



**TOWN OF LOXAHATCHEE GROVES  
TOWN COUNCIL MINUTES OF WORKSHOP/SPECIAL MEETING  
FEBRUARY 15, 2022**

*Meeting audio available in Town Clerk's Office*

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Mayor Shorr led the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Shorr led a prayer.

**ROLL CALL**

Mayor Robert Shorr, Vice Mayor Laura Danowski, Councilmembers Phillis Maniglia, Marianne Miles and Margaret Herzog, Town Manager James Titcomb, Town Attorney Elizabeth Lenihan, Esq., Public Works Director Larry Peters, and Town Clerk Lakisha Burch.

**ADDITIONS, DELETIONS AND MODIFICATIONS**

**Motion was made by Councilmember Herzog seconded by Vice Mayor Danowski to accept the agenda as is 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 no comment from the public.

**CONSENT AGENDA**

1. Acceptance of Public Works Monthly Status Report for the month of January 2022.

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

2. Approval of *Resolution No. 2022-05* authorizing the entry by the Town into an agreement with Steffen & Sons Striping, LLC for roadway striping and pavement marking services. **PULLED FROM THE CONSENT AGENDA**

Vice Mayor Danowski asked what was the agreed upon striping in the contract, white on outer edges, double or single lined. Mr. Peters responded double.

Councilmember Maniglia asked Town Attorney Lenihan is the striping. She asked has this company started yet. Councilmember Maniglia asked did we get credited for the striping being done incorrectly. Town Manager Titcomb stated that he did not know the answer to the question but doubt we would have gotten charged for an error. Mayor Shorr asked where there a change order on additional striping. Mr. Peters responded no change order.

Mayor Shorr asked was this a specific proposal to these specific roads or could we utilize this in the future. Town Attorney Lenihan responded that this is a piggyback contract, so this is approving the pricing of the striping from the piggyback contract for the term of the piggyback contract and can be used for other roads and long as it is under the scope of the piggyback contract. Councilmember Maniglia asked when does the piggyback expire. Town Attorney Lenihan responded May 9, 2022, but may be extended. Staff will keep an eye on this matter.

Vice Mayor Danowski asked due to the item being pulled and item stating specific roadways does any member of Council need to recuse themselves. Town Attorney Lenihan responded no that the title on the agenda item and the resolution doesn't speak on specific roads.

There was public comment made by Joannie Hopkins.

There was discussion among Town Council regarding the double striping of the roads.

**Motion was made by Vice Mayor Danowski seconded by Councilmember Herzog to approve Resolution No. 2022-05 authorizing the entry by the Town into agreement with Steffen & Sons Striping, LLC for roadway striping and pavement marking services; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

### **REGULAR AGENDA**

#### 3. Discussion of 23<sup>rd</sup> Court North off E Road "Three Way Stop".

Councilmember Maniglia asked that this item not be road specific.

Larry Peters, Director of Public Works presented the item. Mr. Peters stated that he is asking the Town Council that in the future that if any resident request a three way stop that a traffic study be done. He is asking that in the future, if anyone comes forth to ask for a three way stop, that a traffic study be done throughout the Town.

There was public comment made by Joannie Hopkins.

Councilmember Maniglia asked Mr. Peters was the roads engineered before paving. Mr. Peters asked what type of engineering, he then stated we did about 15 miles of paving, most of which 10 was just in the overlay of existing road. Councilmember Maniglia stated that in a lot of roads it is very difficult to see, doesn't feel that every time we need a three way stop, to do traffic study. Councilmember stated she doesn't see the reason to have a traffic study every time a three-way stop is asked for by a neighborhood. Councilmember Maniglia and Mr. Peters continued discussing a three way stop.

