***Action steps for further detailed planning are included.*** You must make a list of the key steps you will take to make sure your plan will have enough details so it can be carried out successfully.
5. ***You are on the right track with a reasonable chance for a positive experience.***

When completing your proposal you only need enough detail to show a reviewer that you can meet the tests above. If showing that you meet the tests requires a lengthy and complicated proposal, your project might be more complex than necessary. Remember, the proposal is only the beginnings of planning. Most of your planning will come with the next step, preparation of your project plan.

If your project does not require materials or supplies, etc., simply mark those spaces "not applicable." As a reminder, do not begin any work, or raise any money, or obtain any materials, until your project proposal has been approved.

Consider also, that if you submit your proposal too close to your 18th birthday, it may not be approved in time to finish planning and executing the project.

Working with Your Project Beneficiary

On the last two pages of this workbook there is an information sheet called, "Navigating the Eagle Scout Service Project." This is for you to print and give to the religious institution, school, or community that will benefit from your efforts. You should do this as part of your first meeting with your beneficiary and use the sheet to help explain how the Eagle Scout service project works. Be sure to read it carefully so you can explain what it says.

"Navigating the Eagle Scout Service Project" will help you communicate a number of things to your beneficiary. For example, it provides thanks and congratulations for accepting the project; and it gives some background, discusses the requirements, and points out the responsibilities connected with approving your project proposal. It also explains that the beneficiary has the right to review, and also to require changes in your project plan.

Again, be sure to read carefully "Navigating the Eagle Scout Service Project" so you will have a full understanding of the role of your beneficiary.

Next Step: Your Project Plan

Once your proposal is approved, you are **strongly encouraged** to prepare your project plan using the form in this workbook. Doing so increases the likelihood your project will be approved at your Eagle Scout board of review. As you begin preparing it, you should meet with a project coach. Check with the person who handled the approval of your project proposal to learn how coaches are designated in your community.

Your designated coach can help you avoid the common pitfalls associated with Eagle Scout service projects and be a big part of your success. You may also want to talk to your unit leader. There may be adults in your troop who are experts in conducting the kind of project you are planning. It's ok for you to work with them as well. The more coaching you get, the better your results will be.

Beginning Work on Your Project

Once your proposal has been fully approved and you have finished your project planning, only then, may you begin work on your project.

Contact Information

Eagle Scout candidates should know who is involved, but contact information may be more important to unit leaders and others in case they want to talk to each other. While it is recognized that not all the information will be needed for every project, Scouts are expected to provide as much as reasonably possible. Approval representatives must understand, however, that doing so is not part of the service project requirement.

Eagle Scout Candidate

Name: William Logan Smith		Birth date: 07/31/2003	
Email Address: legobrick600@gmail.com		BSA PID number: 122819707	
Address: 16079 Whippoorwill Circle	City: Westlake	State: FL	Zip: 33470
Preferred telephone(s): (561)-246-2782		Life Board of Review date: 10/30/2017	

Current Unit Information

Check One: ☒ Troop ☐ Crew ☐ Ship	Unit Number: 199
Name of District: Lighthouse	Name of Council: Gulf Stream

Unit Leader Check One: ☒ Scoutmaster ☐ Crew Advisor ☐ Skipper

Name: Jose Garcia		Preferred telephone(s): 561-602-5186	
Address: 1401 Fairway Circle	City: Greenacres	State: FL	Zip: 33413
Email Address:			

Unit Committee Chair

Name: Marty Williams		Preferred telephone(s): 561-714-2675	
Address: 3885 Torres Circle	City: West Palm Beach	State: FL	Zip: 33409
Email Address: martywilliams97@yahoo.com			

Unit Advancement Coordinator

(If your unit has one)

Name: Susan Garcia		Preferred telephone(s):	
Address: 1401 Fairway Circle	City: Greenacres	State: FL	Zip: 33413
Email Address:			

Project Beneficiary

(Name of religious institution, school or community)

Name: Town of Loxahatchee Groves		Preferred telephone(s): 561-793-2418	
Address: 155 F Road	City: Loxahatchee Groves	State: FL	Zip: 33470
Email Address: JTicomb@loxahatcheeegrovesfl.gov			

Project Beneficiary Representative

(Name of contact person for the project beneficiary)

Name: Jamie Ticomb		Preferred telephone(s): 561-793-2418	
Address: 155 F Road	City: Loxahatchee Groves	State: FL	Zip: 33470
Email Address: JTicomb@loxahatcheeegrovesfl.gov			

Your Council Service Center

Contact Name: Kathy Hul		Preferred telephone(s): 561-694-8585	
Address: 8335 N Military Trail	City: Palm Beach Gardens	State: FL	Zip: 33410
Email Address:			

Council or District Project Approval Representative

(Your unit leader, unit advancement coordinator, or council or district advancement chair may help you learn who this will be.)

Name: Clara McHutcheon		Preferred telephone(s): 561-694-8585	
Address: 8355 N Military Trail	City: Palm Beach Gardens	State: FL	Zip: 33410
Email Address:			

Project Coach

(Your council or district project approval representative may help you learn who this will be.)

Name: Frank Schiola		Preferred telephone(s): 561-722-4403	
Address: 13434 Marcella Boulevard	City: Loxahatchee Groves	State: FL	Zip: 33470
Email Address: garbagegobbler5@aol.com			

Project Description and Benefit

Briefly describe your project

I will be installing a bench and hedges around the Loxahatchee Groves Veterans Memorial at the Loxahatchee Groves Town Hall in order to provide patrons with some privacy and allow them to enjoy the memorial.

Include images on an additional document.

Tell how your project will be helpful to the beneficiary. Why is it needed?

It will allow passers-by to relax and enjoy the memorial without having to stand, and will add more plant life to the surroundings of the memorial.

When do you plan to begin carrying out your project?

July 10th, 2021

When do you think your project will be completed?

July 10th, 2021

Giving Leadership

Approximately how many people will be needed to help on your project?

Where will you recruit them (unit members, friends, neighbors, family, others)?

I will recruit members from my troop, as well as friends and family.

What do you think will be most difficult about leading them?

Keeping everyone motivated to continue the project and on a good time table

Materials

Materials are things that become part of the finished project, such as lumber, nails and paint.

What types of materials, if any, will you need? You do not need a detailed list or exact quantities, but you must show you have a reasonable idea of what is required. For example, for lumber, use basic dimensions such as 2x4 or 4x4.

Bench
2 pre-cast concrete slabs
Tap-cons and brackets
Hedges
Bags of mulch

Supplies

Supplies are things you use up, such as food and refreshments, gasoline, masking tape, tarps, safety supplies and garbage bags.

What types of supplies, if any, will you need? You do not need a detailed list or exact quantities, but you must show you have a reasonable idea of what is required.

Garbage Bags
Food and water for the workers

Tools

Include tools, and also equipment, that will be borrowed, rented, or purchased.

What tools or equipment, if any, will you need? You do not need a detailed list, but you must show you have a reasonable idea of what is required.

Screwdrivers/Nut drivers
Shovels
Rakes
Battery-operated power tools for the adults

Other Needs

Items that don't fit the above categories; for example, parking or postage, or services such as printing or pouring concrete, etc..

What other needs do you think you might encounter?

First-aid kits, gloves, water hoses

Permits and Permissions

Note that property owners should obtain and pay for permits.

Will permissions or permits (such as building permits) be required for your project? Who will obtain them? How long will it take?

No permits will be required, a hold-harmless agreement is required by the town. This agreement will be signed on the day of the project, and a town representative will be there to collect them.

Preliminary Cost Estimate

You do not need exact costs yet. Reviewers will just want to see if you can reasonably expect to raise enough money to cover an initial estimate of expenses. Include the value of donated materials, supplies, tools, and other items. It is not necessary to include the value of tools or other items that will be loaned at no cost. Note that if your project requires a fundraising application, you do not need to submit it with your proposal.

Enter your estimated expenses below
(include sales tax if applicable)

Materials:	~\$438
Supplies:	~\$100
Tools:	\$0
Other:	~\$50
Total Costs:	~\$588

Fundraising: Explain how you will raise the money to pay for the total costs. If you intend to seek donations of actual materials, supplies, etc., then explain how you plan to do that, too.

I will ask for donations from family, friends and other organizations. I will talk to a landscaper to attempt to secure donations of Hedge plants.

Project Phases

Think of your project in terms of phases, and list what they might be. The first may be to prepare your project plan. Other phases might include fundraising, preparation, execution and reporting. You may have as many phases as you want, but it is not necessary to become overly complicated; brief, one line descriptions are sufficient. If you have more than 10 phases, attach a separate page with your continued phase list.

1	Prepare the project plan and necessary paperwork
2	Project approval by beneficiary
3	Project approval by troop committee and council review board
4	Fundraising
5	Purchase materials
6	Complete the project
7	
8	
9	
10	

Logistics

How will you handle transportation of materials, supplies, tools, and helpers?

An adult in the troop will carry the plants and other heavy materials in a pickup truck, carpooling will be arranged for the workers.

Safety Issues

The Guide to Safe Scouting is an important resource in considering safety issues.

Describe the hazards and safety concerns of which you and your helpers should be aware.

Read the "Age Guidelines for Tool Usage" at Scouting.org

Working with heavy concrete can be a concern, as well as hand tools. Power tools will only be used by adults

Making sure everyone stays cool and hydrated

Project Planning

You do not have to list every step, but it must be enough to show you have a reasonable idea of how to prepare your plan.

List some action steps you will take to prepare your project plan. For example, "Complete a more detailed set of drawings."

1. Take pre-project pictures
2. Complete detailed drawings for the project
- 3.

Caution: Using an Adobe or other PDF reader to insert a "signature" can cause this entire document's contents to be locked preventing future edits; make sure you save a copy if any signatures will be inserted digitally.

Candidate's Promise*		<i>Sign below before you seek the other approvals for your proposal.</i>	
On my honor as a Scout, I have read this entire workbook, including the "Message to Scouts and Parents or Guardians" on page 4. I promise to be the leader of this project, and to do my best to carry it out for the maximum benefit to the religious institution, school, or community I have chose as beneficiary.			
Signed		Date	

** Remember: Do not begin any work on your project, or raise any money, or obtain any materials, until your project has been approved.*

Unit Leader Approval*		Unit Committee Approval*	
I have reviewed this proposal and discussed it with the candidate. I believe it provides impact worthy of an Eagle Scout service project, and will involve planning, development and leadership. I am comfortable the Scout understands what to do, and how to lead the effort. I will see that the project is monitored, and that adults or others present will not overshadow him.		This Eagle Scout candidate is a Life Scout, and registered in our unit. I have reviewed this proposal, I am comfortable the project is feasible, and I will do everything I can see that our unit measures up to the level of support we have agreed to provide (if any). I certify that I have been authorized by our unit committee to provide its approval for this proposal.	
Signed	Date	Signed	Date
Name (Printed)		Name (Printed)	

Beneficiary Approval*		Council or District Approval	
This service project will provide significant benefit, and we will do all we can to see it through. We realize funding on our part is not required, but we have informed the Scout of the financial support (if any) to which we have agreed. We understand any fund raising the Scout conducts will be in our name and that funds left over will come to us if we are allowed to accept them. We will provide receipts to donors as required.		I have read topics 9.0.2.0 through 9.0.2.15, regarding the Eagle Scout service project, in the <i>Guide to Advancement</i> , No. 33088. I agree on my honor to apply the procedures as written, and in compliance with the policy on "Unauthorized Changes to Advancement." Accordingly, I approve this proposal. I will encourage the candidate to prepare a project plan and share it with the designated project coach.	
Our Eagle Candidate has provided us a copy of "Navigating the Eagle Scout Service Project, Information for Project Beneficiaries." Yes _____ No _____			
Signed	Date	Signed	Date
Name (Printed)		Name (Printed)	

** While it makes sense to obtain approvals in the order they appear, there shall be no required sequence for the order of obtaining those approvals marked with an asterisk (*). Council or district approval, however, must come after the others.*



Eagle Scout Service Project Plan



BOY SCOUTS OF AMERICA®

Eagle Scout candidate's full legal name William Logan Smith

Eagle Scout Service Project Name Lox. Groves Veterans Memorial Bench and Landscaping

Planned start date 07/10/2021

Planned completion date 07/10/2021

Eagle Scout requirement 5 says you must "plan" and "develop" your service project. Though this project plan is a tool for your use, and is not approved or signed, it is important in helping to show you have done the required planning and development. You should take this project plan with you to your Eagle Scout board of review. Note that you are not required to provide more details than are necessary for the accomplishment of your project.

