

TOWN OF LOXAHATCHEE GROVES

TOWN HALL COUNCIL CHAMBERS

TOWN COUNCIL REGULAR MEETING

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

AGENDA

FEBRUARY 1, 2022 - 7:00 - 10:30 P.M.



Robert Shorr, Mayor (Seat 4)

Phillis Maniglia, Councilmember (Seat 1)

Laura Danowski, Vice Mayor (Seat 2)

Marianne Miles, Councilmember (Seat 3)

Marge Herzog, Councilmember (Seat 4)

Administration

Town Manager, James S. Titcomb

Assistant Town Manager, Francine L. Ramaglia

Town Attorney, Elizabeth Lenihan, Esq.

Town Clerk, Lakisha Q. Burch

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

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

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

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

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

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

TOWN COUNCIL AGENDA ITEMS

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL

ADDITIONS, DELETIONS AND MODIFICATIONS

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

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

CONSENT AGENDA

1. Approval of Meeting Minutes.
 - a. March 2, 2021, Town Council Regular Meeting
 - b. March 16, 2021, Town Council Regular Meeting
 - c. January 4, 2022, Community Resident Workshop Meeting
 - d. January 4, 2022, Town Council Regular Meeting

REGULAR AGENDA

2. Update on Legislative Matters by Mary McNicholas, Town Lobbyist.
3. Update on Groves Town Center.
4. Update from Kim Delaney, Treasure Coast Planning Agency.

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 may be 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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Agenda # 1

TO: Town Council of Town of Loxahatchee Groves

FROM: Lakisha Burch, Town Clerk

DATE: October 20, 2021

VIA: James Titcomb, Town Manager

SUBJECT: Meeting Minutes

Staff recommends approval of the attached meeting minutes.

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**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF COUNCIL MEETING
MARCH 2, 2021**

Meeting audio available in Town Clerk's Office

TOWN COUNCIL AGENDA ITEMS

CALL TO ORDER

Mayor El-Ramey called meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor El-Ramey led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor El-Ramey led a prayer.

ROLL CALL

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

ADDITIONS/DELETIONS/MODIFICATIONS TO THE AGENDA

Town Manager requested that item #4 under Public Hearing be removed from the agenda and continued to the March 16, 2021 agenda and to add a presentation from Palm Beach County Sheriff's Office (PBSO) after public comment on the agenda.

Motion was made by Councilmember Maniglia and seconded by Councilmember Danowski to continue Item #4, under Public Hearing to the March 16th agenda and add the presentation from PBSO after Public Comment. Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Maniglia, Danowski, and Shorr. Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There were comments made by the following: Virginia Standish and Ruth Menar.

PRESENTATIONS – **ADDED TO THE AGENDA**

Palm Beach County Sheriff's Office Annual Report

Captain Craig Turner of the Palm Beach County Sheriff's Office provided the Town Council with a presentation of the 2020 Annual Report for the Town of Loxahatchee Groves. He mentioned crime in the county overall decreased and provided statistics for 2020. Councilmember Shorr inquired about how citations are documented versus stops. Councilmember Danowski asked Captain Turner to define egregious. Councilmember Maniglia inquired about how the Town received revenue from the citations from Palm Beach County and can the revenue information be added to the annual report. Councilmember Miles inquired about citations being written on paved roads versus dirt roads. Councilmember Miles inquired about compared to other smaller cities where does Loxahatchee Groves stand. Councilmember Maniglia inquired about patrons loitering at convenience stores and drinking alcohol.

CONSENT AGENDA

1. Approval of Resolution No. 2021-07 authorizing the entry by the Town into Agreements with Vendors for Goods and Services Utilizing the Village of Wellington's Annual Asphalt Milling, Resurfacing and Sealcoating Contract; authorizing the mayor to Execute necessary documents in forms acceptable to the Town Manager and Town Attorney to take necessary action to implement such Cooperative Purchasing Agreements.
2. Approval of Resolution No. 2021-08 supporting the Village of Wellington's local bill on fireworks.
3. Approval of Resolution No. 2021-11 appointing Katie Lakeman as a regular voting member of the Town's Roadway, Equestrian Trails & Greenway Advisory Committee, to serve a term that expire on the sunset date of May 4, 2021.

Motion was made by Councilmember Danowski and seconded by Councilmember Maniglia to Consent Agenda. Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Maniglia, Danowski, and Shorr. Motion passed unanimously.

PUBLIC HEARING

4. Approval of First Reading of Ordinance No. 2020-06 amending its Code of Ordinances by enacting Chapter 7 "Animals" to provide for regulations regarding animals. **PULLED FROM AGENDA TO BE HEARD AT THE MARCH 16TH TOWN COUNCIL REGULAR MEETING**

REGULAR AGENDA

5. Presentation of "Dust Control" and "Sand Glue".
 - a. Global Environmental-Brian McNeil
 - b. Soil2o – Paul Christle
 - c. Presentations was given by Brian McNeil from Global Environmental and Paul Christle from Soil2Pro

The town has been discussing various “Dirt Glue” and “Dustless” products/processes/prices from various vendors for some time now. We have arranged two presentations to let council take into consideration products that harden, better maintain and, or reduce dust fly on our dirt road grids.

Global Environmental Solutions, a US-based company specializing in equestrian soil stabilization and dust mitigation needs. Founder and primary R/D resource is Chris Rider. Chris has worked side-by-side with Brian McNeil locally preparing a Dirt Glue sample created in his driveway for demonstration, he is very familiar with the status of our local roads.

Local resident Mr. Brian McNeil (owner E=MC Equestrian Arenas & Surfaces) a member of the RETGAC Committee, has offered guidance with any install and, or just serve as a local technical resource for the town, assist the crew with any test-bed prototype of the product, and answer council questions on the options.

Paul Christle represents a dustless product company “Soil2O” who will speak on their product qualities and options for application on our dirt roads grid. Public Works presented back-up materials originally in October for these various road treatment options, however council voiced interest in direct conversations on the product(s) to use here.

Mayor El-Ramey inquired about the longevity of the product through grading. Mr. McNeil stated that the product will last through grading. Councilmember Maniglia asked would the manufacturer be willing to put down test strips at no charge. Vice Mayor Herzog inquired about how the products holds up in the rain. Mayor El Ramey inquires about the potency of the product in the rain. Councilmember Shorr inquired about the cost of the product. Councilmember Maniglia asked about the training of Public Works staff to use the product. Councilmember Maniglia discussed what roads the test application should be applied. There was a consensus by Council to move forward with the product and gave Town Manager Titcomb direction to meet with Mr. McNeil and staff to come up with a proposal to bring back before for discussion at the March 16th Town Council Meeting.

Public Comment: Todd McClendon and Virginia Standish

Motion was made by Councilmember Danowski seconded by Councilmember Maniglia for B Road North to do a test application of the GES Product in the 100-75-50-25 percent breakdown for a two-mile stretch. Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Maniglia, Danowski, and Shorr. Motion passed unanimously.

6. Approval of Resolution No. 2021-12 acceptance of a dedication of land located in the vicinity of theoretical 145th Avenue North & theoretical 43rd Road North, Loxahatchee Groves, FL.

On January 26, 2021, Town staff met with the potential (contracted) Buyers of the (4) properties informally known as “Little Turtle Creek LLC” (LTC) to discuss a proposed dedication Property for Right of Way purposes. The Property is located in the vicinity of 145th Avenue North & 43rd Road, North, Loxahatchee Groves, Florida. The actual location(s) are

described on the Sketch and Legal Description labeled as Exhibit “A”, attached hereto, and made a part hereof.

Town Council is considering acceptance of the said Property for the intended purposes it will provide public ingress/egress and services access to property owners who may be impacted by recent and intended private road closures undertaken by the Indian Trail Improvement District, commonly referred to as ITID; and removal of the public portion way of access by the town on the LTC property in the past.