Vice Mayor Danowski, stated she truly appreciated that as an engineer with your background and as the jobs and things come to you that needs to be studied and looked into, she understands

but there are some moving parts to this particular dilemma. Mr. Peters stated it is vision. Vice Mayor Danowski stated that if was sitting in your chair would put up the three ways stop. She asked could a temporary three-way stop be done until the line of sight is corrected. Mr. Peters responded that the problem with putting them in is very difficult to get them out. Vice Mayor Danowski stated that the mirrors are hard to see without light, she stated that maybe do a big yellow flashing light. Mr. Peters responded that that may work. Mr. Peters asked would this light flash continually or only when tripped. Vice Mayor Danowski responded that she would leave that to Mr. Peters being that he as the engineer would make a better decision. There was continued discussion among Vice Mayor Danowski and staff. Vice Mayor stated that she is not overly enthused about a study but if it provided some sort of working platform, she would ponder it.

Councilmember Miles stated that we have many areas in Loxahatchee Groves that have sight line issues, that is the big issue. We have ordinances that protect our line of sight, sight triangles, that is partially were it needs to begin, we also have speed bumps on our paved roads. She stated we have many issues that needs to be addressed, there are three way stop signs that she feels that shouldn't be there. She continued to speak about the issues with regarding roads and stops signs. Would like to see our line of sight, site triangles hedging be pulled back so that way it is easier and when it is sight specific going to the owners, going to those specific roads, and making the site triangle a little easier where people don't have to go out into the roads.

Councilmember Herzog asked Mr. Peters how many of our stop signs throughout the town have had traffic studies and are legal. Mr. Peters responded that he doesn't have that answer. Councilmember Herzog commented she just understood that they were just put up without studies being done and what are our liabilities if that is the case.

Mayor Shorr stated he feels we should get a traffic engineer just for a basic understanding and they can come and present at the meeting, there are situations were there could be a telephone pole or a big tree and feel that it is key to learn from a traffic engineer what is the reason that warrants a sign.

Councilmember Maniglia asked is Simmons and White is our traffic engineer and if so, could we just reach out to them and asked to have they already done this, because they probably already done the work. She also asked Town Attorney Lenihan what the possibility of the Town being sued because the three-way stop was not engineered. Town Attorney Lenihan responded that people sue for all reasons all the time. Councilmember Maniglia again asked liability wish on the Town. Town Attorney Lenihan responded it depends on the nature of the incident and she has not looked into the question of liability of traffic signs that were deemed warranted. Councilmember Maniglia asked if Town Attorney Lenihan could look into that and if Mr. Peters could reach out to Simmons and White and asked them to come and do a presentation.

#### 4. Discussion of After Hour Work.

Larry Peters, Director of Public Works presented the item stating there are 12 residents on Biddix Road, and Town Council has approved the replacement of the existing Canal Crossing Bridge from E Road to Biddix Road. The contractor will receive the culvert pipe on February 17, 2022. And is scheduled to start construction February 18, 2022. In order to lessen the time frame of alternate access for the residents, and the residents service vehicles, the Contractor has inquired, if it is permissible to work evenings and weekends. The Town's ULDC does not clearly address. Town staff would like Town Council approval of working evening and weekends for the specific project.

Councilmember Maniglia stated that she has no objection as you can see DOT work at night due to less traffic, she just wants them to post "Men at Work" signs and MOT guy if they are going to block the road.

Vice Mayor Danowski asked does working at night change the price. Mr. Peters responded, no. She then asked would there be nighttime safety protocol. Mr. Peters responded, yes. Vice Mayor Danowski stated she has no objection.

Mayor Shorr commented about pump running at 25<sup>th</sup> and there was no noise but feel that the residents should be notified in the surrounding areas.

Councilmember Miles stated she has no objection to the work but when at the auction can he look for a small message board.

Councilmember Maniglia stated that the contractor should pay for the message board.

Mayor Shorr asked what the projected finishing date is. Mr. Peters responded in about seven (7) days.