A Scout who is prepared will complete the project plan, and then review it with the designated project coach before carrying out the project. The council or district representative who approved your project may have agreed to serve as your project coach, or someone else may be designated to take this important role. A project coach's involvement and review of your project plan is optional, but it can help you avoid many problems or mistakes. This can also improve your chances of passing the Eagle Scout board of review.

You should also show your project plan to your beneficiary prior to carrying out the project. This will help ensure your plans agree with the beneficiary's expectations. Remember, the project beneficiary has the authority to require and approve a project plan. Be sure to read "Navigating the Eagle Scout Service Project" at the end of this workbook.

Comments From Your Proposal Review

What suggestions were offered by the council or district representative who approved your project?

Project Description and Benefit - Changes from the Proposal

As projects are planned, changes are usually necessary. If they are major, it is important to confirm they are acceptable to the beneficiary. You should also discuss major changes with those who approved your proposal, and also with your coach, to get an idea if the changes will be acceptable to your board of review.

How will your project be different from your approved proposal?

Will the changes make the project more, or less, helpful to the beneficiary? Explain:

Present Condition or Situation *Include "before" photographs to show the board of review as attachments.*

Describe the present condition of the worksite. For an event or activity, describe your biggest obstacles.

There is currently a large flagpole with an American Flag, and 6 flags surrounding it with each flag representing one of the Armed Forces, and red mulch. My biggest obstacle will probably be digging the holes and setting the slabs in the holes for the bench.

Project Phases

You may have more than ten phases, or fewer, as needed.

Look at the phases from your proposal. Make any changes, then provide a little more detail, including approximate starting and ending dates for each phase. If you have more than 10 phases, attach a separate page with your continued phase list.

1	Purchase the materials for the project
2	Purchase the plants for the project
3	Bring plants and materials to the work site
4	Dig holes and install the plants (July 10th 2021)
5	Install the slabs and mount the bench on top. (July 10th 2021)
6	Spread mulch around the area, and water the plants (July 10th 2021)
7	
8	
9	
10	

Work Processes

Prepare a step-by-step list of what must be done and how everything comes together: site preparation, sizing, assembly, fastening of materials, finishes to be used (paint, varnish, etc.), uses of supplies and tools, etc. Your project coach may be able to assist.

[illegible]

Attachments

If you are unable to attach items within this workbook, please put them in separate documents that you may send along with your workbook. Attachments might include such things as additional plans, drawings, diagrams, maps, and pictures that will help you carry out your project. They may also be helpful to your workers, your coach, the project beneficiary, and to your board of review. Drawings, if needed, should be to scale. If you are planning an event or activity, something like a program outline or a script would be appropriate.

Permits and Permissions

If you will need permissions or permits*, what is being done to obtain them, and when will they be issued?

Hold-harmless forms will be signed the morning of the project. A town representative will be on-site to receive the forms and provide any assistance needed.

* Could include building or electrical permits, dig permits, event permits, permission to access property, wilderness or back country permits, etc.

Materials List each item, description, quantity, unit cost, total cost, and source. For donated items show value in cost columns. See example.

Plywood	3/4", 4'x8', B-C interior grade	3	20.00	60.00	ABC Hardware Donation
Item	Description	Quantity	Unit Cost	Total Cost	Source
Total cost of materials:					

Supplies List each item, description, quantity, unit cost, total cost, and source. For donated items show value in cost columns. See example.

Plastic tarp	9' x 12', 2mil think	2	4.00	8.00	ABC Hardware
Item	Description	Quantity	Unit Cost	Total Cost	Source
Total cost of supplies:					

Tools

List tools and equipment that must be purchased or rented; with quantity, unit cost, total cost, source, and who will operate or use it. See example.

Circular power saw*	1	0.00	0.00	Mr. Smith	Mr. Smith
Tool	Quantity	Unit Cost	Total Cost	Source	Who will operate/use?
Power drills	6	0.00	0.00	Family owned	Adult Leaders
Hand garden tools	2	0.00	0.00	Family owned	Scouts/Adults
Wheelbarrows	2	0.00	0.00	Family owned	Scouts/Adults
Total cost of tools:					

Other Needs

List each item, description, quantity, unit cost, total cost, and source. For donated items, show value in cost columns. See example.

Printing	Marketing brochure	2000	0.01	20.00	ABC Hardware
Item	Description	Quantity	Unit Cost	Total Cost	Source
Total cost of other needs:					

Expenses

Item	Projected Cost
Total materials (from above)	
Total supplies (from above)	
Total tools (from above)	0.00
Total other (from above)	
Total cost	

Revenue

Total to be raised: \$

Contribution from beneficiary: \$

Describe how you will get the money for your project. Include what any helpers will do to assist with the effort and also any requests you will make for donations of supplies, materials, etc.

Giving Leadership

Fill out the chart below, telling about specific jobs that need to be done, the skills needed to do them, whether they must be adults or may be youth, how many helpers are needed, and how many you have so far (if any). For example:

Work at car wash	Able to drive or wash cars	Adult drivers/supervisors, youth to wash	2 adults, 10 youth	1 adult, 5 youth
Job to Be Done	Skills Needed (if any)	Adult or Youth	Helpers Needed	Helpers So Far
Dig holes for plants and slabs	None	Youth	3	
Set concrete slabs	None	Adult/Youth	4	
Water plants	None	Youth	1	
Attach Bench to concrete with Tap-cons	Using a power drill	Adult	2	2
Assembling the bench	None	Youth	3	
Plant Plants	None	Youth	2	

What are your plans for briefing helpers, or making sure they know how to do what you want them to do?

We will hold a meeting before the work begins detailing what needs to be done and how everyone can help.

What is your plan for communicating with your workers to make sure they know how to get to the site and where to park, that they will be on time and they will have with them what they need?

I will communicate with my workers at troop meetings and through instant messaging online.

Logistics

How will the workers get to and from the place where the work will be done?

The workers will need to acquire their own transportation to and from the worksite, carpooling can be arranged between members of the troop.

How will you transport materials, supplies, and tools to and from the site?

A family friend with a pickup truck.

How will you assure the tools used are in good condition, that clearance and barriers needed between users are considered, and that the tools are properly used and stored?

How long will your helpers be working each day? (Recommend no more than eight hours per day)

We will be working for 6 hours

How will the workers be fed?

We will be buying lunch for the workers and providing water. Breakfast will not be provided.

Where will restrooms be located?

Restrooms will be located about 100 feet away from the work site, in the nearby Town Hall

Safety

Will a first aid kit be needed for this project? If so, where will it be kept?

Yes, it will be kept in the materials truck

Will any hazardous materials or chemicals be used? If so, how will you see that they are properly handled?

No

List hazards you might face. These could include severe weather, wildlife, hazardous tools or equipment, overhead or underground utilities, sunburn, etc. What will you do to prevent problems? For example, "Hazardous tools will be operated by adults only."

Potential Hazard	What will you do to prevent problems?
Sun/Heat exposure	Make sure people are hydrated and taking appropriate breaks.
Weather	Refuge can be found in the nearby Town Hall
Power tools	Only adults will be allowed to handle power tools
Covid-19	Hand sanitizer will be provided, and workers will be asked to frequently wash hands

How do you plan to communicate these safety issues and hazards to your helpers?

There will be a safety briefing the morning of the project before work begins, before we start working

What personal protective equipment or supplies may be needed? (For example, gloves, goggles, hardhats, etc.)

Gloves, safety glasses, hats/visors, and sunscreen

When will you hold a safety briefing? The morning of the Project

Who will conduct it? William Smith

Who will be your first-aid specialist? Frank A. Schiola

How may emergency vehicles access the site? The work site is right next to the parking lot for the town hall

Contingency Plans

What would cause postponement or cancellation of the project? What will you do should this happen?

Severe weather could have the project postponed, and we would reschedule the project for the next suitable weekend if that happened.
Injury could cause the project to be postponed, and we would reschedule for the next suitable weekend. A temporary canopy will be set up near the work site.

Comments From Your Project Coach About Your Project Plan

A project coach's comments can be extremely helpful in assuring your project is successful.

Get all of your information together for cost and logistics, and know how deep to dig holes for the plants and the slabs for the bench. Have enough people on site to be able to complete the project on-time.

Eagle Scout Service Project Fundraising Application

Before filling out this application, it is important to read "Procedures and Limitations on Eagle Scout Service Project Fundraising." This can be found on the next page: "Fundraising Application Page B." Once completed, you must obtain approval from the project beneficiary and your unit leader, and then submit the fundraising application to your council service center at least two weeks in advance of your fundraising efforts. You will be contacted if it cannot be approved or if adjustments must be made. Use this form, not the Unit Money-Earning Application.

Eagle Scout Candidate

Name: William Logan Smith		Preferred telephone(s): 561-246-2782	
Address: 16079 Whippoorwill Circle		City: Westlake	State: FL Zip: 33470
Email Address: legobrick600@gmail.com			
Check One: ☒ Troop ☐ Crew ☐ Ship		Unit Number: 199	
Name of District: Lighthouse		Name of Council: Gulf Stream	

Project Beneficiary

(Name of religious institution, school or community)

Name: Town of Loxahatchee Groves		Preferred telephone(s): 561-793-2418	
Address: 155 F Road		City: Loxahatchee Groves	State: FL Zip: 33470
Email Address: JTicomb@loxahatcheeegrovesfl.gov			

Project Beneficiary Representative

(Name of contact person for the project beneficiary)

Name: Jamie Ticomb		Preferred telephone(s): 561-793-2418	
Address: 155 F Road		City: Loxahatchee Groves	State: FL Zip: 33470
Email Address: JTicomb@loxahatcheeegrovesfl.gov			

Describe how funds will be raised:

Funds will be raised by donations from family, friends and the community.

Proposed date the service project will begin: 07/10/2021

Proposed dates for the fundraising efforts: 07/10/2021

How much money do you expect to raise?

If people or companies are asked for donations of money, materials, supplies, or tools, how will this be done and who will do it?*

This will be done in person by the Eagle candidate

*You must attach a list of prospective donor names and what they will be asked to donate. This is not required for an event like a car wash.

Are any contracts to be signed? No If so, by whom?

Contract details:

Caution: Using an Adobe or other PDF reader to insert a "signature" can cause this entire document's contents to be locked preventing future edits; make sure you save a copy if any signatures will be inserted digitally.

Approvals

The beneficiary and unit leader sign below, in any order, before authorized council approval is obtained.

Beneficiary		Unit Leader		Authorized Council Approval*	
Signature	Date	Signature	Date	Signature	Date

Procedures and Limitations on Eagle Scout Service Project Fundraising

Eagle Scout Service Project Fundraising Application must be used in obtaining approval for service project fundraising of monies and for in-kind donations of materials, supplies, tools, or other needs.* Send the completed form with any attachments to your local council service center, where it will be routed to those responsible for approval. This may be a district executive or another staff member, the council or district advancement committee, a finance committee, etc., as determined by your council. Only one form is required per service project even if there will be multiple events, participants, or donors. It is not required to submit this form with your project proposal.

**This application is not necessary for contributions from the candidate, the candidate's parents or relatives, unit or its chartered organization, unit's parents or members, or the beneficiary. All proceeds left over from fundraising or donations, whether money, materials, supplies, etc., regardless of the source, go to the beneficiary. If the beneficiary is not allowed, for whatever reason, to retain any excess funds or materials, etc., the beneficiary should designate a suitable charity to receive them, or allow the unit to retain them. The unit must not influence this decision.*

If the standards below are met, your fundraising effort likely will be approved.

1. Eagle Scout service projects may not be fundraisers. In other words, the candidate may not stage an effort that primarily collects money, even if it is for a worthy charity. Fundraising is permitted only for securing materials, etc., and otherwise facilitating a project. Unless the effort involves contributions only from the beneficiary, the candidate, the candidate's parents or relatives, unit or its chartered organization, unit's parents or members, it must be approved by the local council. This is achieved by submitting the Eagle Scout Service Project Fundraising Application.
2. It must be clear to all donors or event participants that the money is being raised on behalf of the project beneficiary. Once collected, money raised must be turned over to the beneficiary or to the candidate's unit for deposit until needed for the project. If the unit receives the funds, it must release them to the beneficiary once expenses have been paid.
3. Any contracts must be signed by a responsible adult, acting as an individual, without reference to the Boy Scouts of America. The person who signs the contract is personally liable. Contracts must not and cannot bind the local council, the Boy Scouts of America, or the unit's chartered organization.
4. If something is to be sold, we want people to buy it because it is a quality product, not just because of an association with Scouting. Buyers or donors must be informed that the money will be used for an Eagle Scout service project to benefit the school, religious institution, or community chosen, and any funds left over will go to that beneficiary.
5. Any products sold, or fundraising activities conducted, must be in keeping with the ideals and principles of the BSA. For example, they must not include raffles or other games of chance.
6. Should any donors want documentation of a gift, this must be provided through the project beneficiary, not the Boy Scouts of America. If a donor or fundraising participant wants a receipt, this too, must be provided in the name of the beneficiary.
7. Youth are not normally permitted to solicit funds on behalf of other organizations. However, a local council may allow an exception for Eagle Scout service projects.
8. Local councils may determine that certain types of fundraisers such as bake sales and car washes do not require a fundraising application. Councils may also establish dollar thresholds, as well; for example, "Any effort expected to raise less than \$500 does not require an application."