Town Attorney James Brako read into the record the Resolution approving the acceptance of the dedication of land located in the vicinity of theoretical 145th Avenue North & theoretical 43rd Road North, Loxahatchee Groves, FL from contract purchasers Dr Kenneth A and Ivy Larson and Gail Ingram. Councilmember Maniglia inquired about who is paying for the clearing, rock, excavation, and other items for the property. Councilmember Danowski thanked the Larson and Ingram family for cooperating and why the 30 feet roadway. Vice Mayor Herzog inquired about the title company giving residents access that is required. Councilmember Maniglia asked Town Attorney Brako to define an Easement of Prescription. Councilmember Shorr inquired about the easement in the back of the house. Councilmember Shorr inquired about ensuring language in the contract to ensure access roads are passable while the road is under construction per Exhibit A. Vice Mayor Herzog inquired about the numbers of the new roads that are being created. Mayor El-Ramey requested the Town Manager or Town Attorney provide a background on this issue and the hesitancy of the seller. Councilmember Maniglia requested an estimate for how much it will cost the Town to clear, rock, and excavate the road prior to Town Council approval. Councilmember Herzog asked what the timeline is for closing on the property.

Public Comment: Virginia Standish, Todd McClendon. Dr. Kenneth Larson

Motion was made by Councilmember Maniglia and seconded by Vice Mayor Herzog to bring back Resolution No. 2021-12 to the March 16th meeting with the following amendments: 2 estimates for road construction from outside vendors, providing access and maintaining existing egress, and Town Attorney research feasibility of time impact to the private owners on 43rd Road N. Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Shorr, and Maniglia. Nays: Councilmember Danowski. Motion passed 4-1.

TOWN COUNCILMEMBER COMMENTS

Phillis Maniglia (Seat 1)

- Provided information on the Silver Lake property located in Westlake which is adjacent to the North end of the Town. Thanked Public Works Director, Larry Peters for the mirrors and requested a Caution Horses sign be added. Stated that the individuals that are spraying canals are performing the task from their trucks.

Laura Danowski (Seat 2)

- Inquired about the Code Compliance enforcement process regarding violations, Code Enforcement Special Magistrate, and liens on property.

Robert Shorr (Seat 4)

- Requested that staff follow up with the City of Westlake on obtaining traffic light on D Road. Informed staff that the canals looked great after vegetation was removed. Inquired about the status of the Simmons and White traffic study. Assistant Town Manager Rama provided an update on the traffic study. Inquired about road paving. Assistant Town Manager Ramaglia gave a update and asked if the council would like to have all proposal brought before them for discussion.

Motion was made by Councilmember Danowski and seconded by Councilmember Maniglia to extend the meeting; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Maniglia, Danowski, and Shorr. Motion passed unanimously.

Vice Mayor Marge Herzog (Seat 5)

- Informed staff the removal of the vegetation from the canals look great and keep up the good work. Resident is concerned about the messy condition on B Road when workers leave empty food and drink containers at the location and not properly dispose of them. State the garbage cans on Okeechobee are not being emptied in a timely manner. Would like to see monthly updates on what the Town Council is working on as far as budgeted items on the Town's social media outlets. Inquired about the military flags on Town Hall property

Mayor El-Ramey (Seat 3)

- Inquired about the patch material cost. Inquired about the correlation of a reroofing and FDA requirements for the permitting process. Town Manager Titcomb explained that there is some work that has been done in the Town without permits and there are cases that when a legitimate permit is applied for it triggers certain code requirements on the property.
- **Motion was made by Councilmember Danowski and seconded by Councilmember Maniglia to extend the meeting; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Maniglia, Danowski, and Shorr. Motion passed unanimously**

TOWN STAFF COMMENTS

Town Manager

- Town Manager James Titcomb congratulated Town Clerk, Lakisha Burch on receiving the Master Municipal Clerk Designation from the International Institute of Municipal Clerks. Provided information on how staff determines what items are going on the Town Council agenda.

Public Works Director

- Public Works Director Peters announced new Public Works employees have been hired.

Town Clerk

- Town Clerk Burch reminded everyone that the municipal election is Tuesday, March 9, 2021.

ADJOURNMENT

There being no further business the meeting was adjourned at 11:10 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

Elizabeth Lenihan, Town Attorney

Mayor Robert Shorr

Vice Mayor Laura Danowski

Councilmember Phillis Maniglia

Councilmember Phillis Maniglia

Councilmember Marianne Miles



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF COUNCIL MEETING
MARCH 16, 2021**

Meeting audio available in Town Clerk's Office

TOWN COUNCIL AGENDA ITEMS

CALL TO ORDER

Mayor El-Ramey called meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Mayor El-Ramey led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor El-Ramey led a prayer.

ROLL CALL

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

ADDITIONS/DELETIONS/MODIFICATIONS TO THE AGENDA

SWEARING IN OF NEW COUNCILMEMBERS

Mayor Lisa El-Ramey thanked everyone for their support during her tenure on the Town Council. Encouraged Councilmembers to work as a team for the betterment of the Town. Mayor El-Ramey stepped down from the dais.

Town Clerk Lakisha Burch swore in Councilmembers Marianne Miles and Phyllis Maniglia. Councilmember Miles took her place on the dais.

Motion was made by Councilmember Shorr seconded by Councilmember Maniglia to approve the agenda as presented. Ayes: Acting and Vice Mayor Herzog, Councilmembers Shorr, Danowski, Maniglia and Miles. Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There was public comment made by Katherine Rose, Mary McNichols, Andy Larson, Virginia Standish, Andrew Somar and Casey Suchy.

PRESENTATION

1. Presentation from Florida Power & Light (FPL) underground power lines.

External Affairs Manager, Stephanie Mittrione introduced Michael Fetto, Project Manager. Mr. Fetto gave a brief presentation on the installation of underground power lines to commence in January 2022.

Councilmember Danowski inquired about the downtime during installation and the potential for the transformer flooding during heavy rains. Inquired about how would the killing of mature trees be avoided during the installation process. Questioned if future survey will show where the underground wires have been placed.

Councilmember Shorr questioned how the underground installation would affect the easement for other utilities. Stated that with the underground installation, tree trimming for powerlines that were in the trees will no longer take place.

Councilmember Miles questioned what the life of the underground powerlines is and who would be the responsible party if repairs are needed. Asked how does the new installation effect the outage feeders.

There was public comment by John Ryan and Subu Subram

PUBLIC HEARING

2. Approval of Second Reading of Ordinance No. 2020-07 amending its Unified Land Development Code by amending Part II “Zoning Districts”, Article 20 “Residential Zoning Districts” by enacting Section 20-050 “Recreational Vehicles”; amending Article 175 “Floodplain Management”, Division XV “Recreational Vehicles and Park Trailers”.

The Town Council considered adoption of Ordinance No. 2020-07 on first reading at its October 20, 2020, and November 3, 2020, council meetings. After council discussion, direction was given to continue this item and request the Town’s ULDC committee to review and provide recommendations to the proposed ordinance. Therefore, this ordinance is being presented again for first reading at this time.

All of the proposed changes are as follows:

“Agricultural structures” and “housekeeping” have been deleted from Sec. 20-050(a).

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

25’ setbacks are required from “all” property lines.

Inclusion of language authorizing use of portable/pump-able septic tanks and removal of waste therefrom has been added in Sec. 20-050(a)(5).

Insertion of missed word “property” in Sec. 20-050(a)(6)

RV’s will not be allowed on properties that have adjudicated code violations and unresolved penalties associated thereto.

Town Attorney James Brako read the Ordinance 2020-07 into the record.

Motion was made by Councilmember Danowski and seconded by Councilmember Miles to discuss Ordinance No. 2020-07 Ayes: Acting and Vice Mayor Herzog, Councilmembers Shorr, Danowski, Maniglia and Miles. Motion passed unanimously

Councilmember Danowski inquired about who makes the determination of the condition of the vehicle per the code and the applicability of the ordinance to caretakers, quarters, grooming quarters, and construction trailers. Town Attorney Brako provided clarification.

