

Agenda Item No.: 3A-1

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: April 7, 2009

☒ **Consent** ☐ **Regular**
☐ **Public Hearing**

Department:

Submitted By: ADMINISTRATION

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file:

A) Resolution No. 2009-004 of the Town of Loxahatchee Groves, Florida expressing its concern regarding the increase in truck traffic along Southern Boulevard as well as other transportation routes within Palm Beach County that will result from the transporting of solid waste to the new Palm Beach County landfill to be located in close proximity to the Town; expressing its support for the use of the Florida East Coast Railway and CSX Railroad tracks to assist in the transportation of solid waste to the new Palm Beach County landfill; and

B) Resolution No. 23-08 of the City of Boca Raton supporting House Bill 189 and Senate Bill 922 amending Section 767.14, Florida Statutes, eliminating the prohibition of breed-specific local government regulation of dangerous dogs.

Summary: N/A

Background and Justification: N/A

Attachments: Original Documents

Recommended By: Patty Hrille

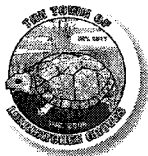
Agenda Coordinator

3/20/09
Date

Approved By: N/A

Assistant County Administrator

Date



Town of Loxahatchee Groves

14579 Southern Boulevard ▪ Suite 2 ▪ Loxahatchee Groves, Florida 33470 ▪ Phone: 561.793.2418 ▪ clerk@loxahatcheegroves.org

February 16, 2009

FEB 25 2009

Commissioner Jeff Coons, Chair
Palm Beach County Commission
301 North Olive Avenue
Suite 1201
West Palm Beach, FL 33401

Dear Commissioner Coons,

On behalf of the Town Council of the Town of Loxahatchee Groves, I hereby transmit Resolution 2009-004 for your consideration.

The Town Council is expressing its concern regarding the increase in truck traffic along Southern Boulevard (State Road 80) as well as other transportation routes within Palm Beach County that will result from the transporting of solid waste to the new Palm Beach County landfill. The new landfill will be located in close proximity to the Town of Loxahatchee Groves. The Town Council is expressing its support for the use of the Florida East Coast Railway and CSX Railroad tracks to assist in the transportation of solid waste to the new Palm Beach County landfill.

We are requesting your support on this issue.

Should you need any addition information, please contact the Town Management office of the Town of Loxahatchee Groves at 561-793-2418.

Thank you,

Matthew Lippman,
Town Clerk, Loxahatchee Groves

cc: Palm Beach County League of Cities
Members of the Palm Beach County Commission
Mayors of Palm Beach County Municipalities
Michele Damon, President of Indian Trails Improvement District
Clete Saunier, Administrator of Loxahatchee Groves Water Control District

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-004

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA EXPRESSING ITS CONCERN REGARDING THE INCREASE IN TRUCK TRAFFIC ALONG SOUTHERN BOULEVARD AS WELL AS OTHER TRANSPORTATION ROUTES WITHIN PALM BEACH COUNTY THAT WILL RESULT FROM THE TRANSPORTING OF SOLID WASTE TO THE NEW PALM BEACH COUNTY LANDFILL TO BE LOCATED IN CLOSE PROXIMITY TO THE TOWN; EXPRESSING ITS SUPPORT FOR THE USE OF THE FLORIDA EAST COAST RAILWAY AND CSX RAILROAD TRACKS TO ASSIST IN THE TRANSPORTATION OF SOLID WASTE TO THE NEW PALM BEACH COUNTY LANDFILL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Palm Beach County Board of County Commissioners (the "County") is currently evaluating the location for a new solid waste landfill for the County; and

WHEREAS, the location of the new solid waste landfill is anticipated to be located in an area west of the Town of Loxahatchee Groves (the "Town"), with the primary means of access to the landfill to be off of Southern Boulevard; and