Eagle Scout Service Project Report



BOY SCOUTS OF AMERICA®

Eagle Scout candidate's full legal name William Logan Smith

Eagle Scout Service Project Name Lox. Groves Veterans Memorial Bench and Landscaping

Project start date

Project completion date

This report is to be prepared after your service project has been concluded. It is not necessary to provide lengthy answers. Be prepared to discuss your project and this report at your board of review.

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Project Execution:

Once planning was completed, when did the work begin?

When was it finished?

Project Description

Please provide a brief description of your project and the impact it will have.

Describe what you did after your proposal was approved to complete the planning of your project.

Observations

What went well?

What was challenging?

Changes

Many successful projects require changes from the original proposal. What significant changes did you make and why did you make them (be brief)?

Leadership

In what ways did you demonstrate leadership?

What was most difficult about being the leader?

What was most rewarding about being the leader?

What did you learn about leadership, or how were your leadership skills further developed?

Materials, Supplies, Tools, Other

Were there significant shortages or overages of materials, supplies, tools, and other? If so, what effect did this have?

Entering Service Project Data

The BSA collects information on the hours worked on Eagle Scout service projects* because it points to achievement of our citizenship aim. To assist with the data collection, please refer to your list of people who helped and the number of hours they worked. Then please provide the information requested below. Include hours spent doing planning under Total Hours Worked.

Be sure to include yourself, and the time spent on planning.

	Number of Workers	Total Hours Worked
The Eagle Scout Candidate - Planning Hours	1	
The Eagle Scout Candidate - Execution Hours	1	
Registered BSA youth members		
Other youth (brothers, sisters, friends, etc., who are not BSA members)		
Registered BSA adult Scouting volunteers and leaders		
Other adults (parents, grandparents, etc., who are not BSA members)		
Grand Total of Hours (enter here and on your Eagle Scout Rank Application)		

***There is no requirement for a minimum number of hours that must be worked on an Eagle Scout service project.**

If you have been told you must meet a minimum number of hours then you may lodge a complaint with your district or council. If you have given leadership to an otherwise worthy project and are turned down by your board of review solely because of a lack of hours, you should appeal the decision.

Navigating the Eagle Scout Service Project

Information for Project Beneficiaries

Thank You and Congratulations

Congratulations on your selection as an Eagle Scout service project beneficiary, and thank you for the opportunity you are making available to an Eagle Scout candidate. Support from community organizations is important to Scouting—just as important as Scouting's contributions are to the community. Scouts provide important services, and benefiting organizations such as yours provides a vehicle for personal growth.

The Eagle Scout Rank and the Service Project

Service to others is an important part of the Scout Oath: "... to help other people at all times." Each year tens of thousands of Scouts strive to achieve the coveted Eagle Scout rank by applying character, citizenship, and Scouting values in their daily lives. One of the rank requirements is to plan, develop, and give leadership to others in a service project helpful to any religious institution, school, or community. Through this requirement, Scouts practice what they have learned and gain valuable project management and leadership experience.

Typical Projects

There are thousands of possible Eagle Scout projects. Some involve building things, and others do not. There have been all kinds: making birdhouses for an arboretum, conducting bicycle safety rodeos, constructing park picnic tables or benches, upgrading hiking trails, planting trees, conducting well-planned blood drives, and on and on. Other than the general limitations noted below, there are no specific requirements for project scope or for how many hours are worked, and there is no requirement that a project have lasting value. What is most important is the impact or benefit the project will provide to your organization. In choosing a project, remember it must be something a group with perhaps limited skills can accomplish under the leadership of your Eagle Scout candidate. In order to fulfill the requirement, the Scout must be the one to lead the project. Therefore, it is important that you work with the Scout and not with the Scout's parents or leaders.

Projects Restrictions and Limitations

- Fundraising is permitted only for facilitating a project. Efforts that primarily collect money, even for worthy charities, are not permitted.
- Routine labor, like a service Scouts may provide as part of their daily lives such as mowing or weeding a church lawn, is not normally appropriate. However, if project scale and impact are sufficient to require planning and leadership, then it may be considered.
- Projects are not to be of a commercial nature or for a business, though some aspects of a business operation provided as a service, such as a community park, may qualify.
- The Scout is not responsible for any maintenance of a project once it is completed.

Approving the Project Proposal and Project Scheduling

Once a potential project is identified, you must approve your Scout's proposal. Regular communications with the Scout can make this quick and easy, but be sure you have both discussed and considered all aspects of the project to ensure your Scout has a clear understanding of your expectations and limitations. Keep in mind the proposal is merely an overview—not a comprehensive project plan.

Some projects may take only a few weeks or months to plan and carry out, while others may take longer. Scouts working toward the Eagle rank are typically busy, so scheduling flexibility may be important. The proposal must also have several approvals, besides yours, before project planning occurs and work begins. Therefore, if a proposed project must be completed by a certain rapidly approaching date, it may be a good idea to consider something different. Remember, too, that all work must be completed before the Scout's 18th birthday.

Funding Summary

Describe how you obtained money, materials, supplies, and other needs (including donations) for your project.

--

How much was collected?

How much was spent?

If your expenses exceeded funds available, explain why this happened, and how excess expenses were paid.

--

If you had money left over at the end of your project, did you turn it over to the project beneficiary? If "No," when will that be done, or if your beneficiary is not allowed to accept the left over funds, which charity will receive them?

--

How were the donors thanked?

--

Photos and Other Documentation

If you have them, submit photographs taken before, during and after project completion on a separate document. You may physically attach letters, maps, handouts, printed materials, or similar items that might be helpful to your board of review.

Caution: Using an Adobe or other PDF reader to insert a "signature" can cause this entire document's contents to be locked preventing future edits; make sure you save a copy if any signatures will be inserted digitally.

Candidate's Promise *Sign below before you seek the other approvals.*

On my honor, I was the leader of my Eagle Scout service project and executed it as reported here

Signature	Date

Approvals

In my opinion, this Eagle Scout service project meets Eagle Scout requirement 5, as stated on page 3 of this workbook.

Beneficiary name:	Unit leader name:
Signature	Signature
Date	Date

Approving Project Plans

After the proposal is approved by the BSA local council, your Scout must develop a plan for implementing the project. Before work begins, you should ask to see the plan. It may come in any format you desire or are willing to accept. It could even be a detailed verbal description. That said, the BSA includes a "Project Plan" form in your Scout's Eagle Scout Service Project Workbook, and we recommend that you ask your Scout to use it. If in your plan review you have any concerns the project may run into trouble or not produce the results you want, do not hesitate to require improvements before work begins.

Permits, Permissions, and Authorizations

- If the project requires building permits, etc., your Scout needs to know about them for planning purposes. However, your organization must be responsible for all permitting. This is not a duty for the Scout.
- Your organization must sign any contracts.
- If digging is involved, it is your responsibility to locate, mark, and protect underground utilities as necessary.
- If you need approval from a committee, your organization's management, or a parent organization, etc., be sure to allow additional time and let the Scout know if their help is needed.

Funding the Project

Eagle service projects often require fundraising. Donations of any money, materials, or services must be pre-approved by the BSA unless provided by your organization; by the Scout, the Scout's parents, or relatives; or by the Scout's unit or its chartered organization. The Scout must make it clear to donors or fundraising event participants that the money is being raised on the project beneficiary's behalf, and that the beneficiary will retain any leftover funds. If receipts are needed, your organization must provide them. If your organization is not allowed to retain leftover funds, you should designate a charity to receive them or turn them over to your Scout's unit.

Supervision

To meet the requirement to "give leadership to others," your Scout must be given every opportunity to succeed independently without direct supervision. The Scout's troop must provide adults to assist or keep an eye on things, and your organization should also have someone available. The Scout, however, must provide the leadership necessary for project completion without adult interference.

Safety

Through the proposal and planning process, the Scout will identify potential hazards and risks and outline strategies to prevent and handle injuries or emergencies. Scouts as minors, however, cannot be held responsible for safety. Adults must accept this responsibility. Property owners, for example, are responsible for issues and hazards related to their property or employees and any other individuals or circumstances they would normally be responsible for controlling. If during project execution you have any concerns about health and safety, please share them with the Scout and the unit leaders so action may be taken. If necessary, you may stop work on the project until concerns are resolved.

Project Execution and Approval

After the project has been carried out, your Scout will ask for your approval on their project report. The report will be used in the final review of the Scout's qualifications for the Eagle Scout rank. If the Scout has met your reasonable expectations, you should approve the project; if not, you should ask for corrections. This is not the time, however, to request changes or additions beyond what was originally agreed.

The Eagle Scout service project is an accomplishment a Scout will always remember. Your reward will be a helpful project and, more important, the knowledge you have contributed to a young Scout's growth.

Navigating the Eagle Scout Service Project is available for download at <http://www.scouting.org/advancement>

Eagle Service Project Workbook - Revision Tracking

Version 2021a - Released 1/3/21

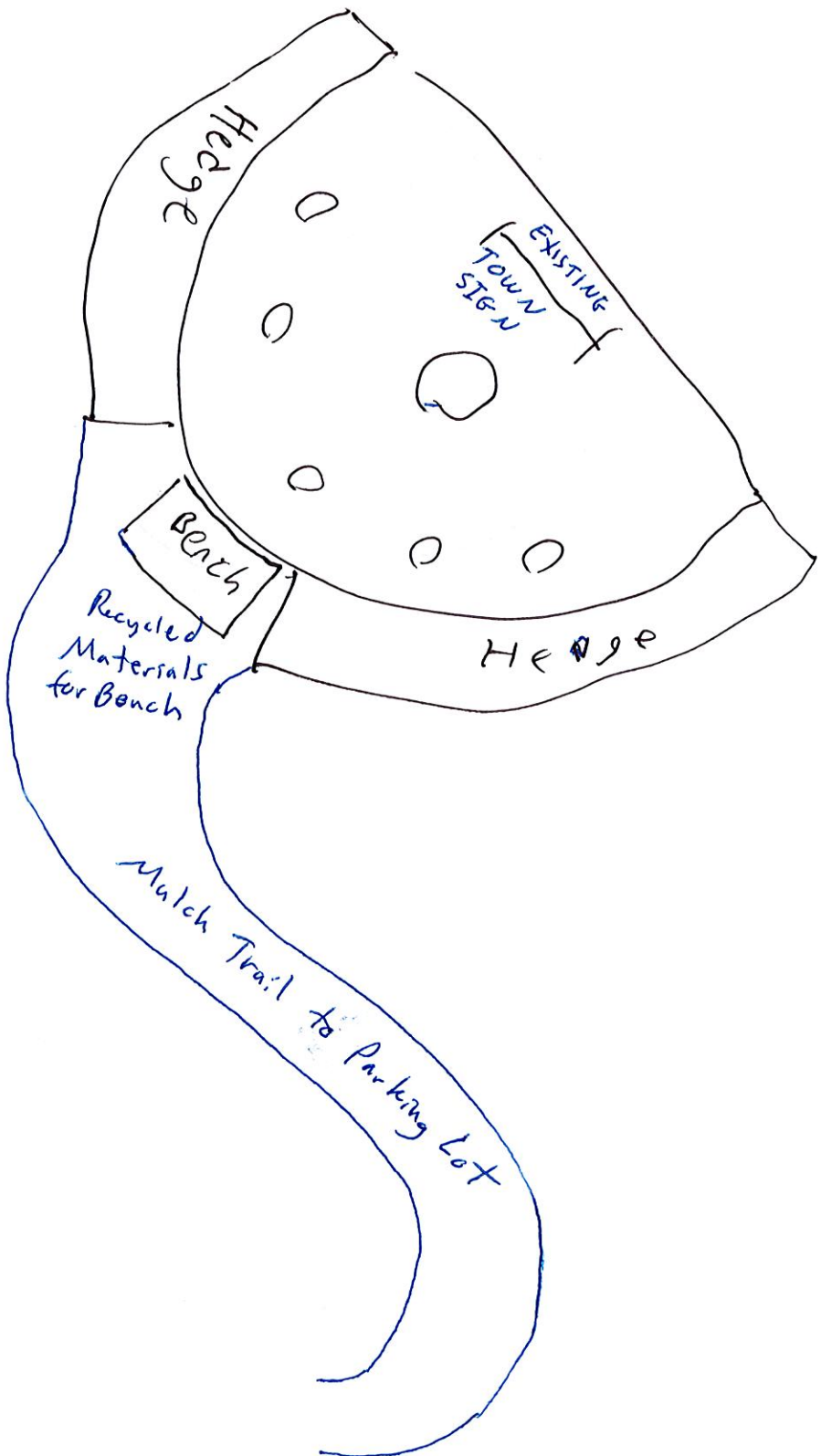
Version 2021b - Released 1/6/21

- Free text date fields length increased
- Scout name copied to footer on all pages
- Scout and project name copied across pages
- Scout name copied to fundraising application
- Made the Safety section much larger and added link to BSA Tool Safety web page
- Added an email address to the Council Service Center contact block