**There was consensus made by Town Council to approve the after hours work on the canal crossing bridge from E Road to Biddix Road.**

#### 5. Update on Florida Power & Light Project.

Florida Power and Light, Stephanie Mitrione, External Affairs Area Manager, stated that she and her team would be giving the Town Council an update on the progress of the Underground Project by presenting a PowerPoint presentation, she then introduced Ray Leazono, Construction Manager, Leslie Cleaver, and Jeff Stanton. Mr. Leazono stated that he just wanted to give Council and overview of the storm Security program. He then explained what the storm plan program entailed. Ms. Leslie Cleaver, Project Manager for this project, she gave the Town Council and overview of the timeline to finish this project over the next two years. She stated that they plan to do 14 of the 16 in the Town's area this year. She stated that the project is going along well according to the residents who are pleased. Ms. Mitrione stated they just wanted to come before Council to answer any questions. She stated that they met with Town staff to discuss moving some of the feeder lines that are close to the roadway but that is a project that will be discussed later and would like to keep it separate from the current project.

Councilmember Maniglia stated that her concern is are the wires be left in the middle of the equestrian trail, the person in which she spoke with stated that the wires would be buried. Councilmember Maniglia asked about transformers, is FPL going to be on the poles that exist or you going to have the transformer outside the resident. Ms. Mitrione stated the goal is to have one transformer that feed serval properties of course it depends on where the load is going to and how close the houses. Councilmember Maniglia asked where FPL would be putting their transformers. Ms. Mitrione responded all be on easements provided by residents inside of the resident's property. There continued to be discussions among Councilmember Maniglia, Leslie Cleaver, and Ms. Mitrione.

Vice Mayor Danowski stated that she wanted to give a special shout out to their employee Sean, he was patient, kind and deserve a medal, Super guy.

Councilmember Miles stated that when this first started, she was under the impression that the what the lateral lines were or feeder lines what you are calling them, the lines that are going north and south on our roads were going to be removed and everything was going underground, she was incorrect. Her concerns are the lines that are going north and south that are on the poles in the event we have a hurricane they are still on the poles, there is no protection, it helps you with tree trimming and everything else but if we have a hurricane there is still power on the poles and this not being addressed is a problem. Mr. Leazono addressed Councilmember Miles concerns. Ms. Mitrione also stated that it is up to the other utilities companies responsible to remove their lines off the poles, because some poles belong to FPL and some to AT&T.

Mayor Shorr asked why a deadline couldn't you put a deadline on that, and say we are removing these poles on this date, that is not unreasonable. He continued to express his concerns. Mr. Leazono and Ms. Mitrione addressed his concerns. He also spoke about splice boxes and poles when coming down at high voltage, that he his main concern. Mr. Jeff Stanton responded to his question. Mayor Shorr also complimented the service workers and stated that he received a lot of calls and have spoken with the Manager and that there are other reasons why we are here and would allow Mr. Peters, Director of Public Works to speak.

Mr. Peters, Director of Public Works stated that in June of last year he receives the first set of plans to review, those plans indicated new concrete poles in specific location where these underground lines were going to be attached and they were to be concrete. In June of last year, he called it to everyone's attention that it would not be an exasperation of an unsafe condition period, we will not approve the permits, he then went a gave an example. He also stated that he learned something at meeting last week and he understands why the previous administration approved all the poles right next to the travel lane because we don't have an easement, we only have a right of way and if the poles are placed in a right of way, then FPL will have to pay for it. Mr. Peters stated that every one of them are in an unsafe condition, and the absolute minimum in a travel lane is 6 ft. He continued to express his concerns with this matter, and he also stated that if they put those feeders those laterals on a pole in an unsafe condition and he has approved the permit that he be indemnified, he doesn't know if they are going to do that or not and he doesn't even think they would hold up on those poles. He has met with them in a pre-construction Zoom meeting and have expressed his concern and point of view. Mr. Leazono responded that he can't speak to how the original feeder hardening permits where done, but they were approved and those poles were put there, he doesn't know who made the decision on the Town's behalf. He continued to state that he does know that all except about 2 or 3 have been approved in black and white final legal approved with no condition about safety zone, that's a fact. He understands that