WHEREAS, it is anticipated that as a result of the operation of the new landfill, there will be a significant increase in truck traffic along Southern Boulevard, which will adversely impact the Town and neighboring municipalities, as well as other individuals and businesses that rely on Southern Boulevard to traverse the County; and

WHEREAS, as a result of the construction of the landfill, there will be a significant increase in truck and other vehicular traffic on Southern Boulevard, as well as all transportation routes throughout the County, which will result in the concurrent increase in carbon emissions, and an associated decrease in air quality affecting all of Palm Beach County; and

WHEREAS, the increase in truck and vehicular traffic serving the landfill will also cause the quality of the road surfaces to deteriorate at a faster rate, thus increasing the costs to all Palm

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-004

Beach County residents and business who will have to pay the cost to repave the roads serving the landfill; and

WHEREAS, the increase in truck and vehicular traffic servicing the landfill will also result in increased numbers of traffic accidents and increased litter along the roadways used by the vehicles travelling to the landfill, thus increasing the costs to all Palm Beach County residents and businesses who will have to pay the costs to keep the roads clear, safe, and litter-free; and

WHEREAS, currently, the Florida East Coast Railroad and CSX operate railroad lines throughout the County which could be used to transport the solid waste from solid waste transfer locations in the County; and

WHEREAS, the use of existing railway lines in conjunction with trucks would likely result in a decrease in overall truck traffic necessary to serve the landfill, and a corresponding decrease in carbon emissions would likely result, thus preventing further degradation of the County's air quality; and

WHEREAS, the Town finds that it would be appropriate, and in the best interest of the health, safety, and welfare of the citizens of the Town, as well as all of Palm Beach County, to have the County research and review the potential for the use of existing railroad lines to serve as a mechanism to deliver solid waste to the new landfill; and

WHEREAS, the Town Council of the Town of Loxahatchee groves desires to communicate its findings to the County Commission, the Solid Waste Authority of Palm Beach County, and the municipalities in Palm Beach County.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-004

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

Section 1. The foregoing "WHEREAS" clauses are confirmed and ratified as being true and correct and are hereby incorporated herein.

Section 2. The Town Council of the Town of Loxahatchee Groves, Florida hereby expresses its support for the establishment of a railroad network along existing Florida East Coast and CSX Railway lines that will provide for the delivery of solid waste to Palm Beach County's new landfill. The use of existing railway lines will reduce truck and other vehicular traffic along Southern Boulevard, and other transportation networks within Palm Beach County, and further reduce the amount of carbon emissions into the air that result from the operation of trucks delivering solid waste to the new landfill, as well as decrease the potential for traffic accidents and litter along the transportation routes to the landfill within Palm Beach County.

Section 3. The Town Clerk is directed to forward a copy of this Resolution to the Chair of the Palm Beach County Board of County Commissioners, each County Commissioner, the County Administrator, the Executive Director of the Solid Waste Authority of Palm Beach County, and the President and Executive Director of the Palm Beach County League of Cities

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

Section 5. If any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-004

part or application shall be considered as eliminated and will in no way affect the validity of the remaining portions or applications remaining in full force and effect.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 3rd day of February, 2009.

ATTEST:

Matthew Lyman
TOWN CLERK

APPROVED AS TO LEGAL FORM:

DATA
Office of the Town Attorney

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

David Browning
Mayor David Browning

Marge Herzog
Vice Mayor Marge Herzog

[Signature]
Council Member

[Signature]
Council Member

[Signature]
Council Member

SSG:DNT:dnt

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City of Boca Raton

CITY HALL • 201 WEST PALMETTO PARK ROAD • BOCA RATON, FLORIDA 33432-3795 • PHONE: (561) 393-7700
(FOR HEARING IMPAIRED) TDD: (561) 367-7046
SUNCOM: (561) 922-7700
INTERNET: www.myboca.us



February 27, 2009

Mr. Robert Weisman, County Administrator
Governmental Center
301 North Olive Avenue
11th Floor
West Palm Beach, FL 33401

Re: Boca Raton City Council Resolution No. 23-2009

Dear Mr. Weisman:

The above referenced resolution supporting Florida House Bill 189 and Senate Bill 922 amending S767.14, Florida Statutes, eliminating the prohibition of breed-specific local government regulation of dangerous dogs was adopted by unanimous vote of the Boca Raton City Council on February 24, 2009. At the direction of the City Council, the enclosed certified copy of Resolution 23-2009 is being forwarded to you for distribution to all Palm Beach County Commissioners.