Version 2021c - Released 1/29/21

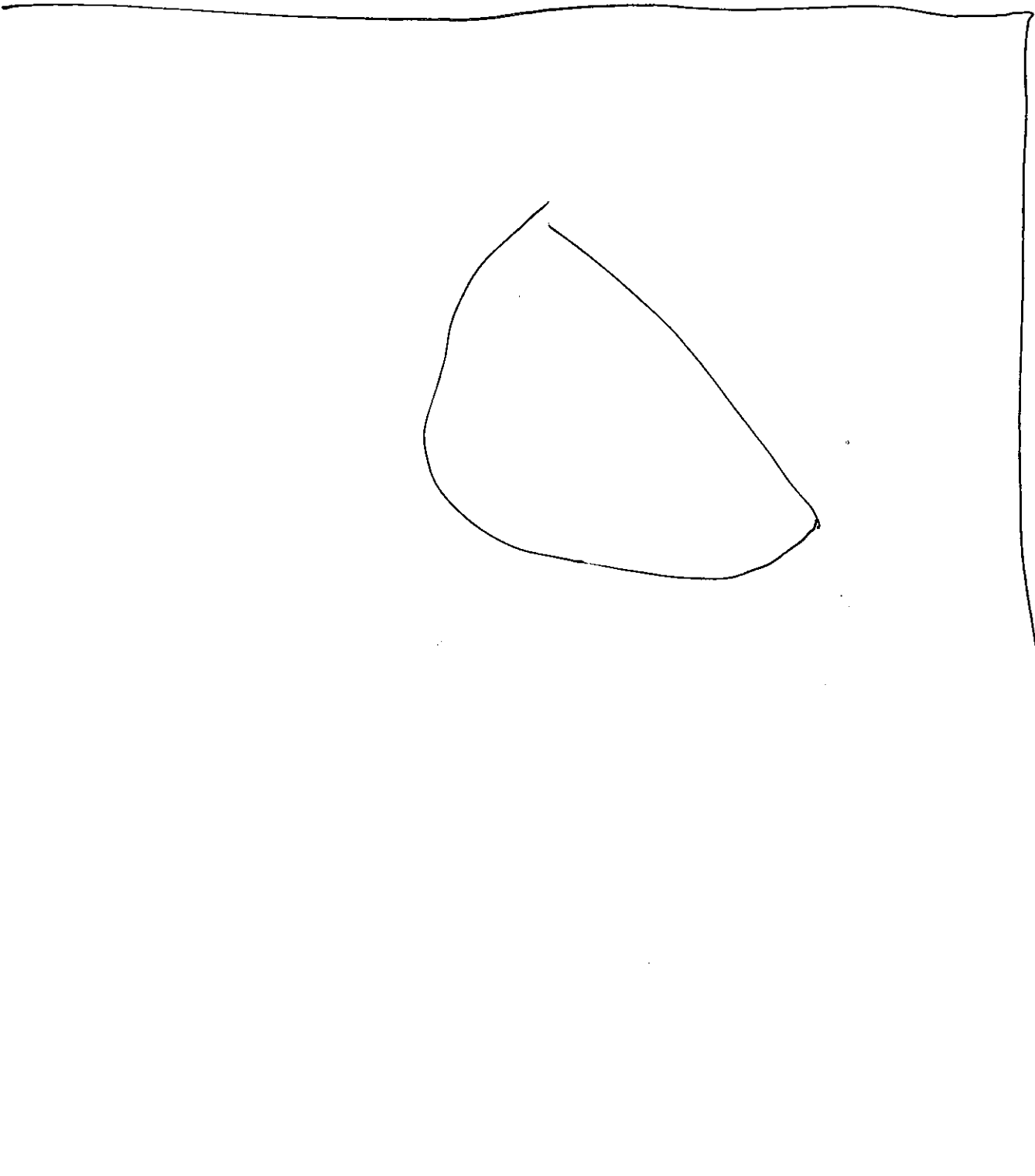
- Warnings about digital signatures locking the document have been added near all signature areas
- Candidate hour reporting split into separate planning and execution blocks*
- Page reference on Proposal Page H corrected
- Page reference on Fundraising Application Page A corrected
- Page reference on Project Report Page C corrected
- Formatting of all telephone fields removed to allow international phone numbers

Southern



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Road

Red
H



Southern

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 4

TO: Town Council of Town of Loxahatchee Groves
FROM: Larry Peters, Public Works Director
VIA: James Titcomb, Town Manager
SUBJECT: Update from Aquatic Vegetation Control, Inc.

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 5

TO: Town Council of Town of Loxahatchee Groves
FROM: Lakisha Burch, Town Clerk
VIA: James Titcomb, Town Manager
**SUBJECT: Appointment of Jai Subamanya to the Road, Equestrian Trails & Greenway
Advisory Committee (RETGAC)**

Background:

Mr. Jai Subamanya is being nominated as a regular voting member of the Road, Equestrian Trails & Greenway Advisory Committee (RETGAC) by Mayor Shorr as his appointee.

Recommendation:

Staff recommends that a motion be made to approve Resolution No. 201-27 appointing Jai Subamanya as regular voting member of the Roadway, Equestrian Trails & Greenway Advisory Committee.

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RESOLUTION NO. 2021-27

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

WHEREAS, pursuant to Resolution 2011-005, the Town Council of the Town of Loxahatchee Groves, Florida, created the “Roadway, Equestrian Trails and Greenway Advisory Committee” to advise the Town Council as to issues related to roadways, multi-purpose and equestrian trails, greenways, parks, and related water issues; and

WHEREAS, the Town Council amended Resolution 2011-005 by adopting Resolution 2015-04; and

WHEREAS, the Town Council wishes to further amend the above resolutions to allow for modification of the composition of the Committee, term of appointment and determination of absences, to be in the best interests of the residents of the Town.

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

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

Section 2. Section 2 of Resolution 2015-04 is amended as follows:

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

- (A) Qualifications. Each member of the Roadway, Equestrian Trails and Greenway Advisory Committee shall be a resident of the Town, except the Town Council may appoint one member, including alternates, who is a non-resident landowner.
- (B) Duties. The Roadway, Equestrian Trails and Greenway Advisory Committee’s duties are to review only those matters directed to it by the Town Council through the Town Manager, or by the Town Manager, which matters may include:
 - 1. Reviewing and analyzing projects relating to roadways, multi-purpose and equestrian trails, greenways, parks, and related water issues.

2. Making recommendations to the Town Council on the enhancement, improvement and development of roadways, multi-purpose and equestrian trails, greenways, parks, and related water issues within the Town; and,
3. Any other matter relating to roadways, multi-purpose and equestrian trails, greenways, parks, and related water issues the Town Council may determine should be reviewed by the Committee.

(C) The Committee shall be comprised of five (5) voting members to be appointed by individual Town Council Members.

(D) The Town Council may appoint one member of the Town Council to serve as a non-voting liaison to the Roadway, Equestrian Trails and Greenway Advisory Committee. The Town Council liaison shall serve as a conduit to provide information between the Town Council and the Roadway, Equestrian Trails and Greenway Advisory Committee.

(E) The voting members shall serve at the pleasure of the Town Council. The terms of the voting members shall be for a one-year term and shall expire on the first Tuesday of May of the following year.

(F) An attendance requirement shall be imposed on all members of the Roadway, Equestrian Trails and Greenway Advisory Committee. Unless excuse of absence is granted by the Roadway, Equestrian Trails and Greenway Advisory Committee, a member of the Roadway, Equestrian Trails and Greenway Advisory Committee ~~may~~ be removed by the Town Council if he/she has missed two (2) consecutive meetings of the Committee where both absences have been unexcused.

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

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

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

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

(A) The Roadway, Equestrian Trails and Greenway Advisory Committee shall hold an organizational meeting at the first scheduled meeting following the appointment of the members of the Roadway, Equestrian Trails and Greenway

Advisory Committee. The purpose of the Roadway, Equestrian Trails and Greenway Advisory Committee organizational meeting is for the members to elect a Chair and Vice Chair from its voting membership for terms of one (1) year.

(B) The Roadway, Equestrian Trails and Greenway Advisory Committee will meet on a monthly basis, unless there is no business to conduct as determined by the Town Manager, to review matters directed to it by the Town Council pursuant to subsection I(B) above. At such meetings, the Roadway, Equestrian Trails and Greenway Advisory Committee shall limit its business to the matters directed to it by the Town Council.

(C) All meetings, records and files of the Roadway, Equestrian Trails and Greenway Advisory Committee shall be open and available to the public, consistent with Chapter 119, Florida Statutes (the Public Records Law) and Chapter 286, Florida Statutes (the “Sunshine Law”). In addition, members of the Roadway, Equestrian Trails and Greenway Advisory Committee shall ensure that their actions are in compliance with Chapter 119, Florida Statutes (the “Public Records Law”) and Chapter 286, Florida Statutes (the “Sunshine Law”).

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

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

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

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

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

Section 3. Severability. If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid,

such unconstitutional or invalid part or application shall be considered as eliminated, and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

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

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

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

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

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

Robert Shorr, Mayor

Jai Subamanya

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

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

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

Councilmember _____ offered the foregoing resolution. Councilmember _____ 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	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
MARIANNE MILES, COUNCIL MEMBER	☐	☐	☐
MARGE HERZOG, COUNCIL MEMBER	☐	☐	☐

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE
GROVES, FLORIDA, THIS___ DAY OF JUNE 2021.**

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Robert Shorr, Mayor

Lakisha Burch, Town Clerk

Laura Danowski, Vice Mayor

APPROVED AS LEGAL FORM:

Phillis Maniglia, Council Member

Town Attorney

Marianne Mile, Council Member

Margaret Herzog, Council Member

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 6

TO: Town Council of Town of Loxahatchee Groves
FROM: Lakisha Burch, Town Clerk
VIA: James Titcomb, Town Manager
SUBJECT: Appoint of Tom Goltzene to the Unified Land Development Code Committee (ULDC)

Background:

Mr. Tom Goltzene is being nominated as a regular voting member of the Unified Land Development Code Committee by Mayor Shorr as his appointee.

Recommendation:

Staff recommends that a motion be made to approve Resolution No. 201-27 appointing Tom Goltzene as regular voting member of the Unified Land Development Code (ULDC).

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RESOLUTION NO. 2021-28

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING TOM GOLTZENE AS REGULAR VOTING MEMBERS OF THE TOWN'S UNIFIED LAND DEVELOPMENT CODE (ULDC) ADVISORY COMMITTEE TO SERVE TERMS OF ONE (1) YEAR, PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council adopted Resolution No. 2020-03, amending Resolution No. 2016-28 the "Unified Land Development Code Review Committee" to review the Town's Unified Land Development Code (ULDC) and advise the Town Council as to suggested revisions to the ULDC; and

WHEREAS, the Town Council adopted Resolution No. 2016-28, reestablishing the "Unified Land Development Code Review Committee" to review the Town's Unified Land Development Code (ULDC) and advise the Town Council as to suggested revisions to the ULDC; and

WHEREAS, it is the desire of the Town Council of the Town of Loxahatchee Groves, Florida to further amend Resolution No. 2016-28 to allow for modification of the composition of the Committee, term of appointment and determination of absences, is in the best interests of the residents of the Town.

NOW, THEREFORE, BE IS RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, as follows:

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

Section 2. The Town Council hereby modifies the Town's "Unified Land Development Code Review Committee" Resolution as follows:

I. Establishment of the "Unified Land Development Code Review Committee."

There is established the Unified Land Development Code Review Committee to act as an advisory board to the Town Council, as follows:

- (A) **Membership.** The Committee shall be comprised of five (5) voting members and, to be appointed by individual Town Council Members through adoption of a resolution. The members shall serve a term of one year, expiring on the first Tuesday of May of the following year.
- (B) **Qualifications.** Each member of the Unified Land Development Code Review Committee shall be a resident of the Town, except the Town Council may appoint one member, including alternates, who is a non-resident landowner.