it is a concern and that you would like a double pole solution oh not saying we would minimize safety in any way as part of FPL commitment to their customers. He continued to address Town Council and stated that a commit to the Public Service Commission, he needs a decision to move out of Loxahatchee Groves and put them on hold. Councilmember Maniglia asked does he have the authority to put our town on hold. He responded yes, FPL does have that authority. Ms. Mitrione also addressed Councilmember Maniglia's question and stated they are happy to continue this conversation.

Councilmember Maniglia asked the Town Attorney could she be road specific in this matter. Town Attorney Lenihan stated it would be safer if she spoke on nonspecific roads. Councilmember Maniglia continued by stating we are paving our roads and have FPL poles in the road and asked Mr. Peters what date is the agenda that he was referring to he had beside him. Mr. Peters responded he had a package. She also asked could signed legal documents be amended. Town Attorney Lenihan responded if she was speaking about the permits, she then gave her opinion then stated she would look into. There was discussion among Mr. Leazono and Mr. Peters. Councilmember Maniglia asked what a solution would be because Mr. Peters is not comfortable signing off. Mr. Peters responded to her question. Ms. Mitrione stated that conversation has been had and they will sit down and continue to have a conversation because no one wants this project to end and stated what the Town obligation needs to be. Town Attorney Lenihan also commented that Town Council have a draft motion to this item. There was discussion among Town Council and staff.

Vice Mayor Danowski stated that the representative that have come before us tonight has said, yes, we're happy to discuss movement of the poles and the lines attached to it, we want to keep going on with this underground project as we have already scoped it out. She continues to state that she doesn't understand how this would be feasible to bring this resolution before FPL and say we are going to discuss this in a reasonable time, something new that should have been done a year ago, the fact that this is just getting dropped into everyone's lap now, is like saying SURPRISE, we didn't know anything was wrong or happening, that is a shame on all of us moment vendor, town, former management, all of us. She then stated that poles are in a safety zone which is a right of way, in order to move them out of the right of way we need an easement, right. Mr. Peters responded or extended the right of way, if the Town extends the right of way, it is his understanding that FPL will pay for it. Vice Mayor Danowski continued to state that to extend the right of way or get easements, it will go into people's private property, staff and FPL representatives stated, yes. She stated just for edification here, we can't even get drainage easements from people, she thinks that it is horrifically unfair and unreasonable to say to FPL that you need to think about doing this after we have drafted it, that is if someone can straighten her out, she is all ears. Town Attorney Lenihan stated that the proposal is to adopt a resolution to provide FPL notice, the statutes provides when there is an unsafe condition in the public roadway the local government can give the utility provider written notice and there has to be initiation of a plan to alleviate the unsafe condition and the plan has to be in 30 days, that is the notice that we are looking to bring forward and have some expediency behind it, the plan can be a five year, if it is agreeable, it just a red flag to let everyone know it is an issue that needs to be addressed. Vice Mayor Danowski asked as Council is that an advisable procedure. Town Attorney responded that she felt it was a right move to make and that is why she suggested it and wanted Council to have as an option. Vice Mayor Danowski stated she would take consideration it based on what her colleagues say.

Councilmember Miles asked if they had easements from residents from the east and west of the canal. FPL representatives responded, yes. She then continued asking if anyone has seen what FPL is going to do regarding the underground, she stated she saw no drawing. Then she proceeds to comment and ask for understanding if Council would like them to move poles, why could they not do it. She stated there are several poles that are hazards, due to holes in the road. She continued to express her concerns regarding the poles and permissions from residents. Ms. Mitrione responded to Councilmember Miles statements stating that they do not have permissions what was given in this underground project was a 10 by 10 easements to place our transformers, we have no where to go with these feeders lines, we are at the very edge of the right of way, we have no rights as it currently stands today to move this line further back, we need a continuous easement for the whole length of the line, and we can't just move one pole, would need to move the entire feeder line on private property which we have no right and that is where we need the Town. She also stated that if the Town wants them to move these poles, they will need an extended right of way or easements.

