



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF REGULAR MEETING
AUGUST 4, 2020**

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Mayor El-Ramey called meeting to order at 7:04 p.m.

PLEDGE OF ALLEGIANCE

Mayor El-Ramey led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor El-Ramey gave a prayer.

ROLL CALL

Mayor Lisa El-Ramey, Vice Mayor Marge Herzog, Councilmembers Laura Danowski, Phillis Maniglia and Robert Shorr, Town Manager James Titcomb, Town Attorney Brian Shutt (call-in) and Town Clerk Lakisha Burch.

ADDITIONS/DELETIONS/MODIFICATIONS TO THE AGENDA

Mayor El-Ramey announced the procedure of public commenting at tonight's meeting. Town Clerk Burch stated that there were two numbering errors which were item 2 approval of Town Council Meeting Schedule resolution should have been Resolution No. 2020-12 instead of Resolution No. 2020-07 and item 5 approval of Big Dog site plan amendment Resolution No. 2020-06 should have been Resolution No. 2020-11. Councilmember Danowski asked if item 2 could be pulled for discussion as well as Councilmember Maniglia asking the same for item 3.

Motion was made by Councilmember Shorr seconded by Councilmember Danowski to pull items 2 and 3 for discussion and accept changing made by the Town Clerk; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Town Clerk Burch stated that she missed receiving and reading into the record at the July 21st Town Council Workshop two public records from Ms. Cassie Suchy and Mr. Todd McLendon. She asked Madame Mayor could she please read the public comments received for the previous Town Council Workshop Meeting into the record. The request was granted by Mayor El-Ramey.

CONSENT AGENDA

1. Approval of Meeting Minutes
 - a. June 2, 2020 Town Council Regular Meeting Minutes
 - b. June 16, 2020 Town Council Workshop Meeting Minutes

- c. July 7, 2020 Town Council Regular Meeting Minutes
- d. July 21, 2020 Town Council Workshop Meeting Minutes

4. IT-Systems Support Services with Node0-IT Contract (continuation)

Motion was made by Councilmember Maniglia seconded by Vice Mayor Herzog to approve the Consent Agenda which consist of items 1 and 4; it was voted as follows; Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

DISCUSSION

2. Approval of Resolution No. 2020-12 Town Council Meeting Schedule from August 2020 to April 2021-**PULLED FROM CONSENT FOR DISCUSSION**

Councilmember Danowski asked that this item be pulled from the Consent Agenda for discussion to confirm that the October dates were not in conflict with Rosh Hashanah and Yom Kippur. Councilmember Shorr asked that the March 2nd meeting date be changed due to him wanted to attend session in Tallahassee. There was discussion among the Town Council regarding the March's dates. It was determined that March would only have one meeting which would be on March 16th as a Regular Meeting.

Motion was made by Vice Mayor Herzog seconded by Councilmember Shorr to approve Resolution No. 2020-12 and change the March 16th date to a Regular Meeting and accept the remaining calendar as stated; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

3. Approval of Interlocal Agreement with Board of County Commissioner regarding Urban County Qualification Process-FYs 2021-2023-**PULLED FROM CONSENT FOR DISCUSSION**

Councilmember Maniglia asked that this item be pulled from the Consent Agenda for discussion. She then asked how it got on the Consent Agenda and expressed her thoughts on the item. Town Manager Titcomb responded to Councilmember Maniglia's concern. There was discussion among Town Council with Vice Mayor Herzog stating that if it is not costing the Town anything then leave it as is and Councilmember Shorr expressed his thoughts on the matter.

Motion was made by Vice Mayor Herzog seconded by Councilmember Danowski to approve to re-enter Amendment 001 to the agreement with Town of Loxahatchee Groves and Palm Beach County; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

PUBLIC HEARING- QUASI JUDICIAL

5. Approval of Resolution No. 2020-11 approving Big Dog site plan amendment.

Town Attorney Shutt explained procedures regarding Public Hearing Quasi -Judicial and swore in all participants who will speak on this matter and read Resolution No. 2020-11.

James Fleishmann, Town Planning Consultant presented the item to Town Council Resolution No. 2020-11 and Big Dog Ranch Site Plan Amendment SP (A) 2020-02.

Vice Mayor Herzog asked about the three buildings that was on the site plan.

Linzy Leslie from WBI responded to Vice Mayor Herzog question regarding the three building. Ms. Leslie stated that total building footage on the site plan is not being changed at all, what is being done is for staff to have their own facilities.

Councilmember Maniglia asked how many beds would be in the facility.

Lori Simmons responded to Councilmember Maniglia's question by stating that there will be no beds in the support staff facility. She did state that the caretaker's house would not be built and but there are sometimes that overnight care will need to be had but during the day staff need to have a place to take their lunch, shower and just get away from the public.

Councilmember Danowski asked with the increase of parking spaces does this impact drainage of flood water.

Ms. Simmons responded no, stating that all underground drainage/floodwater is in place and was completed before starting any buildings. Mr. Fleishmann also responded to Councilmember Danowski's question.

Councilmember Shorr asked about the plus building (boarding dog building) has it been built yet. Ms. Simmons responded.