- (C) Duty. The Unified Land Development Code Review Committee's duty is to review and provide recommendations on sections of the Town's currently adopted Unified Land Development Code, and pertinent sections of the Town's Comprehensive Plan, as directed by the Town Council, or the Town Manager.
- (D) An attendance requirement shall be imposed on all members of the Unified Land Development Code Review Committee. A member of the Unified Land Development Code Review Committee may be removed by the Town Council if he/she has missed two (2) consecutive meetings of the Committee, where both absences have been unexcused as determined by the Committee.
- (E) Committee members, and/or companies or employers in which the members have a direct financial interest, shall not do business with the Town, in accordance with Florida Statutes 112.313, and pertinent opinions of the Florida Commission on Ethics. If any member of the Committee finds that his/her personal interests are involved in any matter coming before the Town Council, he/she shall disqualify himself/herself from all participation in the matter.
- (F) If a regular member of the Unified Land Development Code Review Committee resigns or is removed from his or her position, the nominating Council Member shall appoint the replacement.

II. Advisory Only. The actions, decisions, and recommendations of the Unified Land Development Code Review Committee shall be advisory only.

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

- (A) The Unified Land Development Code Review Committee shall hold an organizational meeting, at the first meeting of the board following the appointment by the Town Council of the members of the Unified Land Development Code Review Committee. The Unified Land Development Code Review Committee shall elect a Chair and Vice Chair at such organizational meeting from its voting membership for a term identified in Section 2 I(A).
- (B) The Unified Land Development Code Review Committee shall meet on a monthly basis, unless there is no business to conduct as determined by the Town Manager.
- (C) All meetings, records and files of the Unified Land Development Code Review Committee shall be open and available to the public, consistent with Chapter 119, Florida Statutes (the Public Records Law) and Chapter 286, Florida Statutes (the "Sunshine Law"). In addition, members of the Unified Land Development Code Review Committee shall ensure that their actions are in compliance with Chapter 119, Florida Statutes (the "Public Records Law") and Chapter 286, Florida Statutes (the "Sunshine Law").

- (D) Notice for any meeting of the Unified Land Development Code Review Committee shall be posted in accordance with Chapter 286, Florida Statutes (the “Sunshine Law”) and on the Town’s website and at the Town Office no later than 24 hours prior to the scheduled meeting.
- (E) Three (3) members in attendance shall constitute a quorum of the Unified Land Development Code Review Committee.
- (F) The Town Manager or his\her designee shall act as secretary to the Unified Land Development Code Review Committee, and be responsible for attending all meetings, on as as-needed basis, and providing the items necessary for conducting meetings and for recording and preparation of meeting minutes. The Town Attorney or his\her designee shall act as attorney for the Unified Land Development Code Review Committee, on an as-needed basis.
- (G) Town staff will reasonably provide adequate support to the Committee to discharge its responsibilities as assigned by the Town Council.
- (H) Members of the Unified Land Development Code Review Committee shall serve without compensation for the performance of their duties.

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

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

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

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

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

Section 2. The Town Council hereby appoints the following persons to serve as voting members of the Town’s Unified Land Development Code for a term of one (1) year:

Robert Shorr

Tom Goltzene

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

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

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

Councilmember _____ offered the foregoing resolution. Councilmember _____ 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	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
MARIANNE MILES, COUNCIL MEMBER	☐	☐	☐
MARGE HERZOG, COUNCIL MEMBER	☐	☐	☐

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ____ DAY OF JUNE 2021.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Robert Shorr, Mayor

Lakisha Burch, Town Clerk

Laura Danowski, Vice Mayor

APPROVED AS T LEGAL FORM:

Phillis Maniglia, Council Member

Town Attorney

Marianne Mile, Council Member

Margaret Herzog, Council Member



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 7

TO: Town Council of the Town of Loxahatchee Groves
FROM: Elizabeth V. Lenihan, Town Attorney
VIA: James Titcomb, Town Manager
DATE: June 1, 2021
SUBJECT: Proposed Ordinance Regarding Cross-jurisdictional Access

Background:

On May 18, 2021, the Town Council considered adoption of Ordinance No. 2021-04 on first reading. The proposed ordinance prohibits private ingress/egress arrangements from providing access between areas within the Town and areas outside of the Town's corporate limits and prohibits local roadways from providing access to or from areas outside the Town's corporate limits, other than connecting to Okeechobee Boulevard or Southern Boulevard. Ordinance No. 2021-04 is being presented for final adoption.

Recommendation:

Move that the Council adopt Ordinance No. 2021-04 on second reading.

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ORDINANCE NO. 2021-04

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING SECTION 100-040 “PRIVATE INGRESS/EGRESS ARRANGEMENTS” AND SECTION 100-045 “MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STREETS” BOTH OF ARTICLE 100 “ACCESS STANDARDS AND SUBDIVISION” OF PART IV “PARKING AND LOADING, ACCESS AND SUBDIVISION, SIGHT DISTANCE” OF ITS UNIFIED LAND DEVELOPMENT CODE TO PROVIDE FOR A PROHIBITION ON PRIVATE INGRESS/EGRESS ARRANGEMENTS PROVIDING ACCESS TO AND FROM AREAS OUTSIDE THE TOWN; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to modify its current regulations for private ingress/egress arrangements; and

WHEREAS, this proposed ordinance modifies the current code by enacting regulations governing private ingress/egress arrangements providing access to and from areas outside the Town; and

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

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

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

Section 2. The Town of Loxahatchee Groves hereby amends Section 100-040 “Private Ingress/Egress Arrangements” of Article 100 “Access Standards and Subdivision” of Part IV “Parking and Loading, Access and Subdivision, Sight Distance” of the Unified Land Development Code to read as follows:

Sec. 100-040. - Private ingress/egress arrangements.

All individual and shared access to landlocked parcels shall meet the following requirements:

- (1) The ingress/egress easement shall provide for access by emergency vehicles and government officials, employees, or contractual service providers during the course of their official duties.

- (2) All property owners utilizing an individual or shared access easement shall enter into an agreement defining the rights and responsibilities of the parties in regards to the maintenance of the access easement and shall record such agreement in the Public Records of Palm Beach County, Florida.
- (3) The developer and property owner shall enter into, and shall record in the Public Records of Palm Beach County, Florida, a Declaration of Restrictive Covenants for Private Roadways and Access in a form approved by the Town Attorney, which shall, in part, indemnify and hold harmless the Town and its agents for the construction of an access easement, which is less than the access easement set forth in Section 100-045, "Minimum standards for public and private streets."
- (4) The permissibility of an ingress/egress arrangement pursuant to Section 100-035, "Access to development" is conditioned upon no further subdivision being possible that would require dedication and construction of a public or private street in lieu of an ingress/egress easement.
- (5) The address of all properties without direct, legal access to a public road shall be displayed at the public street entrance of the ingress/egress easement and again at the entrance to each property from the driveway.
- (6) The maximum length of an ingress/egress easement pursuant to Section 100-035, "Access to development" shall be one-quarter mile (1,320 feet).
- (7) Private ingress/egress arrangements shall not provide ingress to and egress from areas within the Town from and to areas outside of the Town's corporate limits. Any ingress to and egress from areas within the Town from and to areas outside of the Town's corporate limits must be through a publicly dedicated street.

Section 3. The Town of Loxahatchee Groves hereby amends Section 100-045 "Minimum Standards for Public and Private Streets" of Article 100 "Access Standards and Subdivision" of Part IV "Parking and Loading, Access and Subdivision, Sight Distance" of the Unified Land Development Code to read as follows:

Sec. 100-045. – Minimum standards for public and private streets.

The design and construction of public and private streets shall be in accordance with acceptable engineering principles. The design and construction of required improvements shall, at a minimum, be in accordance with current Town standards, including those contained in this article. Should a developer elect to provide improvements of a type or design proposed to equal or exceed the minimum requirements, standards for design and construction of such improvements shall be submitted for approval and evaluated for adequacy on an individual basis by the Town Engineer.

- (A) *Local roadway design standards.* The design of all local roadways (public and private) shall be as follows:

- (1) *Volume.* Typical volume of local roadways shall be between zero and 2,000 vehicles per day.
- (2) *Access.* Local roadways shall provide primary access to residential and agricultural properties and limited commercial development. Cut-through traffic is to be discouraged. Other than connecting to Okeechobee Boulevard or Southern Boulevard, local roadways shall not provide access to or from areas outside the Town's corporate limits.
- (3) *Design speed.* Local roadways shall be designed for travel at a maximum of 30 miles per hour.
- (4) *Required right-of-way dedication.* The minimum right-of-way dedication for all new local roadways shall be 30 feet, however, at the discretion of the Town Engineer, this minimum may be increased in order to provide sufficient drainage, canal maintenance, or to implement the Loxahatchee Groves Master Roadway, Equestrian and Greenway Plan, 2009 (MREG, 2009).
- (5) *Construction of roadway.* The entire width of the right-of-way shall be demucked before construction of the roadbed begins. No material of FDOT Class A-5, A-7 or A-8 shall be allowed. All material supporting the roadway and shoulders shall have a minimum load bearing ratio (LBR) of 40. The top 12 inches of the undisturbed soil shall be compacted to 100 percent of maximum dry density as per AASHTO T-99-C. Unless otherwise approved by the Town Engineer, lime rock or shell rock bases shall be at least six inches thick and shall have a minimum LBR of 100. Base material shall be compacted to a density of not less than 98 percent of maximum density as determined by AASHTO T-180. Roadway surface shall consist of at least a three-inch layer of open graded emulsified mix (OGEM) or a surface material of equivalent durability, as certified by an engineer.
- (6) *On-street parking.* Parking on local roadways is prohibited.
- (7) *Traffic calming.* The Town Council shall have the authority to approve traffic calming devices.
- (8) *Turnaround.* Any local roadway that does not conclude as an intersection of another roadway shall provide a turnaround of adequate dimension, as determined by the Town Engineer, to allow for the successful maneuvering and redirection of large vehicles such as emergency service and refuse collection vehicles.

(9) *Other.* Traffic signals, curbs, turn lanes, medians and sidewalks shall not be provided unless specifically required by the Town Engineer.

(10) *[Governed by District.]* Standards for roadways under the jurisdiction of the Loxahatchee Groves Water Control District shall be governed by standards developed by the District.

Section 4. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 5. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

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

Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ____ DAY OF _____, 2021.

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

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2021.

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

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Lakisha Q. Burch, Town Clerk

Mayor Robert Shorr

Vice Mayor Laura Danowski

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Council Member Marge Herzog

Council Member Phillis Maniglia

Council Member Marianne Miles

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 8

TO: Town Council of Town of Loxahatchee Groves
FROM: Larry A. Peters, P.E., Director of Public Works
VIA: James Titcomb, Town Manager
DATE: June 8, 2021
SUBJECT: Road work on South C Road.

Background:

Town Council has recently approved the repair and overlay of multiple OGEM Roads, Hardrives, Inc. has provided a quote for the repair and overlay of South "C" Road from Okeechobee Blvd. to Collecting Canal Rd.

Recommendations:

Staff recommends Council to approve a Purchase Order in the amount of \$ 250,206.73 to Hardrives, Inc. so that the South "C" Road project may move forward.

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RESOLUTION NO. 2021- 29

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE ENTRY BY THE TOWN INTO AGREEMENTS WITH VENDORS FOR GOODS AND SERVICES UTILIZING THE CITY OF POMPANO BEACH; AUTHORIZING THE MAYOR TO EXECUTE NECESSARY DOCUMENTS IN FORMS ACCEPTABLE TO THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE INTENT OF THIS RESOLUTION; AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE SUCH ACTIONS AS ARE NECESSARY TO IMPLEMENT THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-133 of the Town’s Purchasing Code permits the Town to enter into agreements for goods and services using other government agency contracts, so long as they were competitively bid and the price offered to the Town is the same or less than the price of the contracting government agency; and,

WHEREAS, the Town is in need of reliable sources for goods and services relating to repair and maintenance of public facilities, including road repairs and maintenance, drainage improvements and maintenance, landscaping and sod maintenance and repair, and other miscellaneous public works; and,

WHEREAS, the Town Administration has researched and located several government agency contracts for goods and services needed by the Town, which have been competitively procured and where the Town can obtain the same goods and services at prices equal to or less than the prices in the other government contracts: and,

WHEREAS, attached hereto and incorporated herein as Exhibit “A” is a matrix reflecting the vendor, the goods, and services to be purchased by the Town through the local government contract, and the related pricing; and,

WHEREAS, the Town Manager does not believe the Town could get better prices for the goods and services if the Town procured them itself; and,

WHEREAS, the Town Manager recommends that the Town Council authorize the use of the City of Pompano Beach listed in Exhibit “A”, and authorize the mayor to execute any and all documents to implement the use of the contracts, including letter agreements and addenda, in forms acceptable to the Town Manager and Town Attorney; and,

WHEREAS, the Town Council finds it is in the best interest of the Town of Loxahatchee Groves to act in accordance with the recommendation of the Town Manager.