Councilmember Maniglia asked is this is time sensitive this is because she doesn't want to decide without some more information. Ms. Mitrione responded it is time sensitive as far as continuing their underground project and she doesn't believe one has to do with the other, these poles are existing and the only reason they are touching them is to install a riser on the poles. Mr. Leazono responded that the big picture is not to hodgepodge this project. Councilmember Maniglia stated she understands that the poles need to be align. Mr. Leazono responded, yes. Councilmember Maniglia asked is there a way to do eminent domain regarding placing these poles inside people property, which personally she would hate. Town Attorney Lenihan stated that the motion before them is to continue the project without moving the poles but to initiate the process to have a plan in place to how this move, need to have a dialogue which will not be done in 2 weeks or 30 days but need to be made. Councilmember Maniglia stated she would like to see the project move forward because it looks as if these folks are going to work. Mr. Leazono stated that to keep the project going they need signed permits on the outstanding remaining ones that are not fulfilled yet. Mayor Shorr asked what region that is, what permits are still outstanding. Mr. Leazono responded the 2022 permits.

Mayor Shorr stated he doesn't like to see things done twice, feels the motion drafted by the Town Attorney is fine and he continued to express his concerns. Ms. Mitrione responded that in 2019 they only replaced some poles with stronger poles and would have been great if this would have been discussed at that time. This project has nothing to do with the poles. Mayor Shorr stated we need to prepare for the future.

**Motion was made by Vice Mayor Danowski seconded by Councilmember Maniglia to support Florida Power & Light (FPL) current undergrounding project , providing that utilities poles be relocated out of the right of way within a reasonable time and directs Staff and Town Attorney to prepare a resolution for consideration at the next Town Council meeting to provide FPL with written notice in accordance with Florida Statutes regarding such relocation; 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)**

- Disappointed regarding the Closed Caption- would like for meeting to be back online.
- All the extra poles that are out in Town and the utilities companies – sole franchise
- Would like to hear from Keshavarz regarding Mr. Peters concerns (on FPL poles) - very lucky to be putting our lines underground.

**Marge Herzog (Seat 5)**

- Announced that tomorrow from noon to 1:30 p.m. the 1000 Friends of Florida will be having a webinar- some topics will be on roads, conserving land and protecting our waters.

**Marianne Miles (Seat 3)**

- Residents clean up what they need to clean up – Hurricane Preparedness
- Come to meetings for correct information or contact Town Hall
- Like to see everyone starting to get a long
- Be neighborly – be kind

**Laura Danowski (Seat 2)**

- Asked for an update on CodeRed
- Didn't know how to react to Mr. Dubrawski, (Commercial Real Estate Broker) who came before Council in the first hour of the meeting about Commercial Low – do we have protocol regarding this- Town Manager Titcomb responded.
- What revenue stream does money come from to purchase equipment Mr. Peters was speaking of. Town Manager Titcomb responded and there was discussion among Vice Mayor Danowski and Town Manager.

**Mayor Robert Shorr (Seat 4)**

- Truck that Mr. Peters want to purchase from the County auction. Mr. Peters responded that we were successful in the last purchase of a truck. There was discussion among Mayor Shorr and Mr. Peters regarding purchasing of trucks. Above Town Manager's threshold.

