



**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 Mitrione 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 waters 10 hours a 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 required 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

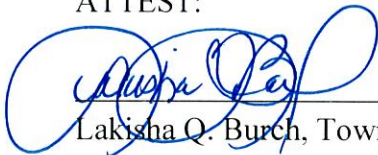
Town Clerk- No comment

ADJOURNMENT

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

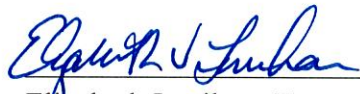
**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:



Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:



Elizabeth Lenihan, Town Attorney



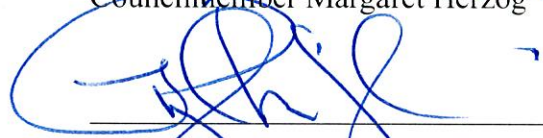
Mayor Robert Shorr



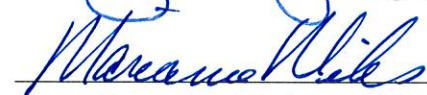
Vice Mayor Laura Danowski



Councilmember Margaret Herzog



Councilmember Phillis Maniglia



Councilmember Marianne Miles