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

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

Section 2. The Town Council of the Town of Loxahatchee Groves hereby authorizes the Town to utilize the City of Pompano Beach contracts for goods and services pursuant to and consistent with Exhibit “A”. The mayor is authorized to execute any and all documents to implement the use of the Palm Beach County Sheriff’s Office contracts by the Town, including letter agreements and addenda, in forms acceptable to the Town Manager and Town Attorney. The Town Manager and Town Attorney are authorized to take such actions as are necessary to implement this Resolution. In addition, the Town may use the City of Pompano Beach contracts so long as they remain in effect, including renewals or extensions of the contracts by the other government agencies.

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

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	☐	☐	☐
LAURA DANOWSKI, VICE MAYOR	☐	☐	☐
MARGE HERZOG, COUNCILMEMBER	☐	☐	☐
MARIANNE MILES, COUNCILMEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCILMEMEBER	☐	☐	☐

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

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor Robert Shorr

Lakisha Burch, Town Clerk

Vice Mayor Laura Danowski

APPROVED AS TO LEGAL FORM:

Council Member Marge Herzog

Town Attorney

Council Member Marianne Miles

Council Member Phillis Maniglia

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

HARDRIVES, INC.

2101 SOUTH CONGRESS AVENUE
DELRAY BEACH, FLORIDA 33445-7398

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

QUOTATION

May 27, 2021

Ph: (561) 793-2418

Email: LPeters@loxahatchee grovesfl.gov

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

Name of Project: C Road- Okeechobee Road to Collecting Canal Road

Location: Loxahatchee Groves

Plans and Specifications: As Described Below

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

C Road – Pave from Okeechobee Road South to Collecting Canal Road:

12,960 SY Tack	@ \$.40/SY	\$ 5,184.00
12,960 SY Pave 2" with Type S-1 Asphalt	@ \$12.50/SY	\$ 162,000.00
	Sub Total	\$ 167,184.00
Mill existing Speed Humps and Repair Potholes with Millings	@ Lump Sum	\$ 13,000.00
Install (7) seven speed tables	@ Lump Sum	\$ 10,022.73
Striping and (6) Stop Bars	@ Lump Sum	\$ 60,000.00
	TOTAL	\$250,206.73

NOTES:

- All permits and fees by others.
- All Maintenance of Traffic is Included
- Hardrives requires a two week notice to mobilize.

Prices are valid for 30 days.

ACCEPTED BY:

HARDRIVES, INC.

TITLE


Craig K. Elmore, Vice President

DATE: _____

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

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

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AGREEMENT

This Agreement for annual asphalt milling, resurfacing, and sealcoating (“Agreement” hereafter) is made as of the _____ day of _____, 2021, by and between the **Town of Loxahatchee Groves**, 155 F Road, Loxahatchee Groves, Florida 33470, a municipal corporation organized and existing under the laws of the State of Florida, hereinafter referred to as the TOWN, and Hardrives, Inc., a corporation authorized to do business in the State of Florida, hereinafter referred to as the CONTRACTOR.

RECITALS

WHEREAS, the TOWN is in need of a contractor to perform supplying, installing, servicing, and repairing gates and fences services (“SERVICES” hereinafter) for the TOWN; and,

WHEREAS, Indian Trail Improvement District through its competitive selection process awarded the Contract (“CONTRACT” hereafter) to the CONTRACTOR for substantially the same services sought by the TOWN; and,

WHEREAS, the TOWN requested, and the CONTRACTOR has executed this Agreement with the TOWN for performing the SERVICES based on the pricing and terms and conditions of the CONTRACT; and,

WHEREAS, the TOWN desires to accept CONTRACTOR’s pricing by piggy-backing the CONTRACT including all terms, conditions, and pricing therein.

NOW THEREFORE, in consideration of the mutual promises set forth herein, the receipt and sufficiency of which are hereby acknowledged, the parties hereto 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. CONTRACT. The CONTRACT with the CONTRACTOR is hereby expressly made a part of this Agreement as fully as if set forth at length herein. The TOWN shall have all rights, obligations and remedies authorized to the governmental entity under the CONTRACT and all associated and applicable Contract Documents as defined therein.
3. Agreement. In accordance with the terms and conditions in the CONTRACT and pricing therein, the CONTRACTOR shall perform as requested by the TOWN.
4. Contract Documents and Conflict of Terms and Conditions. The Contract Documents for this Agreement are comprised of the following:
 - A. All written modifications and amendments hereto.
 - B. This Agreement.
 - C. CONTRACT (including the Bid, Contractors Proposal and Contract).

The Contract Documents of this Agreement are intended to be complementary and interpreted in harmony so as to avoid conflict with the words and phrases interpreted in a manner consistent with construction and design industry standards. In the event of any inconsistency, conflict, or ambiguity between or among the Contract Documents of this Agreement, the Contract Documents of this Agreement shall take precedence in the following order:

- A. All written modifications and amendments hereto.
- B. This Agreement.
- C. The CONTRACT.

5. Compensation to Contractor. Payments by the TOWN to the CONTRACTOR under this Agreement shall not exceed the amount of compensation, on the unit basis for each item (where an item is specified), as set forth under the CONTRACT. CONTRACTOR waives consequential or incidental damages for claims, disputes or other matters in question arising out of or relating to this Agreement. **The TOWN will not expend more than the amount in the approved Budget as it may be adopted each year for the SERVICES over the term of this Agreement.**

6. Miscellaneous Provisions.

- 6.1 The TOWN and CONTRACTOR each binds itself, its partners, its successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.
- 6.2 CONTRACTOR shall maintain the insurance as required in the CONTRACT applicable to the work being performed hereunder. Said insurance will name the TOWN as an additional insured.
- 6.3 Headings and References & Exhibits: The headings contained in this Agreement are inserted for convenience of reference only and shall not be a part or control or affect the meaning hereof. All references herein to exhibits are to the exhibits hereto, each of which shall be incorporated into and deemed to be a part of this Agreement.
- 6.4 Counterparts: This Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which shall be deemed to be an original, but each of which together shall constitute one and the same instrument.
- 6.5 Entire Agreement; Amendment and Waiver: This Agreement (together with the Exhibits hereto) supersedes any and all prior negotiations and oral or written agreements heretofore made relating to the subject matter hereof and, except for written agreements, if any, executed and delivered simultaneously with or subsequent to the date of this Contract, constitutes the entire agreement of the parties relating to the subject matter hereof. This Contract may not be altered or amended except by a writing signed by the parties hereto. No waiver of any of the terms or conditions of this Contract shall be effective unless in writing and executed by the party to be changed therewith. No waiver of any condition or of the breach of any term, covenant, representation, warranty, or other

provision hereof shall be deemed to be construed as a further or continuing waiver of any such condition or breach or a waiver of any other condition or of any breach of any other term, covenant, representation, warranty, or other provision contained in this Contract.

- 6.6 Successors and Assigns: This Contract shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.
- 6.7 Governing Law; Consent to Jurisdiction: This Agreement shall be governed by and construed and interpreted in accordance with the laws of the State of Florida. Each of the parties hereto (a) irrevocably submit itself to the exclusive jurisdiction of the Fifteenth Judicial Circuit Court in and for Palm Beach County, Florida for state actions and jurisdiction of the United States District Court for the Southern District of Florida, Palm Beach Division, for the purposes of any suit, action or other proceeding arising out of, or relating to, this Contract; (b) waives and agrees not to assert against any party hereto, by way of motion, as a defense of otherwise, in any suit, action or other proceeding, any claim that it is not personally subject to the jurisdiction of the above-named courts for any reason whatsoever; and (ii) to the extent permitted by applicable law, any claim that such suit, action or proceeding by any part hereto is brought in an inconvenient forum or that the venue of such suit, action or proceeding is improper or that this Agreement or the subject matter hereof may not be enforced in or by such courts.
- 6.8 Third Party Beneficiary rights: This Agreement shall create no rights or claims whatsoever in any person other than a party herein.
- 6.9 Severability: If any one or more of the provisions of this Agreement shall be held to be invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby.
- 6.10 Effective date, term, and renewal: The effective date of this Agreement is the date the Agreement is approved by the TOWN Council. The term of this Agreement shall be for a term to mirror the CONTRACT which shall expire on _____. This Agreement may be renewed subject to approval by the TOWN Council and in accordance with the CONTRACT renewal.
- 6.11 Public Records: Public Records: CONTRACTOR shall comply with Florida's Public Records Act, Chapter 119, Florida Statutes, and, if determined to be acting on behalf of the TOWN as provided under section 119.011(2), Florida Statutes, specifically agrees to:
- (a) Keep and maintain public records required by the TOWN to perform the service.
- (b) Upon request from the TOWN's custodian of public records or designee, provide the TOWN with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.

- (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of this Contract and following completion of this Contract if the CONTRACTOR does not transfer the records to the TOWN.
- (d) Upon completion of this Contract, transfer, at no cost, to the TOWN all public records in possession of the CONTRACTOR or keep and maintain public records required by the TOWN to perform the service. If the CONTRACTOR transfers all public records to the TOWN upon completion of the Contract, the CONTRACTOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the CONTRACTOR keeps and maintains public records upon completion of the Contract, the CONTRACTOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the TOWN, upon request from the TOWN's custodian of public records or designee, in a format that is compatible with the information technology systems of the TOWN.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS OR DESIGNEE AT 561-793-2418, lburch@loxahatcheegrovesfl.gov , OR BY MAIL AT TOWN OF LOXAHATCHEE GROVES, 155 F ROAD, LOXAHATCHEE GROVES, FL 33470.

- 6.12 Preparation: This Agreement shall not be construed more strongly against either party regardless of who was more responsible for its preparation.
- 6.13 PALM BEACH COUNTY IG: In accordance with Palm Beach County ordinance number 2011-009, the CONTRACTOR acknowledges that this Agreement may be subject to investigation and/or audit by the Palm Beach County Inspector General. The CONTRACTOR has reviewed Palm Beach County ordinance number 2011-009 and is aware of its rights and/or obligations under such ordinance.
- 6.14 All notices required in this Agreement shall be sent by certified mail, return receipt requested, and sent to the addresses appearing on the first page of this Agreement.
- 6.15 The TOWN is exempt from payment of Florida State Sales and Use Tax. The CONTRACTOR shall not be exempted from paying sales tax to its suppliers for materials used to fill contractual obligations with the TOWN, nor is the CONTRACTOR authorized to use the TOWN'S Tax Exemption Number in securing such materials.

7. Indemnity.

The parties recognize that the CONTRACTOR is an independent contractor. The CONTRACTOR agrees to assume liability for and indemnify, hold harmless, and defend the TOWN, its council members, mayor, officers, employees, agents, and attorneys of, from, and against all liability and expense, including reasonable attorney's fees, in connection with any and all claims, demands, damages, actions, causes of action, and suits in equity of whatever kind or nature, including claims for personal injury, property damage, equitable relief, or loss of use, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the CONTRACTOR, its agents, officers, Contractors, subcontractors, employees, or anyone else utilized by the CONTRACTOR in the performance of this Contract. The CONTRACTOR's liability hereunder shall include all attorney's fees and costs incurred by the TOWN in the enforcement of this indemnification provision. This includes claims made by the employees of the CONTRACTOR against the TOWN and the CONTRACTOR hereby waives its entitlement, if any, to immunity under Section 440.11, Florida Statutes. The obligations contained in this provision shall survive termination of this Contract and shall not be limited by the amount of any insurance required to be obtained or maintained under this Contract.