There was no public comment.

Ms. Simmons stated they did not shut down during COVID-19, but precaution has been made.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Herzog to approve Resolution No. 2020-11 Big Dog site plan; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

PUBLIC HEARING

6. Approval of First Reading of Ordinance No. 2020-03 to amend the Town of Loxahatchee Groves Comprehensive Plan to; (1) amend map #FLU 1.10 future land use of the future land use element to add to the Okeechobee Rural 5 overlay; (2) amend table 1-8 future land uses of the future land use element to increase the intensity of the commercial low (CL) land use category and add the Okeechobee Rural 5 (or 5) land use overlay.

Town Attorney Shutt read Ordinance No. 2020-03 into the record.

Councilmember Maniglia stated she found an old article from 2014 on Okeechobee Blvd. Town did injustice by doing nothing on Okeechobee regarding overlay. She stated our opportunity to make a real town. She also stated move forward and Town Council can make adjustments as we proceed.

Councilmember Danowski asked Mr. Fleishman to explain commercial low. Mr. Fleishman responded to Councilmember Danowski stating that commercial low is not permitted on Okeechobee. She then asked if the overlay goes into effect-does overlay give the Town anymore foothold for its future. Mr. Fleishman stated that the basic recommendation is to sit down with individual owners and try to work out. There was further discussion among Councilmember Danowski and Mr. Fleishman.

Councilmember Shorr stated if this was in place-Okeechobee could look a lot different-opportunity to change Okeechobee to rural parkway to create the buffer on Okeechobee for the 40 ft set back and use certain trees. If implement there will be incentive for people to come. He stated that he wants certain criteria stating what can and can't be on Okeechobee. Mr. Fleishman addressed

Councilmember Shorr's comments. Mr. Fleishman also explained the process of approval takes about 7 months. Councilmember Shorr asked what the State approving is. Mr. Fleishman responded.

Vice Mayor Herzog asked if this is a rural collector now and is changed to a rural parkway does anything change. Mr. Fleishman responded no, then explained what rural collector and rural parkway was. Vice Mayor also asked about left turn lanes. Mr. Fleishman responded. There was continuing conversation among Vice Mayor Herzog and Mr. Fleishman. Vice Mayor Herzog stated she agree with Councilmember Shorr that this should have been broken into smaller lots and privacy on five acres.

Councilmember Maniglia stated that this is the first step in this process and the residents should be asked what should go onto Okeechobee.

Mayor El-Ramey stated that this can has been kicked down the road for a long time-should look at financial impact study- what is Okeechobee going to benefit the Town-important step but one step in a broader scope- 10 year plan for 50 year vision-Green belt on north and south side of properties -define width of road. She stated we have some heavy lifting and eyes wide open to what is being created.

Motion was made by Councilmember Maniglia seconded by Councilmember Danowski to approve Ordinance No. 2020-03 on first reading to amend the Town of Loxahatchee Groves Comprehensive Plan to; (1) amend map #FLU 1.10 future land use of the future land use element to add to the Okeechobee Rural 5 overlay; (2) amend table 1-8 future land uses of the future land use element to increase the intensity of the commercial low (CL) land use category and add the Okeechobee Rural 5 (or 5) land use overlay; it was voted as follows; Ayes: Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Nye: Mayor El-Ramey. Motion passed 4 to 1.

The Town Council came to consensus that the Unified Land Development Code (ULDC) and Planning & Zoning Board/Local Planning Agency review this ordinance and fine tune.

7. Approval of First Reading of Ordinance No. 2020-04 to (1) add section 80-075 Open Storage to Article 80 Conditional Uses; and (2) amend Article 20 Residential Zoning Districts Section 20-015 Permitted uses to add open storage as a permitted use with Category "A" Special Exception approval subject to Section 80-075 Open Storage.

Town Attorney Shutt read Ordinance No. 2020-04 into the record.

Councilmember Maniglia stated that she lives near this property site but has not financial gain.

Councilmember Shorr asked about item changes and Mr. Fleishman responded to Councilmember Shorr's concern. Councilmember Shorr made comment on the open storage. He stated that he does not support this item.

Vice Mayor Herzog stated that this doesn't fit within image of the Town.

Councilmember Danowski asked was this the same applicant that wanted to build storage/where is property is located. Mr. Fleishman responded to Councilmember Danowski.

Mayor El-Ramey stated her views and concerns regarding this item.

There were public comments made by the following: Casey Suchy, Steve Braswell and Marty Perry.

Motion was made by Councilmember Shorr seconded by Vice Mayor Herzog to deny first reading of Ordinance 2020-04 to (1) add section 80-075 Open Storage to Article 80 Conditional Uses; and (2) amend Article 20 Residential Zoning Districts Section 20-015 Permitted uses to add open storage as a permitted use with Category "A" Special Exception approval subject to Section 80-075 Open Storage; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

DISCUSSION

8. Keshavarz Town "Footprint Project" combination of main maintenance maps for array of streets and Letter roads to establish official ROW grid.

Town Manager Titcomb gave an overview of the item.