Councilmember Maniglia stated that she voted for lending terms and all other voted no. Asked Town Manager how often has he used his 25,000 thresholds since the beginning of the year, Town Manager Titcomb stated he didn't know but would find out, then went to explain how it works. She also asked Assistant Town Manager Ramaglia how much money was in the reserves, Asst. Town Manager Ramaglia answered she couldn't answer that question right now because that is a moving number but asked Councilmember Maniglia if she was asking if it was enough funds to send Mr. Peters to the auction within the Roads & Drainage funds, we are able to move money around between line items, and that at the beginning of year \$150,000 dollars budgeted for equipment, we also have varies leases for that equipment, we also have varies line items that we often under spend, last year Mr. Peters under spent his budget, we are in the process of that audit right now, which is why I am not answering you a specific number on the reserves we have ended the year in the General Fund over 25%, she doesn't believe that any kind of spending of equipment will either reduce our reserve or cause us to be over budget in total for fund 105. Councilmember Maniglia asked did she have an estimated guess of what Mr. Peters



was under budget last year. Asst. Town Manager Ramaglia responded she could not answer that question right now because she came in to answer this question but knows that he is not nearly at his budget for this current year and last year he don't spend the money on the rock bed we plan to do, so it was a significant carry forward that was reported to Council earlier agenda item when we were talking about how much money would be bringing in for the maintenance program that was approved for rock and paving. Councilmember Maniglia asked Mr. Peters for clarification that he is wanting to purchase two trucks and a CAT which totals \$67,000, she states that this is being done to much in Town Council comments, this is becoming a regular thing and for 67,000 dollars feels that the public should know about this, don't like to be blindsided by hey this is a great deal its seating there now and we may need it in the future. She stated that I don't mind buying trucks but the best way to do trucks is to buy new vehicles and have a monthly payment, but we keep buying used stuff and not on board for these 67,000.00 purchases. She also would like to know how many times staff have used their 25,000-dollar limit. Asst. Town Manager Ramaglia responded to Councilmember Maniglia asking for clarification because she stated to her knowledge staff has not exceeded the 25,000.00 dollars except as we reported to you as required by the Purchasing Manual last year and that was for fuel and equipment rentals that were a part of projects that were separately approved, Mr. Titcomb is only allowed to spend up to \$24,999.99 and to my knowledge he has not exceeded his authority and the next meeting it would be provided to them a list of spending. Councilmember Maniglia then asked the Town Attorney is this within the Town's Procurement Policy to have an item that is not on the agenda for this amount of money to come before them in Town Council Comments. Town Attorney Lenihan responded by stating that the Procurement Policy doesn't dictate how you bring it forward on your agenda, typically at a Regular Meeting you don't have anything that says that it can't bring things at your Public Comments or at other times that aren't on the agenda, at Workshops there are no votes that are taken, at Special Meetings that the things that discussed and voted on the agenda are those on the agenda for a vote. Mayor Shorr stated that we don't need to vote on this in his comments and Larry could bring them up under this his comments. Councilmember Maniglia wanted to know when did this go online. Town Attorney responded that this is a Workshop/Special meeting, and this item was not on the agenda. Mayor Shorr thanked Town Attorney Lenihan for the clarification and told Mr. Peters to pick a truck under the Town Manager's threshold. There was continued conversation among Town Staff and Town Council. Vice Mayor Danowski stated that she would like to see a plan from Public Works regarding purchasing of equipment. Town Clerk Burch explained why this was advertised this meeting because she didn't know if they were going to vote the items regarding items 3 or 4.

- Biddix Bridge

### **TOWN STAFF COMMENTS**

#### **Town Manager**

- Spoke about the spending threshold.
- Mention that he would be out of the country and that Assistant Town Manager Ramaglia would be Acting Manager.

#### **Assistant Town Manager**

**Town Attorney**

No comment

**Public Works Director**

No comment

**Town Clerk**

No comment

**ADJOURNMENT**

There being no further business meeting was adjourned at 10:12 p.m.

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

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Lakisha Burch, Town Clerk

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Mayor Robert Shorr

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Vice Mayor Laura Danowski

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Council Member Marge Herzog

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Council Member Maryann Miles

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Council Member Phillis Maniglia