Sincerely,

A handwritten signature in cursive script that reads "Susan S. Saxton".

Susan S. Saxton
Assistant to the City Manager

Enc.



RESOLUTION

23-2009

This is a true copy. No. of Pages 3
IN WITNESS WHEREOF, I hereunto set my hand
and affix the Seal of the City of Boca Raton,
Florida, this 25th day of February
A.D. 2009.
Thomas Slavsky
City Clerk

1
2 A RESOLUTION OF THE CITY OF BOCA RATON
3 SUPPORTING HOUSE BILL 189 AND SENATE BILL 922
4 AMENDING SECTION 767.14, FLORIDA STATUTES,
5 ELIMINATING THE PROHIBITION OF BREED-SPECIFIC
6 LOCAL GOVERNMENT REGULATION OF DANGEROUS
7 DOGS; PROVIDING FOR SEVERABILITY; PROVIDING
8 FOR REPEALER; PROVIDING AN EFFECTIVE DATE
9

10 WHEREAS, the potential for injury or death from attacks by dogs emphasizes the need
11 to protect the general public from dangerous dogs; and

12 WHEREAS, there is evidence showing that certain breeds of dogs have a propensity to
13 attack; and

14 WHEREAS, the City Council of the City of Boca Raton deems it to be in the best
15 interests of the citizens and residents of the City to be afforded greater protection from dangerous
16 dogs; and

17 WHEREAS, Section 767.14, Florida Statutes, expressly prevents local governments,
18 including municipalities, from regulating against specific breeds of dogs; and
19

1 WHEREAS, House Bill 189 and Senate Bill 922 propose to lift the ban on the prohibition
2 of breed-specific regulations; and

3 WHEREAS, the City of Boca Raton has reviewed and desires to support this
4 legislation; now therefore

5
6 BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
7 BOCA RATON:

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9 Section 1. The City Council of the City of Boca Raton supports House Bill 189 and
10 Senate Bill 922, and urges members of the Florida Legislature to support this legislation.

11 Section 2. The City Clerk is hereby directed to provide a certified copy of this
12 Resolution to the Governor of the State of Florida, the Speaker of the Florida House of
13 Representatives, the President of the Florida Senate, the Palm Beach County Legislative
14 Delegation of the Florida Legislature, the Palm Beach County Board of County Commissioners,
15 the Florida League of Cities and the Palm Beach County League of Cities.

16 Section 3. If any section, subsection, clause or provision of this resolution is held
17 invalid, the remainder shall not be affected by such invalidity.

18 Section 4. All resolutions or parts of resolutions in conflict herewith shall be and
19 hereby are repealed.

20 Section 5. This resolution shall take effect immediately upon adoption.
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1 PASSED AND ADOPTED by the City Council of the City of Boca Raton this 24th
2 day of February 2009.
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4 CITY OF BOCA RATON, FLORIDA

5
6 ATTEST:

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10 Sharma Hagerty
11 Sharma-Hagerty, City Clerk
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Susan Whelchel
Susan Whelchel, Mayor

ed

COUNCIL VOTE			
	YES	NO	ABSTAINED
MAYOR SUSAN WHELCHER	✓		
COUNCIL MEMBER M. J. MIKE ARTS	✓		
COUNCIL MEMBER BILL HAGER	✓		
COUNCIL MEMBER SUSAN HAYNIE	✓		
COUNCIL MEMBER MICHAEL MULLAUGH	✓		

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