Vice Mayor Herzog stated she received communication from residents concerning the way the roads had drifted to the east and was concern that the maps did not reflect the actual properties dimensions on the survey-easement and right a-way could affect the properties lot size (then therefore affect the way a property could be sold due to the reduction in property size). She also asked if the setbacks would be affected any of the easements, also the filing of the maps.

Randy Wertepny, Town Engineering Consultant from Keshavarz & Associates gave the history of House Bill 3530 and gave the purpose of the item. Mr. Wertepny spoke about the maps and stated that he had them available at Town Hall or could be placed on the website. There was discussion among Town Council and Mr. Wertepny and Town Attorney Shutt. Councilmember Shorr asked was the task completed. Mr. Wertepny responded.

There was consensus from the Town Council to receive and file the maps. It was also asked that Mr. Wertepny email the 1953 University of Florida study to Jamie to distribute to the Town Council.

Vice Mayor Herzog stated that she had spoken with Town Attorney Shutt to write a resolution regarding easement or right a-way for residents to feel more comfortable. Mr. Wertepny responded to Vice Mayor Herzog.

Mayor El-Ramey asked Councilmember Danowski about the survey during her tenure on the Loxahatchee Groves Water Control District. Councilmember Danowski responded.

Vice Mayor Herzog asked Mr. Wertepny were any of the maps ready to be presented. Mr. Wertepny responded.

There continued to be discussion among the Town Council and Mr. Wertepny and Town Staff.

Mayor El-Ramey expressed her thoughts and concerns regarding the matter. There

There was public comment from Casey Suchy.

Motion was made by Councilmember Shorr seconded by Vice Mayor Herzog to move forward with Keshavarz completing the task that was assigned and bring back finding to Town Council; it was voted as follows: Ayes: Councilmember Shorr. Nye: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski and Maniglia. Motion failed 4 to 1.

Town Manager Titcomb stated that the true intent of this discussion is to determine where the Public footprint is and asked what direction Council as how-to advice the wants the engineer. Mayor El-Ramey stated she would have 1991 survey and staff reach out to Mr. Painter. Mr. Wertepny stated that easements were not taken with the process that occurred with the grading. A grader who graded beyond the easement line, so it is not restoring easements but restoring the land

that was misshaped in the past and has nothing to do with the easements that are discussed today. He stated that he just wanted to make that clarification.

Vice Mayor Herzog stated she needed clarification on what is being done on Perkins. Town Manager Titcomb responded to her question.

9. Public Works B Road Drainage Project.

Councilmember Maniglia asked why backup was not given with the item. Town Manager Titcomb responded to her concern and presented this item.

Councilmember Maniglia stated that she has been discussing this matter because staff did not negotiate this but WBI did and continued to express her concern. Town Manager Titcomb addressed her concerns. There continued to be a discussion among Town Manager Titcomb, Town Attorney and Town Council.

The consensus from Town Council was to continue with the work that has been done thus far regarding the fence on B Road.

Mayor El-Ramey addressed Councilmember Maniglia concerns regarding how to handle this type of situation in the future.

Motion was made by Councilmember Shorr seconded by Councilmember Danowski to extend the Regular Meeting 30 minutes until 11:00 p.m.; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

TOWN COUNCILMEMBERS COMMENTS

Motion was made by Councilmember Shorr seconded by Councilmember Danowski to extend the Regular Meeting 30 minutes until 11:30 p.m.; it was voted as follows: Ayes: Mayor El-Ramey, Vice Mayor Herzog, Councilmembers Danowski, Maniglia and Shorr. Motion passed unanimously.

Phillis Maniglia, Councilmember (Seat 1)

- FAAC
- ULDC
- Revisit meeting with Johnson-Davis
- OGEM roads
- Slaughterhouses

Laura Danowski, Councilmember (Seat 2)

- Public meetings
- Town Committees
- Budget
- PSG

Lisa El-Ramey, Mayor (Seat 3)

- Fireworks resolution
- Mr. Fleishman's contract
- Letter from Indian Town Improvement District

Robert Shorr, Councilmember (Seat 4)

- Water truck purchase
- Letter regarding

- Cost Sharing resolution

Marge Herzog, Vice Mayor (Seat 5)

- Announced the passing of Mr. Odom
- Florida City Statistics
- News on canals

TOWN STAFF COMMENTS

Town Manager/ ATM

- Letter from Indian Town Improvement District
- General Waiver for volunteers
- Code Enforcement

Town Attorney

No comment

Public Works

Larry Peters, Public Works Director address Town Council and gave update and thanked Mike Capocefalo for his work. Rock being kept on premises for emergencies and purchasing to do repairs.

Adjournment

There being no further business the meeting was adjourned at 11:27 p.m.

TOWN OF LOXAHATCHEE GROVES

ATTEST:

Mayor Lisa El-Ramey

Lakisha Burch, Town Clerk

Vice Mayor Marge Herzog

Councilmember Laura Danowski

Councilmember Phillis Maniglia

APPROVED AS TO LEGAL FORM:

R. Brian Shutt, Town Attorney

Councilmember Robert Shorr