Subject to the limitations set forth in this Section, CONTRACTOR shall assume control of the defense of any claim asserted by a third party against the TOWN and, in connection with such defense, shall appoint lead counsel, in each case at the CONTRACTOR's expense. The TOWN shall have the right, at its option, to participate in the defense of any third-party claim, without relieving CONTRACTOR of any of its obligations hereunder. If the CONTRACTOR assumes control of the defense of any third-party claim in accordance with this paragraph, the CONTRACTOR shall obtain the prior written consent of the TOWN before entering into any settlement of such claim. Notwithstanding anything to the contrary in this Section, the CONTRACTOR shall not assume or maintain control of the defense of any third party claim, but shall pay the fees of counsel retained by the TOWN and all expenses, including experts' fees, if (i) an adverse determination with respect to the third party claim would, in the good faith judgment of the TOWN, be detrimental in any material respect to the TOWN's reputation; (ii) the third party claim seeks an injunction or equitable relief against the TOWN; or (iii) the CONTRACTOR has failed or is failing to prosecute or defend vigorously the third party claim. Each party shall cooperate, and cause its agents to cooperate, in the defense or prosecution of any third-party claim and shall furnish or cause to be furnished such records and information, and attend such conferences, discovery proceedings, hearings, trials, or appeals, as may be reasonably requested in connection therewith.

It is the specific intent of the parties hereto that the foregoing indemnification complies with Section 725.06, Florida Statutes, as amended. CONTRACTOR expressly agrees that it will not claim, and waives any claim, that this indemnification violates Section 725.06, Florida Statutes. Nothing contained in the foregoing indemnification shall be construed as a waiver of any immunity or limitation of liability the TOWN may have under the doctrine of sovereign immunity or Section 768.28, Florida Statutes.

IN WITNESS WHEREOF, the TOWN and CONTRACTOR have caused this Agreement 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:

Town Attorney

CONTRACTOR: _____

By: _____

Print Name: _____

Title: _____

[Corporate Seal]

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019
by _____, as _____ of _____, a
corporation 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: _____



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 9

TO: Town Council of Town of Loxahatchee Groves

FROM: Elizabeth V. Lenihan, Town Attorney

VIA: James Titcomb, Town Manager

DATE: June 15, 2021

SUBJECT: Cost Sharing Policy and Assessments

Background:

Previous councils have adopted Cost sharing and road prioritization policies as well as an ordinance on assessments for cost shared projects. These documents were adopted prior to the consolidation of the Town and the District. There were different options available to the Town and the District that are not available solely to the Town. The policies and assessment ordinance were adopted in furtherance of the approved financing mechanisms to focus on roadway improvements.

While the focus is still on roadway improvements and how to finance them, the current Town Council has identified different priorities than what are established in these documents. To carry out the priorities of the Town Council these documents need to be updated. The implementation of roadway standards is a necessary step in completing the usefulness of these documents.

Staff proposes updating the assessment ordinance to make the cost sharing policy part of the ordinance, to clarify the petition process, and allow for projects on public roads to be cost shared by property owners from 50 to 100% funded by assessment. Projects would be eligible though the stated road prioritizations set forth in the ordinance consistent with the road prioritization policy, which address priority based on property owner funding. Eligibility would necessarily include sufficient right-of-way be available to complete the improvements to Town roadway standards, and, perhaps, that the right-of-way be dedicated to the Town through easement or deed. Projects would be implemented pursuant to the ordinance by a project-specific resolution, which will identify the improvement area, the cost share percentage, the assessment methodology and benefit unit, as required by Florida Statutes.

Staff is also proposing updates to the road prioritization policy that coincide with the Town Council's stated priorities, generally consistent with the roadway classifications set forth in the comprehensive plan. Lettered roads along with the primary east west roads have been identifies as



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the top propriety, Classifications 1-3. The Town Council has also identified that roadways classified as 4 and 5 are the top priority for assessable projects and perhaps those classified as 3 lower eon that priority list. There will be stated exceptions, such as improvements pursuant to developer agreements or where funds are made available from other government agencies.

Recommendations:

Town Council should discuss the changes and staff will bring additional information at a future meeting.



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 10

TO: Town Council of Town of Loxahatchee Groves
FROM: Elizabeth V. Lenihan, Town Attorney
VIA: James Titcomb, Town Manager
DATE: June 15, 2021
SUBJECT: Solid Waste Ordinance and Contract Amendments

Background:

Staff has been addressing needed updates to the Solid Waste Collection Ordinance and Contract to re-organize and re-define the documents and the service provided. One of the major changes is to address residential and commercial service.

Currently, residential service includes solid waste cart service, recycling service, and 6 cubic yards of vegetative waste collection. Residential service is based on dwelling units, which is calculated by rooftops and is charged at \$450 per dwelling unit collected by the Town on the tax roll. Commercial service is currently solid waste service through cart or container and recycling service, charged at a series of different rates based on the level of collection. Commercial service rates are collected by the Contractor through billing.

Staff is proposing to redefine service to require either residential or commercial service on each property within the Town. Residential service would include, similar to now, solid waste service (one cart), recycling service, and 6 cubic yards of vegetative waste collection. Properties receiving residential service could obtain up to two residential service subscriptions and two additional carts through special services (total of up to 4 carts of solid waste, 12 cubic yards of vegetative waste, and recycling). Commercial service would be service for any property being used for a commercial purpose or desires to obtain service in excess of the residential service. Residential service is still proposed to be collected on the tax roll, while Commercial service and special services will be billed by the Contractor.

The Contractor and staff have also discussed a change to the rate structure and to the franchise fees. The proposed change to the residential service makes this service more limited and the franchise fee of 3% is proposed to continue for this service. There is a proposed change to raise rates and change the franchise fee to 25% for commercial service and to raise the franchise fee to



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10% for all special services, including the two additional carts available to residential service customers.

Staff has just received the tax roll, which will be evaluated in setting the new rates. Staff is working with the Contractor, current tax roll and the currently served and potential commercial accounts to properly estimate the rates moving forward. Staff is proposing to prepare the appropriate property owner notifications related to the potential change in assessments for the residential service customers based on the information that is identified through this process.

Preliminary Ordinance changes are attached for discussion. The Contract amendments will depend on the changes to the Ordinance and the rate calculations that Coastal and staff are working on.

Recommendations:

Town Council should discuss the proposed changes and staff will bring additional information at a future meeting.

ORDINANCE NO. 2021-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ARTICLE I, IN GENERAL, AND ARTICLE III, COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED, OF CHAPTER 38, SOLID WASTE, LOXAHATCHEE GROVES CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to modify its current regulations for the collection and disposal of solid waste; and

WHEREAS, the Town Council believes that the modifications will enhance the ability of the Town to ensure appropriate levels of service are provided and used within the Town; and

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

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

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

Section 2. The Town of Loxahatchee Groves hereby amends Article I, In General, of Chapter 38, Solid Waste, Loxahatchee Groves Code, as follows:

ARTICLE I. – IN GENERAL

Sec. 38-1. Definitions.

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

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

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

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

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

Business Days: Monday through Saturday, except for holidays.

Cart: A curbside container meeting the town’s specifications intended for collection via automated or semi-automated means supplied to residential collection service customers.

Collection: The process whereby solid waste, vegetative waste, recovered material, or recyclable material is gathered from within the service area and transported to a designated facility.

Commercial Collection Service: The collection of solid waste and source separated recovered materials from property within the service area that is used for a commercial purpose or desires collection service that exceeds residential collection service. Such service includes collection from containers and compactors but does not include roll-off collection service.

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

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

Container: Any container designed or intended to be mechanically dumped into a loader packer type truck or recycling vehicle. All containers must be of the specifications as designated by the town manager, in writing.

Designated Facility: A disposal, processing, recovery, recycling, or transfer facility, managed or operated by the Solid Waste Authority of Palm Beach County or another facility if specifically designated in writing by the Solid Waste Authority of Palm Beach County.

Franchisee: A person or entity that has entered into an agreement with the town to provide collection services within the service area.

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

Hazardous Waste: As identified by the State of Florida Department of Environmental Regulation in Florida Administrative Code 17-730, as may be amended, or the United States

Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., and implementing regulations, as may be amended.

Holiday: A designated holiday on which the franchisee shall not be required to provide collection service or to maintain office hours. At a minimum, the designation of holidays shall correspond to those days when the Solid Waste Authority Landfills are closed.

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

Land Clearing: The removal of vegetation for the purpose of improving real property through remodeling, new construction, or agricultural use. Land clearing shall include, but is not limited to, trees, brush, dirt, rocks, or similar obstructions/materials being removed from a parcel of land using mechanical devices such as a bobcat, backhoe, front-end loader, tractor, bulldozer, etc. Removal refers to the physical action of the equipment digging, scraping, bulldozing, and/or pulling debris from the ground. Transporting vegetation that was removed without the aid of a mechanical device to the curb using a mechanical device does not constitute land clearing. A chainsaw is not to be considered a mechanical device in the removal process.

Property: A plot as defined in Section 10-015 of the Town of Loxahatchee Groves Unified Land Development Code.

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

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

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

Recovered Materials: Metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the waste stream for sale, use, or reuse as raw materials, but the term does not include materials destined for any use that constitutes disposal. Recovered materials are not solid waste. Recovered materials do not include any material or substance that does not fit within one of the six categories described in this definition (metal, paper, glass, plastic, textile, or rubber). Among other things, unsorted construction and demolition debris is not a recovered material.

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

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

Recycling Container: A rigid container made of plastic or other suitable substance or a paper bag that is used for the storage of recovered materials.

Residential Collection Service: The collection of sources separated recovered materials, one cart of solid waste, and up to six cubic yards of vegetative waste at curbside or roadway, plus any residential special services, from property within the service area. Residential collection service shall be subscribed to by the owner or lessee of property within the service area on a per property basis. Each property utilizing residential collection service may be provided no more than two residential collection services (source separated recovered materials, two carts of solid waste, and up to 12 cubic yards of vegetative waste) and two additional carts as special services. Special services other than additional carts have no maximum.

Residue: The portion of the recyclable materials stream accepted by the franchisee that is not converted to recovered materials due to breakage and/or transportation or processing inefficiencies.

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

Service Area: The corporate limits of the Town of Loxahatchee Groves, Florida.

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

Solid Waste: As defined by F.S. § 403.703(32), as may be amended, including garbage, rubbish, trash, and other discarded waste. Includes bulk waste, garbage, rubbish, refuse, trash, vegetative waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations; and shall not include special waste or recovered materials.

Source Separated: Recovered materials that are separated from solid waste at the location where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other and recognizes de minimis solid waste (less than 10 percent by volume or weight) may be included in the recovered materials. Recovered materials deposited in combination with more than 10 percent solid waste

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by volume or weight at the location where the recovered materials and solid waste are generated are not source separated and are solid waste.

Special Services: Any services requested or required by the customer which are in addition to or a change in residential or commercial collection service, as applicable.

Special Waste: Wastes that may require special handling and management, including but not limited to, biohazardous waste, biological waste, hazardous waste, lead-acid batteries, automobiles, boats, internal combustion engines, non-automobile tires, sludge, dead animals, livestock waste, and septic tank waste. Special waste may also include items determined by the town manager to be reasonably unmanageable.

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

Vegetative Waste: Any vegetative matter resulting from yard and landscaping maintenance by any party and shall include materials such as tree and shrub trimming materials, grass clippings, palm fronds, tree branches and similar other matter usually produced as refuse in the care of lawns, landscaping, and yards, but shall not include land clearing.

Sec. 38-42. - Solid waste collection fees; billing; payment; enforcement.

- (a) The town shall have the power to create, install, improve, maintain, and fund any and all costs associated with establishing and operating a system of providing a ~~solid waste~~ collection services program (solid waste collection program) for residential and/or commercial collection service to the property owners, residents, and citizens of the town. The recipients of the town's solid waste collection program will enjoy protection and enhancement of public health and safety by the provision of reliable and effective service to persons who own or use such property, and enrichment of property value and minimization of potential liability attendant with the use of the assessed property.
- (b) Fees for ~~trash service~~ the solid waste collection program, including costs for collection, and administration fees necessary to provide the solid waste collection ~~services~~ program, ~~as shall be established by the town council, shall be collected by the town for the trash solid waste collection service program within the town.~~ Fees for the solid waste collection program, or any portion thereof, may be collected as a special assessment levied and collected by the town, or billed and collected by the town or solid waste collection franchisee. The town may also provide, by agreement, for the billing and collection of the town's fee for ~~trash~~ the solid waste collection service program, or any portion thereof, by another governmental entity. The town may provide for the inclusion of such administrative fees to fund the billing and

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collection of the charges for solid waste collection ~~service-program~~ in any bill sent or special assessment levied to property owners within the town.

(c) Any ~~residential property owner or lessee; apartment owner or owner operator of a commercial establishment~~ who shall fail to make appropriate payment for ~~trash~~ the solid waste collection service-program shall have his ~~trash-solid waste collection program~~ service terminated. Any ~~residential property owner or lessee; apartment owner or owner operator of a commercial establishment~~ whose ~~trash-solid waste collection program~~ service shall be so terminated shall be deemed in violation of this chapter and upon conviction of such violation shall be punished as provided by in Chapter 14 of this Code.