Councilmember Miles asked does the ordinance include personal recreation vehicles on the property. Town Attorney Brako indicated that the ordinance does not, but it is captured in a different section of the Code.

Councilmember Shorr inquired about staff’s process to administer and enforce the ordinance. Town Manager Titcomb explained the process.

Motion was made by Councilmember Danowski seconded by Councilmember Maniglia to approve Ordinance No. 2020-07 on second reading. Ayes: Acting and Vice Mayor Herzog, Councilmembers Shorr, Danowski, Maniglia and Miles. Motion passed unanimously.

3. Approval of Second Reading of Ordinance No. 2020-08 amending Chapter 30 “Nuisances”, Article I “In General”; amending Chapter 38 “Solid Waste”, Article III “Collection of Waste; Franchises and Registration of Contractors authorized”, Section 38.59 “Collection of Waste; Franchises and Registration of Contractors authorized” to modify and clarify the regulations regarding Nuisances related to imminent public health treats and the obstruction of roadways.

Town Attorney James Brako read the Ordinance into the record and informed Council that the subjective language in Section 30-3 has been stricken from the ordinance per their request.

Councilmember Danowski inquired in that staff elaborate on section 30-7 paragraph A. Town Attorney Brako provided an explanation.

Councilmember Shorr asked would a property owner be charged without proper notice. Town Manager indicated that it would be on a case-by-case basis, and it is not the goal of the Town to charge without notice but more of the ability to nuisance items as quickly as possible for the safety of the residents.

Councilmember Maniglia inquired about the measurement of the right of way and can the language stated be depending on the road under the definition of right of way. Attorney

Brako and Town Manager Titcomb provided an explanation and indicated he can make the changes requested.

Public Comment was made by Nina Corning, John Ryan, and Cassie Suchy.

Motion was made by Councilmember Danowski seconded by Councilmember Shorr to approve Ordinance No. 2020-08 on second reading with stated changes. Ayes: Acting and Vice Mayor Herzog, Councilmembers Shorr, Danowski, Maniglia and Miles. Motion passed unanimously.

REGULAR AGENDA

4. Approval of Resolution No. 2021-09 approving the Groves Medical Plaza Conditional Use and Site Plan Amendment, for land owned by Groves Medical Plaza LLC, consisting of 3.43 acres more or less, located at the Northeast Corner of Southern Blvd. and “F” Road.

The Applicant has requested revisions to Palm Beach County Resolution 2006-0157 and the approved Grove Medical Plaza Site Plan dated April 26, 2006, to allow non-medical professional office tenants within the approved space. The proposed amendments will allow the greatest flexibility in leasing the built space. The Site Plan and Conditions of Approval currently limit tenants to medical and dental businesses. No increase in the approved amount of space (22,342 sq. ft.) is proposed. The Application states the following in support of the proposed amendments:

1. “Section 95-010(B) of the Town’s Unified Land Development Code (ULDC) provides the minimum parking space requirements for Commercial uses. Offices (e.g., business, professional, and medical) require one parking space per 250 square feet. The corresponding parking requirement for the 22, 342 SF Groves Medical Plaza is 90 spaces. The project as constructed provides for a total of 112 parking spaces. Accordingly, ample parking is provided for both professional and medical office uses pursuant to the Town’s requirements.”

2. “Likewise, traffic trip generation for medical office uses is higher than that of professional office uses. The proposed change to allow professional and/or medical office use would not result in an increase in traffic generation generated by the project.”

Public Comment: Ryan Johnston,

Motion was made by Councilmember Danowski seconded by Councilmember Maniglia to approve Resolution No. 2021-09 on second reading. Ayes: Acting and Vice Mayor Herzog, Councilmembers Shorr, Danowski, Maniglia and Miles. Motion passed unanimously.

5. Discussion and Update on “Dirt Glue” solution for North “B” Road.

Representatives from two “Dust Control” products presented an overview of their products to Town Council on March 2, 2021. Town Council approved a “Pilot” test program for each product.

Soil2o:

This product was selected to be tested on “D” Road, from Okeechobee to Southern Boulevard.

A purchase order is being authorized to MLR Holdings, in the amount of \$2,052.00, for 18 Buckets of Soil2o product, for a one-month pilot test, the initial and three additional weekly applications.

Upon receipt of the PO, the product will be shipped from North Carolina, and the first application will occur upon arrival.

Dirt Glue (CES):

This product was selected to be tested on “North B Road”, between Okeechobee Boulevard and North Road.

Mr. McNeil suggested that we diminish the amount of product as the traffic diminishes. i.e., 100% the South ¼ mile, 75% the next ¼ mile, 50% the next ¼ mile, and 25% of the product for the Northern most ¼ mile, therefore, the amount of product would be:

Southern ¼ mile:	1,444 gallons
Next ¼ mile	1,083 gallons
Next ¼ mile	722 gallons
Next ¼ mile	<u>361 gallons</u>
Total	3,610 gallons in lieu of the proposed 5,775 gallons

Reducing the cost to \$32,195.00 less 15% = \$27,371.00 + Shipping vs. original amount proposed of \$47,041.00, all based upon 3” of topping.

Mr. McNeil was to confirm the amount of product and/or effectiveness of the product, based upon not having 3” of one inch minus topping. Mr. McNeil has since confirmed that Global Environmental Services, LLC, will not reduce the amount of product as suggested, and have agreed to determine the amount of product needed, uniformly for the entire length of North B Road, dependent upon the actual thickness of the topping.

Note: The Town Public Works Department, has since confirmed that there is less than average 1” of topping on North B Road, however, PW could replenish the entire two-mile length of roadway with an additional 2” (average) minus one for \$19,000.00.

Town Manager James Titcomb gave an overview of Council discussion from the March 2, 2021, meeting and provided an update on what has transpired since the meeting.

Councilmember Maniglia inquired about the dirt glue versus dustless as it related to the Dirt Glue Product. Town Manager Titcomb asked resident Brien McNeil to respond. Suggested that the product be applied on Collecting Canal Road on F and D Road. Ask how quickly we can get the product. Town Manager Titcomb stated he doesn’t have that information and he will provide it once he becomes available.

Councilmember Shorr inquired about what happens with the product if the road is paved a year later. Mr. McNeill explained it won't be an impact to a paved road from his knowledge. Councilmember Shorr asked the limit can be set at \$15,000.00.

Acting Mayor and Vice Mayor Herzog inquired about how the product would affect the grading.

Councilmember Miles inquired about how the product settles on the dust and does a pothole contaminate the product. Councilmember Miles asked Public Works Director Larry Peters how much watering can be done for \$13,000.00 and how long will it last. Public Works Director Peters mentioned that the Town is water 10 hours day, and the Town only has one truck. Director Peters stated he believes the product needs to be tested with the watering.

Public Comment: Mary McNichols

Motion was made by Councilmember Maniglia and seconded by Councilmember to move forward with dust product on Collecting Canal from D Road to F Road with a \$15,000.00 threshold. Ayes: Acting and Vice Mayor Herzog, Councilmembers Shorr, Danowski, Maniglia and Miles. Motion passed unanimously.

TOWN COUNCILMEMBER COMMENTS

Phillis Maniglia (Seat 1)

- Ask for a consensus from the Council for the flood plain development for the agricultural community. Asked Public Works Director Larry Peters to provide clarification.
- Inquired about the amount of money we received from FEMA from Hurricane Wilma storms. Town Manager Titcomb stated that he did not have that information on hand.
- Ask the Town Manager to research to determine if a resident on North B Road signed an easement release to install drainage.
- Stated that 2340 North B Road project is not finished. Inquired by the status of the project. Public Works Director Peters stated that a bid was require and he has a bid.
- Expressed her concerns of the Silverlake development that appears to be impeding against an easement agreement within the Town's jurisdiction for their egress and ingress and what can the Council do to protect the Town. Town Planning Consultant, James Fleischman, and Town Attorney Brako provided a response.
- **Motion was made by Councilmember Maniglia and seconded by Councilmember Shorr to extend the meeting. It was voted as follows: Ayes: Acting and Vice Mayor Herzog, Councilmembers Shorr, Danowski, Maniglia and Miles. Motion passed unanimously.**

Public Comment was made by Nina Corning and Todd McClendon

- Expressed to Councilmember Miles that she is on board to move the bond forward for B Road. But she is not in agreement with the footprint on that road

- Thanked all who voted for her, and she will do her best to protect and serve the residents of the Town.

Laura Danowski (Seat 2)

- Welcomed Councilmember Marianne Miles to the Town Council.
- Attended the Rock Your Park Concert Series. The next event will be held April 11th.
- Asked the Town Attorney of the possibility to create affidavits for residents who have land discrepancies such as claims that land is being taken so the Town can move on with footprints.
- Inquired about who is ultimate authority to hire Town Staff. Asked about a staff member who was hired in Public Works without proper credentials. Town Manager Titcomb provided a response.

Marianne Miles (Seat 3)

- Expressed that she is disappointed how past and current councilmembers conduct themselves and treat each other and inaccurate comments that are made about her on social media.
- Express her concerns regarding the striping and conditions of the roads and want to know the status of the speed bumps and striping.
- Asked about the status of 43rd Road North. Town Manager stated the Town Attorney will be providing a report on this item under his comments.
- Asked is the garbage collection being picked up in a timely manner on the letter roads. Town Manager Titcomb stated he will reach out to Coastal to ensure garbage is being collected.
- Inquired about the process and/or for residents to request that their road is paved.
- Thanked all the people that voted for her and had faith in her to serve on the Town Council. Her goal is to try to make a difference and hopes her fellow councilmembers can come together for the residents of the Town.

Acting Mayor and Vice Mayor Marge Herzog (Seat 5)

- Thanked Councilmember Danowski for informing the Council of events that the Town can participate in, inquiring about new processes for the benefit of the residents, and ensuring that Town Staff have the proper certifications.
- Complimented Councilmember Miles on her concern for the safety of the residents
- Expressed her appreciation that Councilmember Maniglia restrained herself regarding the flood plain issue and she brought to Council's attention the Silverlake Development issue.
- Asked that Councilmember Shorr contains the enthusiasm to help the Town, she reminded him to work with the group.
- Announced the LGLA meeting will be held March 22nd and that is the anniversary of the seating of the first Town Council and a video of the development of the Town is being created.

Mayor Robert Shorr (Seat 4)

- Councilmember Shorr asked for a consensus from the Council regarding their support for the roundabout grant since the interlocal agreement is in negotiations with Palm Beach County. Councilmember Maniglia asked Assistant Town Manager Francine Ramaglia

what the surtax funds can be used for. Assistant Town Manager provided a response. The consensus to move forward was as follows:

Ayes: Acting and Vice Mayor Herzog and Councilmember Maniglia. Nays: Councilmember Danowski, Councilmember Shorr, and Councilmember Miles.
Consensus 3-2 not to move forward.

- Asked for a consensus vote to ask Keshavarz and Associates to submit a proposal to do the Town's footprint of phases 2 and 3. Town Manager Titcomb gave a brief history on the footprint project. The consensus to move forward is as follows.
Ayes: Councilmember Shorr, Danowski, and Miles. Nays: Acting Mayor and Vice Mayor Herzog and Councilmember Maniglia, and Councilmember Miles. Consensus is 3-2 to move forward.
- Councilmember Shorr asked for a consensus for the council to direct the Town Attorney to create a standard template for recreational and drainage easements. Acting and Vice Mayor questioned Town Attorney if what Councilmember Shorr is asking for is legally permitted. Town Manager indicated that it is allowed under the Council Comments section. The consensus to move forward is as follows.
- **Ayes: Councilmember Shorr, Danowski, and Miles. Nays: Acting Mayor and Vice Mayor Herzog and Councilmember Maniglia, and Councilmember Miles.** Consensus is 3-2 to move forward.
Public Comment was made about Todd McClendon and Nina Corning.
- Asked Town Attorney to clarify the voting procedure to select Mayor and Vice Mayor that was written in red on the first page of agenda for the next meeting.
- **Motion was made by Councilmember Maniglia and seconded by Councilmember Danowski to extend the meeting. It was voted as follows: Ayes: Acting and Vice Mayor Herzog, Councilmembers Shorr, Danowski, Maniglia and Miles. Motion passed unanimously.**

TOWN STAFF COMMENTS

Town Manager

Announced Thursday, March 18th will be his two-year anniversary with the Town. Councilmember Danowski provided information on what a five-day work week looks like.

Assistant Town Manager- No comment

Town Attorney

Town Attorney James Brako provided an update and recommendation surround the 43rd Road closure issue and what is being proposed by the contract purchaser. Recommended a special Town Council meeting with staff present to answer any questions regarding fees and fast-tracking development. Town Council gave a consensus to move forward with a special meeting on Wednesday, March 24, 2021, from 3:00 pm to 5:00 p.m.

Public Comment was made by Nina Corning.

- **Motion was made by Councilmember Shorr and seconded by Councilmember Maniglia to extend the meeting. It was voted as follows: Ayes: Acting and Vice**

Mayor Herzog, Councilmembers Shorr, Danowski, Maniglia and Miles. Motion passed unanimously.

Public Works Director- No comment

Town Clerk- No comment

ADJOURNMENT

There being no further business the meeting was adjourned at 11:46 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

Elizabeth Lenihan, Town Attorney

Mayor Robert Shorr

Vice Mayor Laura Danowski

Councilmember Margaret Herzog

Councilmember Phillis Maniglia

Councilmember Marianne Miles

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**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF COMMUNITY RESIDENT WORKSHOP
JANUARY 4, 2022**

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Vice Mayor Danowski called meeting to order at 6:00 p.m. Vice Mayor Danowski stated that Mayor Shorr and Councilmember Miles would be joining through Zoom but there was a quorum in person.

COMMENTS FROM THE PUBLIC

There were public comments from Ken Johnson and Paul Coleman.

Mr. Johnson made the following comments:

- Loxahatchee Groves is against Okeechobee Blvd. becoming a 4-lane road.
- B & Collecting Canal Road is a nightmare.
 - Vice Mayor Danowski asked Councilmember Herzog about the roundabout that she once spoke about. Mr. Fleischmann responded that the said roundabout was not in the final agreement (for B Road improvements)
 - Councilmember Maniglia asked could Town Council asked about putting a-roundabout - Mr. Fleischmann stated that it wouldn't hurt to ask.
 - Councilmember Miles suggested what she stated could be done.
 - Councilmember Maniglia asked could the three entities (the Town, Publix, and Solar Sport) do a traffic study on the corner- Mr. Fleischmann suggested Simmons & White
 - Town Manager Titcomb gave some housekeeping points.
- Northeast corner of D Road & Collecting Canal Road

There was a consensus to have staff ask Simmons & White to do a traffic study and also look at the existing study.

Mr. Coleman commented about:

- D Road and Southern Blvd.

Councilmember Maniglia made the following comments:

- Our local vendors speeding on the roads
- Protecting the Town's borders

ADJOURNMENT

There being no further business the workshop was adjourned at 6:55 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

Elizabeth Lenihan, Town Attorney

Mayor Robert Shorr

Vice Mayor Laura Danowski

Council Member Marge Herzog

Council Member Maryann Miles

Council Member Phillis Maniglia



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL REGULAR MEETING
JANUARY 4, 2022**

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Vice Mayor Danowski called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

Vice Mayor Danowski led the Pledge of Allegiance.

MOMENT OF SILENCE

Vice Mayor Danowski led a prayer.

ROLL CALL

Mayor Robert Shorr (Zoom-Remotely), Vice Mayor Laura Danowski, Councilmembers Phillis Maniglia, Marianne Miles (Zoom-Remotely) and Margaret Herzog, Town Manager James Titcomb, Town Attorney Elizabeth Lenihan, Esq., Town Planning Consultant James Fleishmann, Town Engineer Randy Wertepny and Town Clerk Lakisha Burch.