(ed) If a property owner fails to pay for ~~garbage-solid waste~~ collection services, or to adequately provide for ~~garbage-solid waste~~ collection services in accordance with this chapter, the town shall have the right to enter upon the premises, remove garbage, trash or ~~construction other~~ waste and charge the owner the cost to the town for such services. Billing for collection shall be on a per pickup basis. The town shall forward to the owner at his last-known address a copy of the charges for such collection, including any delinquency charges, and, if same is not paid within 30 days after such notice is mailed, the same shall be and constitutes a lien upon the property in question.

(de) The town attorney may institute foreclosure proceedings to foreclose any lien imposed pursuant to ~~subsection (b) of this section~~. The owner of the property against which the lien exists shall be liable to the town for a reasonable attorney's fee to compensate its attorney for services in collecting the amounts due on said lien, together with all costs occasioned in foreclosing said lien, and the same shall be decreed to be a lien upon the lands described and shall be collected at the time and in the manner provided for the collection of the amount evidenced by said lien. The decree rendered in such case for the enforcement and collection and the amount due thereunder shall determine the principal, interest, costs, and attorneys' fee to be chargeable against each property so encumbered, which amounts shall constitute a lien against the property described. In foreclosing such liens, the town may pursue and follow any recognized process to enforce liens and any number of assessment liens against the same owner or occupant may be foreclosed in one proceeding.

(ef) The lien in favor of the town upon the property for all unpaid services, interest, attorneys' fees, and court costs shall have priority over all other liens and encumbrances, except state, county, and municipal taxes, and shall be on parity with the lien of such state, county, and municipal taxes.

Sec. 38.3. Solid waste collection special assessments shall constitute a lien on improved real property.

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

Section 3. The Town of Loxahatchee Groves hereby amends Article III, Collection of Waste; Franchises and Registration of Contractors Authorized, of Chapter 38, Solid Waste, Loxahatchee Groves Code, as follows:

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

Sec. 38-54. Reserved. Definitions.

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

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

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

~~**Bulk Waste:** Any non-vegetative item which cannot be containerized, bagged, or bundled; including, but not limited to, inoperative and discarded refrigerators, ranges, toilets, pool heaters, water softeners, pianos, washers, dryers, bathtubs, water heaters, sinks, bicycles, and other similar domestic appliances or household goods. There shall be no weight limit for any item of Bulk Waste. No commercial or non-passenger tires and only two, on an annual basis, passenger car tires are permitted to be placed as bulk pickup. The term "Bulk Waste" may be used interchangeably with the term "Bulk Trash."~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Residential User:~~ A person, including, but not limited to, owners, lessees, and sublessees utilizing a building, a portion thereof, specifically designed for and used for occupancy of that person.

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

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

~~Service Area:~~ The corporate limits of the Town of Loxahatchee Groves, Florida.

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

~~Solid Waste:~~ As defined by F.S. § 403.703(32), as may be amended, including garbage, rubbish, trash, and other discarded waste. Residential Solid Waste and Commercial Solid Waste but shall not include Special Waste or Recovered Materials. Solid Waste shall mean Bulk Waste, Garbage, rubbish, refuse, Trash, Vegetative Waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations.

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

~~Source Separated:~~ Recovered Materials that are separated from Solid Waste at the location where the recovered materials and solid waste are generated. The term does not require that various types of Recovered Materials be separated from each other and recognizes de minimis Solid Waste may be included in the recovered materials. Materials are not considered Source Separated when two or more types of Recovered Materials are deposited in combination with

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~~each other in a Container located where the materials are generated and when such materials contain more than 10 percent solid waste by volume or weight, in which case the materials are Solid Waste. The term “various types of Recovered Materials” means metals, paper, glass, plastic, textiles, and rubber.~~

~~**Special Services:** Any services requested or required by the customer which are in addition to or a change in, Residential Solid Waste Collection Service or Residential Recycling Collection Service.~~

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

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

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

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

- (a) The town may enter into an exclusive franchise for the collection services, which may include any or all of the collection of solid waste, vegetative waste, and/or recyclable materials of Solid Waste and Residential Recyclable Materials from all locations in the town to the extent not prohibited by state law or may enter into any number of franchises that the town determines is in the best interest of the town.
- (b) In the event that the town grants an exclusive franchise, or any number of franchises, all collection within the town shall be performed by the franchisee(s). ~~contract, or a Solid Waste or Recyclable Materials collection entity is not granted a franchise by the Town and has existing contracts within the Town, then only existing contracts as of June 5, 2018, for Solid Waste Collection Services and Residential and Recyclable Materials~~

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

- (c) The town council may require businesses performing ~~Solid Waste collection, disposal, and recycling~~ services within the town to pay a franchise fee to the town, in an amount determined by the town council, for the privilege of conducting and operating ~~solid waste collection, disposal, and recycling~~ services on the public streets, roads, alleys, and other thoroughfares of the town. The franchise fee, as indicated below, shall be based on a percentage of the amount charged for ~~solid waste~~ collection; that is described in a franchise agreement between the town and ~~franchisee a contractor~~. Any franchise fee required by the town council shall be paid to the town in a manner and an amount as set forth in a franchise agreement with the franchisee ~~contractor~~.

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

- (a) ~~Each residential~~ the owner or lessee of each property within the town, ~~each apartment owner and each owner-operator of a non-residential use~~ shall subscribe to residential or commercial a regularly scheduled solid waste collection service or Recyclable Materials Collection service as may be provided either by the town or the town's franchisee ~~by such private individual or concern as may be franchised by the Town~~, except as may be exempted by town ordinance or state law. Separate service is required for each property. The levels of necessary service shall be determined based upon the use. Any collection services in addition to regularly scheduled collection services shall be scheduled through the town or the town's franchisee. Verification of adequate ~~Solid Waste and Recyclable~~ collection services must be provided to the town upon the town's request.
- (b) It is unlawful for any ~~No~~ individual, corporation or other entity ~~will be permitted to perform collection services Solid Waste or Recyclable Materials~~ within the Town either on a regularly scheduled basis or, alternatively, on a non-scheduled short-term, ~~or temporary, basis~~ unless such individual, corporation or other entity is properly franchised by the town, except as may be required or exempt by state law or town ordinance.

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

~~All solid waste collection special assessments imposed against the owners of assessed units pursuant to this chapter shall constitute, and are hereby imposed as, liens against such real property as of January 1 of each year or as soon thereafter as the certified roll is received by the tax collector. Until fully paid and discharged or barred by law, the solid waste collection special assessments shall remain liens equal in rank and dignity with the lien of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. If any solid waste collection special~~

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~~assessment liens become delinquent by not being fully paid by April 1 following the year in which they are assessed, or immediately after 60 days have expired from the mailing of the original notice set forth by the uniform method, whichever is later, and remain delinquent, such liens shall be enforced by the tax collector in the same manner as any other special assessment lien of the Town.~~

Sec. 38.58. Containers required.

Each ~~dwelling unit~~ property within the town shall be required to have a town approved garbage container for either residential or commercial collection service. It shall be unlawful within the town for any person to place any solid waste, ~~or vegetative waste,~~ or recyclable materials out for collection unless such solid waste, ~~or vegetative waste,~~ or recyclable material is in a container, if such container is required and approved by the town council. A garbage can may not be used if a container has been required and approved by town council.

Sec. 38.59 Precollection procedures generally.

- (a) The placement of ~~garbage~~ solid waste, vegetative waste, or recyclable materials in a loose and uncontained manner on the roadside, swale, other locations adjacent to the roadway, or in dumpster enclosures shall be strictly prohibited.
- (b) No person shall place for curbside collection any ~~garbage, bulk~~ solid waste, vegetative waste, or recyclable materials upon any property other than in the swale or area adjacent to and directly in front of the same property from which the ~~garbage, bulk~~ solid waste, vegetative waste, or recyclable materials was generated or accumulated, unless a predetermined location has been approved by the town and the town's franchisee ~~Contractor~~.
- (c) All ~~garbage~~ containers, when placed for curbside collection, shall be at ground level, not within the roadway, and immediately accessible to collection crews.
- (d) No person shall place any ~~garbage~~ containers, or any accumulation of ~~garbage, bulk~~ solid waste, or vegetative waste, or recyclable materials in any portion of a roadway, right-of-way or upon private property in any part of a front yard or a side yard abutting a right-of-way except during the time periods as allowed by this article. No person in possession of real property shall allow any ~~garbage~~ containers or roll-out cart, or any accumulation of ~~garbage, bulk~~ solid waste, or vegetative waste, or recyclable materials to remain in any portion of a roadway or right-of-way abutting his/her property to the centerline of the roadway or right-of-way, or in any part of the front yard or side yard abutting the roadway or right-of-way, except during the day scheduled for collection or as otherwise set forth in this article.
- (e) Private roads shall be fully accessible to the town's ~~contractor~~ franchisee and equipment in order for collections to be made by the town's ~~Contractor~~ franchisee without delay.

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

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

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

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

Sec. 38.61. Construction and demolition debris.

Collection of construction and demolition debris may be made part of the town's exclusive franchise agreement for solid waste collection.^[EL2]

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

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

Sec. 38.62. Registration of recovered material dealers.

- (a) A recovered materials dealer or pyrolysis facility must register with the town before engaging in business within the service area ~~jurisdiction of the local government~~. Such registration process is limited to requiring the dealer or pyrolysis facility to:
- (1) register its name, including the owner or operator of the dealer or pyrolysis facility, and, if the dealer or pyrolysis facility is a business entity, its general or limited partners, its corporate officers, and directors.
 - (2) its permanent place of business.
 - (3) evidence of its certification under Section 403.7046, Florida Statutes; and:

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- (4) a certification that the recovered materials or post-use polymers will be processed at a recovered materials processing facility or pyrolysis facility satisfying the requirements of Section 403.7046.
- (b) The town shall charge the dealer or pyrolysis facility a registration fee commensurate with and no greater than the cost incurred by the town ~~local government~~ in operating its registration program, as established by resolution by the town council. Registration program costs are limited to those costs associated with the activities described in this article ~~ordinance~~.
- (c) The town's reporting or registration process with regard to recovered materials or post-use polymers is governed by Section 403.7046 and rules of the Florida Department of Environmental Protection or any successor agency performing a like function, adopted pursuant to Section 403.7046.
- (d) The town may temporarily or permanently revoke the authority of a recovered materials dealer to do business within the town. If the town ~~believes~~ alleges that the recovered materials dealer ~~finds the recovered materials dealer~~ has consistently and repeatedly violated state or local laws, rules, regulations, and the town's ordinances, it shall notice the recovered materials dealer of the charges and schedule a hearing before the town's special magistrate using the notice and hearing process of Chapter 162, Florida Statutes.

Sec. 38.63. Recycling program.

(a) Residential collection.

(1) *Paper Goods.* Paper Goods placed out for collection as recyclable materials shall be segregated from all other solid waste material by all residential units not using containerized refuse service. It shall be in a Container provided by the Town's Contractors and placed out for collection according to a scheduled day established by the Town along with all other Solid Waste or next to the Container or Garbage Can used by such Solid Waste customers. Recyclable Materials shall not be placed in plastic bags, and adequate precaution shall be made to prevent newspapers from being scattered by the elements.

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

(b) *Unauthorized collection.* It shall be a violation of this section for any person not authorized by the Town to collect or remove any Recyclable Materials as provided for

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above which has been specifically placed for collection in any recycling container in any residential area of the Town.

Sec. 38.64. Vegetative waste.

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

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

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

Sec. 38.65. Bulk waste ~~trash~~.

- (a) It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator or container with any doors, lids, or closures of any type in place. This prohibition shall not apply to any appliance, refrigerator or container at a commercial establishment which has been placed on or adjacent to the rear of the building and is crated, strapped, or locked to an extent that it is impossible for a child to obtain access to any compartment thereof.
- (b) If bulk waste ~~trash~~ is placed adjacent to the pavement or travel way of the street/alley at time periods or at locations outside of those allowed by this article, the town's franchisee contractor may collect the bulk waste ~~trash~~ at any time upon request from the customer and charge the customer a fee as set forth in the franchise agreement ~~with the contractor if requested by the customer~~.

Sec. 38.66. Interim rates for new structures.

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

Sec. 38.67. Community piles^[EL3].

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

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

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

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

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __DAY OF _____, 2021.

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

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS _____ DAY OF _____, 2021.

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

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

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakesha Q. Burch, Town Clerk

Mayor Robert Shorr

Vice Mayor Laura Danowski

APPROVED AS TO LEGAL FORM:

Council Member Marge Herzog

Office of the Town Attorney

Council Member Maryann Miles

Council Member Phillis Maniglia

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