ADDITIONS, DELETIONS AND MODIFICATIONS

Councilmember Maniglia asked that item 3 be removed from the agenda due to possibly having a conflict. Vice Mayor Danowski asked if item 6 could be placed on the Consent Agenda and move item 5 ahead of item 4.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Danowski for the requested changes of item 3 being removed from the agenda, item 6 being placed on the Consent Agenda and item 5 moving ahead of item 4; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia and Miles. Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There was public comment made by Paul Coleman.

CONSENT AGENDA

1. Approval of **Resolution No. 2022-01** approving the schedule for the Regular Town Council Meeting dates for the 2022 calendar year. **PULLED FROM CONSENT AGENDA FOR DISCUSSION**

This item was presented to Town Council from Town Clerk Burch, at the beginning of each year, Town Council is presented a calendar of schedule Town Council Regular Meeting dates. These meeting dates are subject to change at the approval of Town Council. Staff recommends that Town Council approve Resolution No. 2022-01 a schedule for the Regular Town Council dates for the 2022 calendar year.

Councilmember Maniglia asked for clarification regarding the dates that were marked in red. She stated that the meeting dates should be a different color than the holidays. Mayor Shorr also stated that he would like to know what were the holidays that the Town Hall would be closed. There was discussion among the Town Council. After discussion it was determined that the calendar would only indicate dates of the Town Council's meeting. The dates of holiday in which Town Hall is closed would also be indicated on the Town's website.

Motion was made Councilmember Maniglia seconded by Mayor Shorr to approve Resolution No. 2022-01 a schedule for the Regular Town Council dates for the 2022 calendar year with the exception of September may be moved due to TRIM dates; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia and Miles. Motion passed unanimously.

2. Approval of Ceremonial Guidelines for Proclamations, Certificate of Achievement and Keys to the Town. **PULLED FROM CONSENT AGENDA FOR DISCUSSION**

This item was presented by Town Clerk Burch, due to request of creating proclamations for many different organizations/causes last year, Town Clerk Burch felt that the Town needed to establish a policy and procedure regarding guidelines for Proclamations, Certificate of Achievement and Keys to the Town. Staff recommends that Town Council approve the Ceremonial guidelines for Proclamations, Certificate of Achievement and Keys to the Town policy and procedures.

Councilmember Maniglia indicated that the Key to the Town is reserved as a special honor to be given and should have an unanimously vote from Town Council to be granted to someone. There was discussion among Town Council.

Motion was made by Councilmember Maniglia seconded by Mayor Shorr to approve the Ceremonial Guidelines for Proclamations, Certificate of Achievement and Keys to the Town policy and procedures with the addition that it will take an unanimously vote of Town Council to award the Key to the Town; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia and Miles. Motion passed unanimously.

3. Approval of *Resolution No. 2022-04* accepting Multi-Use Trail Easement for 4156 161st Terrace North. **REMOVED FROM THE AGENDA**

PRESENTATION

4. Update on the Groves Town Center Pod B- request for special consideration.

Town Manager Titcomb presented this item to Town Council. The submitted (attached) letter request is provided by sub-tenants of the POD B subdivision of the Groves Town Center MPUD. This request consideration from the specific tenants of Groves Town Center MPUD "POD B"

property/business owners is to attempt to free up these parcels from some of the timeline and procedural constraints as apply to the overall GTC MPUD. Specifically, these individual parcels would like to be exempted out of responsibility for various development requirements related to the natural areas, equestrian trail & bridge amenities ultimately required to be designed, permitted, and installed by the master developer (GTC).

With various process and timeline issues in the works effecting all the properties collocated in the MPUD, along with COVID and other statutory extensions or permitting delays, these parcel owners/principals feel they are compliant in their individual site/permitting applications requirements and ready to go.

They seek council relief to allow concurrent administration, permitting and inspections, as well as specific site preparation activities to commence, ahead of other final resolution on the commitments that are the responsibility of the master development prior to buildout, or as defined in the developers' agreements.

The Town Council is asked to weigh in on allowing parallel and concurrent permitting and inspection tracks to help facilitate efficient and collaborative process and timelines for all parties involved in the GTC POD B subdivision. The Town Planner and Engineers have been actively involved in these discussions, providing technical review and commentary to assure compliance while afford collaborative opportunities for all parties to move forward. Town staff recommends Council approve the requested consideration for concurrent processing, site preparations, construction, planting etc., for all projects to move forward more efficiently.

Dan Woodward, President of Royal Master Properties, Inc./Managing member of Southern Palms Car Wash, LLC addressed the Town Council with a request for him and the other tenant in POD B for special consideration to allow them to move forward with POD B land clearing and site development while final details not related to POD B are worked out.

Councilmember Maniglia asked about the issue and stated her concerns in the matter. She stated that she didn't feel that the tenants should have to suffer due to Solar Sports not holding up their end of the situation. She also stated that maybe the Town needed to put some fire under Solar Sport.

Councilmember Miles also stated that POD B tenants are not responsible and Solar Sport needed to be held responsible.

Mayor Shorr asked why we are even discussing this matter in this meeting. He stated he does not support cutting down a tree before Solar Sports completes the recreational trail.

Vice Mayor Danowski stated that she was sorry that they have to come before Town Council for exceptions and felt for small business owners but would not support the exception. There was discussion among Town Council and Mr. Woodard.

There was discussion among James Fleischmann, Town Planning Consultant, Randy Wertepny, Town Engineer and Town Council.

There were public comments made by Paul Coleman and Katie Lakeman.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve the requested consideration for concurrent processing, site preparations, construction, planting etc., for all projection move forward more efficiently only in Pod B with the expectation of Solar Sport doing the necessary changes; it was voted as follows: Ayes: Councilmember Herzog and Maniglia. Nays: Mayor Shorr, Vice Mayor Danowski and Councilmember Miles. Motion failed 2-3.

Motion was made by Mayor Shorr seconded by Councilmember Maniglia to table this item to the next meeting being held on January 18th; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia and Miles. Motion passed unanimously.

REGULAR AGENDA

5. Approval of ***Resolution No. 2022-02*** authorizing an agreement with BHT Earthworks, Inc.

In the absent of Public Works Director Peters, Town Attorney Lenihan presented the item to Town Council, stating that the existing canal bridge at Biddix Road and E Road is currently an unsafe structure. The bridge is too narrow and is too low below the level of E Road for safe access. (See attached photo)

Recently the Town Council approved improving and paving this section of E Road, and the addition of base rock and paving accentuates the difference in elevation, between the newly reconstructed and paved E Road and the existing surface of the bridge.

Due to the urgent nature of replacing the existing Bridge, prior to or in concert with the paving of E Road, the Loxahatchee Groves, Public Works Department, has requested quotes from contractors currently having contracts, Johnson/Davis, and BHT Earthworks, Inc. or recently completed contracts, D.S. Eakins, for canal culvert crossing, within the Town, and one new contractor, Matador Construction, who currently has a contract with other local municipalities for bridge culvert installations. That staff recommends that the Town Council approve a purchase order be written to BHT Earthworks, Inc. in the amount of \$65,300.00 for the removal and replacement of the Canal Bridge Culvert at Biddix Road.

There was public comment made by Paul Coleman.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve Resolution No. 2022-02 authorizing an agreement with BHT Earthworks, Inc. in the amount of \$65,300.00 for the removal and replacement of the Canal Bridge at Biddix Road; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia and Miles. Motion passed unanimously.

6. Approval of **Resolution No. 2022-03** authorizing the entry by the Town into an agreement with Core & Main, LP for annual supply of brass fitting and accessories. **MOVED TO THE CONSENT AGENDA**

The Town's Purchasing Code, Section 2.133 allows for the utilization other government agencies' contracts provided that the same or substantially similar goods and/or services were competitively solicited; that the contract permits such and the awarding jurisdiction and/or contractor agree to allow the Town to purchase therefrom; and that the price is equal or lower than that awarded by the other government.

On November 15, 2020, the City of Boynton Beach entered into an initial term of one (1) year with the option to renew for three (3) additional one (1) year terms for the Annual Supply of Brass Fittings and Accessories with Core & Main, LP. The bid documents with the City of Boynton Beach also includes a discount on any product offered for sale by Core & Main, LP that was not specifically listed. It is under this discount that staff seeks to purchase culvert pipe. Staff recommends the Town enter into this agreement as needed with using the Town's standard cooperative purchasing agreement for the same or equivalent products and/or services at the stated or lower pricing and otherwise mirrors all terms and conditions in the City of Boynton Beach's agreements. Purchase orders, individually or in the aggregate, are not to exceed procurement policy amounts or budgeted without separate budget amendment and/or Council approval as required by the Town's purchasing requirements.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve the Consent Agenda; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia and Miles. Motion passed unanimously.

TOWN COUNCILMEMBER COMMENTS

Phillis Maniglia (Seat 1)

- Election time/ Horse trails- let's make it happen
- Made comment about what is happening on Southern Blvd./commercial (need to regroup)

Laura Danowski (Seat 2)

- Commented about the east side of 43rd pass through- thanked Indian Trails Improvement District (ITID)
- Stated she had spoken with Asst. Town Manager Ramaglia about negotiations with Coastal
- Asked about speaking with the SOD Farm in regard to land bridge

Marianne Miles (Seat 3)

- Asked about an update on the removal of the stop sign on South B Road between two speed bumps.
- Stated she likes the way the canals have been looking

- Made comment about how people are traveling up and down Okeechobee Blvd.

Marge Herzog (Seat 5)

- Stated that Loxahatchee Groves Landowners Association (LGLA) will be hosting a candidates' forum on January 27th- if you have any questions to please contact a board member.
- Asked for an update on the WAWA Gas Station

Mayor Robert Shorr (Seat 4)

- Road closing on Thursday on E Road/Collecting Canal
- F Road paved in its entirety
- E Road paving begins on tomorrow
- B Road being prepared to be paved
- Asked about the bid for case basin and stripping
- Asked that the residents be patient and that Vice Mayor Danowski did an awesome job conducting the meeting.

TOWN STAFF COMMENTS

Town Manager

- Town Manager and three (3) Councilmembers will be traveling to Tallahassee for Palm Beach Days and then at the end of the week have trial regarding the Briar Case.
- Palm Beach County Fire Rescue have a meeting planned for February 1st. it may be cancelled due to COVID.
- Completed amenities improvements at what is know as Little Turtle Creek.

Assistant Town Manager

Town Attorney

No comment.

Public Works Director

Town Clerk

No comment.

ADJOURNMENT

There being no further business meeting was adjourned at 9:27 p.m.

Agenda Item # 2

TO: Town Council of Town of Loxahatchee Groves

FROM: Mary McNicholas, Town Lobbyist

VIA: James Titcomb, Town Manager

DATE: January 26, 2022

SUBJECT: Presentation

Mary McNicholas from Geoff Sluggett and Associates, Town Lobbyist will give an update on Legislative Matters.

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Agenda Item # 3

TO: Town Council of Town of Loxahatchee Groves
FROM: James Fleischmann, Town Planning Consultant
VIA: James Titcomb, Town Manager
DATE: January 26, 2022
SUBJECT: Presentation

Representatives from Groves Town Center will present an update to Town Council.

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TO: Jamie Titcomb, Town Manager
FROM: Jim Fleischmann
RE: Groves Town Center Trail and Bridge Update
DATE: February 1, 2022

M E M O

A. Site Plan Approval

The Buffer Areas and Horse Trail at Groves Town Center Site Plan (Resolution 2018-84) was approved by the Town Council on November 6, 2018. Key Conditions of Approval include the following:

1. An Improvement Agreement addressing all required equestrian trail improvements shall be approved by the Town Council prior to issuance of the initial building permit of the first phase of development.
2. The equestrian trail, as depicted on the Conceptual Master Plan dated May 18, 2018 shall include an equestrian bridge at the intersection of Collecting Canal and "C" Road. Bridge design and placement shall be determined during the Improvement Agreement approval process.
3. Construction of the equestrian trail shall be completed prior to the issuance of the initial Certificate of Occupancy of the first phase of development of Groves town Center. Construction of the bridge or culvert over Collecting Canal shall be completed by December 31, 2020.
4. The Trail shall be stabilized, dry and maintained in perpetuity by the Property Owner. The trail shall be a minimum of 10-feet wide and 12-feet in height and include signage.
5. Coincident with construction of the equestrian trail, equestrian traffic control devices shall be installed at points where trails cross "B" road and "C" Road and Collecting Canal. The type and locations of the devices shall be addressed in the Improvement Agreement.
6. Equestrian Trail Notes on the May 18, 2018 Site Plan"
 - a. The Trail is to be cleared a minimum of 12-feet and then the 10-foot wide trail will be graded, stabilized and backfilled with compacted top soil.
 - b. A minimum of 3 hitching post/rest areas shall be provided along the trail.
 - c. Construct the equestrian bridge at the intersection of Collecting Canal and "C" Road and install the horse crossing signage, flashing beacons and push button at "B" Road following receipt of site plan approval and the master building permit for any Phase or Pod outside of Pod A and prior to the issuance of any certificate of occupancy for any building in any Phase outside of Pod A.

d. The location of the bridge, termed “Equestrian Culvert Crossing” is shown as being located west of “C” Road on the Site Plan dated May 18, 2018.

B. Improvement Agreement for the Construction of Certain Improvements

The Improvement Agreement, dated January 2020, between Loxahatchee Equestrian Partners LLC, Solar Sportsystems Inc. and BW Southern Binks LLC defined Groves Town Center capital improvements projects, costs and responsibilities. The following equestrian trail and bridge improvements are identified in the agreement (Solar Sportsystems, Inc. responsibility):

1. Horse trail per the specs on the site plan approved by Resolution 2018-84.
2. Equestrian Bridge including bollards on the north side.
3. Equestrian trail crossings, including flashing sign at “B” Road and static signs at “C” Road and Collecting Canal Road.

As support for the Improvement Agreement, an Equestrian Trail Engineer’s Opinion of Cost was prepared by Engenuity Group, Inc. which provided the following construction detail: “Stabilized subgrade (LBR 40), Type B, 12” thick, 2” of topsoil, and Bahia sod.

Engenuity Group also prepared an Engineer’s Opinion of Cost for the Equestrian Trail Bridge (culvert) described as: “8-foot CMP Culvert with sand cement rip rap head walls (Loxahatchee Groves Water Control District Standards).

C. Time Extensions

The Traffic Performance Standards (TPS) buildout date of the Groves Town Center Planned Unit Development (PUD) was established in Town Ordinances 2018-08 and 2019-08 at December 31, 2022. Two hurricane and Covid-related automatic extensions have moved the date to June 20, 2026.

Resolution 2018-84 established the date by which the Equestrian Bridge was to be completed at December 31, 2020. However, the completion date has been extended to October 29, 2023 by automatic hurricane and Covid-related extensions.

D. Trail Maintenance Responsibility

Per Resolution 2018-84, the equestrian trail shall be maintained in perpetuity by the Property Owner (Ref: Item A.4, above).

In addition Section 7 *Operation and Upkeep; Exotic Plant Removal* of the Restrictive Covenant and Limited Access Conservation Easement between Solar Sportsystems, Inc., Loxahatchee Equestrian Partners LLC (collective Grantors) and the Town of Loxahatchee Groves (Grantee) dated May 7, 2019 states that Grantor is solely responsible for the maintenance of the Conservation Tract and all facilities located therein.

The complete Section 7, including the referenced Exhibit D *Conservation Tract Management Plan* is included below.

7. Operation and Upkeep; Exotic Plant Removal. Grantor is solely responsible for the maintenance of the Conservation Tract and all facilities located therein. Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep or maintenance of the Conservation Tract. The Conservation Tract shall be maintained in accordance with the guidelines and practices contained within the Conservation Tract Management Plan enclosed herein as Exhibit "D". In addition, Grantor shall maintain the Conservation Tract free and clear of all prohibited and invasive non-native plant species ("Exotics"), as defined in the Town's Code of Ordinances. Grantor shall remove all Exotics from the Conservation Tract and thereafter maintain the Conservation Tract free of Exotics pursuant to an Exotic Vegetation Management Removal Plan approved by the Town and/or ERM. If, through the rights and process outlined in Section 9 below, the Town deems it to be in the public interest to perform such maintenance for proper public purposes, the Town may require the party responsible for the maintenance of the land encumbered by the equestrian trails to pay all or part of the maintenance cost.

EXHIBIT "D"

Conservation Tract Management Plan

ESTABLISHMENT- FIRST YEAR

Watering for establishment: Provide water truck or temporary irrigation system to water newly planted trees. Collecting Canal is possible water source. Permit for water use through all applicable jurisdictional agencies.

Watering Schedule:

- Every day for 3 months
- Every other day for 3 months
- Once weekly for 3 months
- Twice weekly during extreme drought first three years after planting

MAINTENANCE FIRST YEAR

- Inspect temporary irrigation system monthly to ensure proper coverage.
- Weed Invasive exotics monthly.
- Inspect newly planted trees for viability every two months, replace any dead trees.
- Bush hog 10' either side of Equestrian Trail quarterly.

MAINTENANCE AFTER FIRST YEAR

- Weed invasive exotics twice yearly.
- Remove and replace non-viable trees.
- Maintain 12' ceiling over Equestrian Trail.
- Bush hog 10' either side of Equestrian Trail quarterly.



PUD EXTENSION to
6/20/26 →

September 13, 2021

VIA E-MAIL

Jamie Titcomb
jtitcomb@loxahatcheegrovesfl.gov
Town Manager
Town of Loxahatchee Groves
155 F Road
Loxahatchee Groves, FL 33470

RE: Notification of Extension of Time Pursuant to §252.363, Florida Statutes, and Executive Orders related to COVID-19 for the Groves Town Center Planned Unit Development approved via Ordinance No. 2019-08

Dear Mr. Titcomb:

WGI, Inc. represents Loxahatchee Equestrian Partners, LLC and Solar Sportsystems, Inc. (collectively the "Owner") who is the Owner of the property subject to Planned Unit Development approval via Ordinance No. 2019-08 (the "PUD Approval") of the Town of Loxahatchee Groves (the "Property" and the "Town"), which said ordinance permits the construction of a multi-phase, mixed use project known as Groves Town Center on the Property.

Pursuant to Condition C.1 of the PUD Approval the traffic buildout date was originally established as December 31, 2022 (the "Buildout Date"). Pursuant to a letter dated September 14, 2020 enclosed as **Exhibit A**, (the "Prior Extension") the PUD Approval is currently valid through October 28, 2025.

This letter serves to notify the Town of Owner's intent to exercise the tolling and extension of the PUD Approval Buildout Date, pursuant to Section 252.363, *Florida Statutes*, and Executive Orders related to COVID-19.

Section 252.363, *Florida Statutes*, provides that a declaration of state of emergency by the Governor tolls the period remaining to exercise the rights under a development order issued by a local government for the duration of the emergency declaration. In addition, "the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period."¹

¹ §252.363(1)(a)

The Prior Extension utilized extensions available under the COVID-19 state of emergency through the first four executive orders issued for COVID-19 (20-52, 20-114, 20-166 and 20-213). This letter further extends the PUD Approval through the end of the COVID-19 state of emergency, which was terminated by the Governor on June 26, 2021.

As mentioned above, the Prior Extension had extended the PUD Approval through executive order 20-213, which was set to expire on November 3, 2020. This extension adds on 235 days to the expiration date, which is the amount of time between November 3, 2020 (what the Prior Extension utilized) and June 26, 2021 (when the COVID-19 state of emergency was terminated).

Adding 235 days to the Prior Extension, the PUD Approval expiration date is hereby extended to June 20, 2026.

Pursuant to state law Owner has 90 days after the expiration of the state of emergency to notify the issuing authority of an extension. Therefore, based on the June 26, 2021 expiration date of the COVID-19 state of emergency, Owner has until September 24, 2021 to notify the City.

This letter constitutes the required notification of the intent to exercise the extension of the PUD Approval Buildout Date. The extensions, as applied to the current PUD Approval Buildout Date results in the following new PUD Approval Buildout Date: June 20, 2026.

Although not required by statute I would appreciate a written confirmation from the Town at your earliest convenience.

Sincerely,

A handwritten signature in black ink that reads "Matt Barnes". The signature is stylized with a large, looped "M" and a cursive "Barnes".

Matthew Barnes, AICP

cc: Jim Fleishman, Town Planner, Town of Loxahatchee Groves
Elizabeth Lenihan, Town Attorney, Town of Loxahatchee Groves
Daniel Zimmer, Vice President, Delaware North
Diane Jenkins, Owner Rep

Exhibit A



Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street
Suite 1100
Miami, FL 33131
Tel: 305.374.5600
Fax: 305.374.5095

September 14, 2020

VIA E-MAIL

Jamie Titcomb
jtitcomb@loxahatcheegrovesfl.gov
Town Manager
Town of Loxahatchee Groves
155 F Road
Loxahatchee Groves, FL 33470

RE: Notification of Extension of Time Pursuant to §252.363, Florida Statutes, and Executive Orders related to Hurricane Dorian, COVID-19, Hurricane Isaias and Tropical Depression 13 for the Groves Town Center Planned Unit Development approved via Ordinance No. 2019-08

Dear Mr. Titcomb:

Akerman LLP represents Loxahatchee Equestrian Partners, LLC and Solar Sportsystems, Inc. (collectively the "Owner") who is the Owner of the property subject to Planned Unit Development approval via Ordinance No. 2019-08 (the "PUD Approval") of the Town of Loxahatchee Groves (the "Property" and the "Town"), which said ordinance permits the construction of a multi-phase, mixed use project known as Groves Town Center on the Property. A copy of the PUD Approval is enclosed as **Exhibit A**.

Pursuant to Condition C.1 of the PUD Approval (see page 12 of the PUD Approval) the traffic buildout date was established as December 31, 2022 (the "Buildout Date").

This letter serves to notify the Town of Owner's intent to exercise the tolling and extension of the PUD Approval Buildout Date, pursuant to Section 252.363, *Florida Statutes*, and Executive Orders related to Hurricane Dorian, COVID-19, Hurricane Isaias and Tropical Depression 13.

Section 252.363, *Florida Statutes*, provides that a declaration of state of emergency by the Governor tolls the period remaining to exercise the rights under a development order issued by a local government for the duration of the emergency declaration. In addition, "the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period."¹ Although the tolling periods of two simultaneous emergency orders cannot be combined, "*because the executive orders are separate*

¹ §252.363(1)(a)

*orders for separate events, there are individual six month extensions to the tolling periods for each emergency declaration."*²

Because the tolling periods of simultaneous emergency orders cannot be combined, the extension of the PUD Approval Buildout date attributable to the above listed states of emergency is broken down as follows:

- Hurricane Dorian. The Governor first issued an executive order declaring a state of emergency covering Palm Beach County on August 28, 2019 via Executive Order 19-189. The Governor extended the state of emergency several times via Executive Orders 19-234, 19-281, 20-43 and 20-106 — copies of the Hurricane Dorian executive orders are enclosed as **Exhibit B**. The state of emergency for Hurricane Dorian ended on June 16, 2020. State law³ provides that the holder of the development order shall notify the issuing authority of the intent to exercise the tolling and extension in writing within 90 days after termination of the emergency declaration. Ninety days after June 16, 2020 is September 14, 2020. The PUD Approval did not become effective until it was adopted on second reading on January 7, 2020. The number of days between January 7, 2020 and June 16, 2020 is 161 days. Therefore, the PUD Approval Buildout Date is extended by 161 days plus 6 months, which extends it to December 10, 2023.
- COVID-19. On March 9, 2020 the Governor declared a state of emergency due to the effects of the COVID-19 pandemic statewide via executive order 20-52. The Governor has extended the state of emergency several times, via 20-114, 20-166 and most recently via 20-213 issued on September 4, 2020 — copies of the COVID-19 executive orders are enclosed as **Exhibit C**. If the COVID-19 state of emergency is not further extended it would expire on November 3, 2020. The tolling period of the COVID-19 state of emergency is 239 days — from March 9, 2020 to November 3, 2020. However, the first 99 days of the COVID-19 state of emergency (from March 9, 2020 to June 16, 2020) overlap with the Hurricane Dorian state of emergency and therefore those 99 days cannot be double counted. So the tolling period associated with the COVID-19 state of emergency is 140 days. However, as explained above, the occurrence of a separate state of emergency affords an additional 6-month extension. Adding 140 days and six months to the expiration date calculated above for Hurricane Dorian moves the PUD Approval Buildout Date to October 28, 2024.
- Hurricane Isaias. On July 31, 2020 the Governor declared a state of emergency in several counties including Palm Beach County due to Hurricane Isaias via Executive Order 20-181. It was terminated early on August 11, 2020 via Executive Order 20-195 — copies of the Isaias executive orders are enclosed as **Exhibit D**. The entire 11-day tolling period of the Isaias state of emergency is encompassed within the COVID-19 state of emergency so the tolling period cannot be double counted. However, the occurrence of a separate state of emergency affords a 6-month extension. Adding six months to the expiration date stated above for COVID-19 moves the PUD Approval Buildout Date to April 28, 2025.

² DEO website; <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/dri-buildout-extensions>, see last paragraph.

³ §252.363(1)(b)

- Tropical Depression 13. On August 21, 2020 the Governor declared a state of emergency in several counties including Palm Beach County due to Tropical Depression 13 (later known as Hurricane Laura) via Executive Order 20-208. It was terminated early on August 27, 2020 via Executive Order 20-209 — copies of the Tropical Depression 13 executive orders are enclosed as **Exhibit E**. The entire 6-day tolling period of the Tropical Depression 13 state of emergency is encompassed within the COVID-19 state of emergency so the tolling period cannot be double counted. However, the occurrence of a separate state of emergency affords a 6-month extension. Adding six months to the expiration date stated above for Isaias moves the PUD Approval Buildout Date to October 28, 2025.

This letter constitutes the required notification of the intent to exercise the extension of the PUD Approval Buildout Date. The extensions, as applied to the current PUD Approval Buildout Date results in the following new PUD Approval Buildout Date: October 28, 2025.

Please advise if the Town requires any administrative forms or fees to be processed as part of this notification.

Although not required by statute I would appreciate a written confirmation from the Town at your earliest convenience.

Sincerely,

A handwritten signature in black ink that reads "Matthew Barnes". The signature is fluid and cursive, with the first name "Matthew" and last name "Barnes" clearly legible.

Matthew Barnes, AICP

cc: Jim Fleishman, Town Planner, Town of Loxahatchee Groves
Brian Shutt, Town Attorney, Town of Loxahatchee Groves
Daniel Zimmer, Vice President, Delaware North
Diane Jenkins, Owners rep

akerman

BRIDGE EXTENSION
to 10/29/23

Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street
Suite 1100
Miami, FL 33131
Tel: 305.374.5600
Fax: 305.374.5095

September 14, 2020

VIA E-MAIL

Jamie Titcomb
jtitcomb@loxahatcheegrovesfl.gov
Town Manager
Town of Loxahatchee Groves
155 F Road
Loxahatchee Groves, FL 33470

RE: Notification of Extension of Time Pursuant to §252.363, Florida Statutes, and Executive Orders related to Hurricane Dorian, COVID-19, Hurricane Isaias and Tropical Depression 13 for the Groves Town Center Planned Unit Development approved via Ordinance No. 2019-08

Dear Mr. Titcomb:

Akerman LLP represents Loxahatchee Equestrian Partners, LLC and Solar Sportsystems, Inc. (collectively the "Owner") who is the Owner of the property subject to Planned Unit Development approval via Ordinance No. 2019-08 (the "PUD Approval") of the Town of Loxahatchee Groves (the "Property" and the "Town"), which said ordinance permits the construction of a multi-phase, mixed use project known as Groves Town Center on the Property. A copy of the PUD Approval is enclosed as **Exhibit A**.

Pursuant to Condition C.1 of the PUD Approval (see page 12 of the PUD Approval) the traffic buildout date was established as December 31, 2022 (the "Buildout Date"). Based on correspondence provided to the Town on September 14, 2020 (a copy of which is enclosed as **Exhibit B**), I have extended the Buildout Date from December 31, 2022 to October 28, 2025, which is 1,032 days. This extension is authorized under Section 252.363, *Florida Statutes*, and Executive Orders related to Hurricane Dorian, COVID-19, Hurricane Isaias and Tropical Depression 13.

Florida law¹ also provides that if the "*authorization for a phased construction project is extended, the commencement and completion dates for any required mitigation are extended such that the mitigation activities occur in the same timeframe relative to the phase as originally permitted.*" Because the PUD Approval Buildout Date has been extended as detailed in the letter to the Town, I am also notifying the Town of the extension of one fixed date in the PUD Approval that

¹ §252.363(1)(c)

constitutes a "completion date for required mitigation." In particular, Condition E.4² says, "construction of the equestrian bridge or culvert over Collecting Canal shall be completed by December 31, 2020." I will refer to this as the Equestrian Bridge Completion Date.

This letter serves to notify the Town of Owner's intent to exercise the tolling and extension of the Equestrian Bridge Completion Date, pursuant to Section 252.363, *Florida Statutes*, and Executive Orders related to Hurricane Dorian, COVID-19, Hurricane Isaias and Tropical Depression 13.

Section 252.363, *Florida Statutes*, provides that a declaration of state of emergency by the Governor tolls the period remaining to exercise the rights under a development order issued by a local government for the duration of the emergency declaration. In addition, "the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period."³ Although the tolling periods of two simultaneous emergency orders cannot be combined, *"because the executive orders are separate orders for separate events, there are individual six month extensions to the tolling periods for each emergency declaration."*⁴

Because the tolling periods of simultaneous emergency orders cannot be combined, the extension of the PUD Approval Buildout date attributable to the above listed states of emergency is broken down as detailed in my letter to the Town (see Exhibit B). Rather than repeat the elaborate breakdown, the total extension was 1,032 days. Applying the same extension length to the Equestrian Bridge Completion Date results in a new Equestrian Bridge Completion Date of **October 29, 2023**.

Although we are extending the Equestrian Bridge Completion Date to the maximum allowed under law and the listed states of emergencies that have occurred in Palm Beach County, Owner desires to, and is working towards completing the Equestrian Bridge as soon as possible and as close to December 31, 2020 as possible.

This letter constitutes the required notification of the intent to exercise the extension of the Equestrian Bridge Completion Date.

Please advise if the Town requires any administrative forms or fees to be processed as part of this notification.

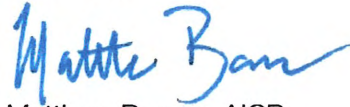
Although not required by statute I would appreciate a written confirmation from the Town at your earliest convenience.

² The condition is incorrectly labeled as E.3 in the PUD ordinance, the condition prior to this condition is actually E.3, which makes this condition E.4.

³ §252.363(1)(a)

⁴ DEO website; <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/dri-buildout-extensions>, see last paragraph.

Sincerely,



Matthew Barnes, AICP

cc: Jamie Titcomb, Town Manager, Town of Loxahatchee Groves
Brian Shutt, Town Attorney, Town of Loxahatchee Groves
Jim Fleischmann, Town Planner, Town of Loxahatchee Groves
Daniel Zimmer, Vice President, Delaware North
Diane Jenkins, Owners rep