



TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES REGULAR MEETING
APRIL 4, 2023

Meeting audio available in Town Clerk's Office

CALL TO ORDER

Mayor Shorr called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shorr and his grandchildren led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Shorr led a prayer.

ROLL CALL

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

ADDITIONS, DELETIONS AND MODIFICATIONS

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

APPOINT SEAT OF MAYOR- RESOLUTION NO. 2023-34

Councilmember Maniglia nominated Laura Danowski for Mayor seconded by Councilmember Miles; it was accepted by Vice Mayor Danowski with there being no further nominations. It was voted by all of the Town Council to accept Vice Mayor Danowski as Mayor.

APPOINT SEAT OF VICE MAYOR- RESOLUTION NO. 2023-35

Councilmember Maniglia nominated Margaret Herzog for Vice Mayor; Councilmember Herzog accepted the nomination.

Councilmember Miles nominated Robert Shorr for Vice Mayor; Robert Shorr accepted the nomination.

There were two votes for Margaret Herzog for Vice Mayor which were Councilmember Maniglia and Councilmember Herzog.

There were three votes for Robert Shorr for Vice Mayor which were Mayor Danowski, Councilmember Miles, and Robert Shorr.

There was a 2 (Herzog and Maniglia) to 3 (Danowski, Miles, and Shorr) vote for Robert Shorr to become Vice Mayor.

**RECESS TOWN COUNCIL MEETING &
CALL TO ORDER DEPENDENT WATER CONTROL DISTRICT**

Motion was made Councilmember Maniglia seconded by Vice Mayor Shorr to recess the Town Council meeting at 6:35 p.m. and Call to Order the Dependent Water Control District; it was voted as follows: Ayes: Chair Danowski, Treasure Herzog, and Board of Supervisors Maniglia, Miles, and Shorr. Motion was passed unanimously.

Chair Danowski called to order the Dependent Water Control District to order at 6:36 p.m.

APPOINT CHAIR OF BOARD OF SUPERVISORS- RESOLUTION NO. 2023-DD01

Board of Supervisor Maniglia nominated Laura Danowski as Chair of the Dependent Water Control District; Chair Danowski declined the nomination.

Chair Danowski nominated Board of Supervisor Shorr for Chair of the Dependent Water Control District; Board of Supervisor Shorr accepted the nomination.

Board of Supervisor Maniglia nominated herself and accepted her nomination.

There was a 2 (Herzog and Maniglia) to 3 (Danowski, Miles, and Shorr) vote for Phillis Maniglia for Chair of the Board of Supervisors.

There was a 3 (Danowski, Miles, and Shorr) to 2 (Herzog and Maniglia) votes for Robert Shorr becoming Chair of the Board of Supervisors.

APPOINT TREASURER OF BOARD OF SUPERVISORS-RESOLUTION NO. 2023 DD02

Board of Supervisor Maniglia nominated Margaret Herzog for Treasurer of the Dependent Water Control District; Treasurer Herzog accepted the nomination.

Chair Shorr nominated Marianne Miles for Treasurer of the Dependent Water Control District; Board of Supervisor Miles accepted the nomination.

There was a 3 (Danowski, Herzog, and Maniglia) to 2 (Shorr and Miles) votes for Margaret Herzog to be Treasurer of the Dependent Water Control District.

There being no further business the meeting was adjourned at 6:38 p.m.

RECONVENE TOWN COUNCIL MEETING

Mayor Danowski reconvened the Town Council Regular Meeting at 6:55 p.m.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There was no public comment on non-agenda items.

CONSENT AGENDA

Councilmember Maniglia asked could items 2, 3, and 5 from the Consent Agenda.

1. Consideration of approval of Meeting Minutes.
 - a. August 2, 2022 Town Council Regular Meeting
 - b. February 7, 2023 Town Council Community Workshop Meeting
 - c. February 7, 2023 Town Council Workshop/Special Meeting

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| d. February 21, 2023 | Town Council Community Workshop Meeting |
| e. February 21, 2023 | Town Council Workshop/Special Meeting |
| f. March 21, 2023 | Town Council Community Workshop Meeting |
| g. March 21, 2023 | Town Council Regular Meeting |
4. Consideration of **Resolution No. 2023-32** approving the schedule for the Town Council Regular and Workshop Meetings for April to December 2023.

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

2. Consideration of **Resolution No. 2023-29** approval of scope and pricing for culvert repair at 24th and “E” Road. **PULLED FROM THE AGENDA**

The existing bridge culvert at 24th Court North and East of E Road is in a failing condition and needs to be replaced. This bridge culvert is within the Town’s right-of-way and is the only access to seven parcels. Johnson-Davis, Inc. has a continuing contract with the Town, and has provided a proposal to replace this bridge culvert. Staff are requesting approval of scope and pricing for the replacement of the culvert. A proposal in the amount of \$110,830.00 was submitted by Johnson-Davis, Inc. for this culvert replacement.

Councilmember Maniglia stated that she would have to recuse herself from this item due to her having a real estate listing on 24th Court.

Motion was made Vice Mayor Shorr seconded by Councilmember Herzog to approve Resolution No. 2023-29 approving the scope and pricing for replacements of a bridge culvert at 24th Court North and E Road; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed 4-0 (Maniglia obtained).

3. Consideration of **Resolution No. 2023-31** authorizing the expenditure to Level Land Grading in excess of \$25,000. **PULLED FROM THE AGENDA**

Public Works Director Peters addressed the Town Council stating that Level Land Grading, Inc. has been installing culverts for the Town. The Town provides the materials (rock and pipe) and Level Land Grading, Inc. supplies the manpower and equipment. Level Land Grading, Inc. is doing the work for \$1,850 per culvert. This price was substantially less than the two other quotes received by the Town for the same scope of work. The culverts are installed according to Town specifications and the quality of the work has been good.

In this fiscal year Level Land Grading, Inc. has installed 9 culverts for a total price of \$16,650. The public works director has identified a need for 6 additional culverts and believes as many as 13 more may be needed. The Town has budgeted \$100,000 for miscellaneous culverts in its Capital Improvement Plan for 2023. The cost of rock and pipe for each of the culverts is approximately \$2,000, which brings the cost per culvert to \$3,850. In addition, the delivery of materials to the site is done by Town employees using Town equipment.

Pursuant to Section 2-134(c) of the Town's Code, Town staff is seeking authority to utilize Level Land Grading, Inc. for the additional culvert work, which will result in aggregate payments to the contractor in excess of \$25,000 during this fiscal year. There was discussion among the Town Council and Town Staff.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to not approve Resolution No. 2023-31 authorizing the expenditure to Level Land Grading, Inc. in excess of \$25,000. for fiscal year 2023 for culvert construction/installation services; it was voted as follows: Ayes: Councilmembers Herzog and Maniglia. Nays: Mayor Danowski, Vice Mayor Shorr, and Councilmember Miles. Motion failed 2-3.

Motion was made by Vice Mayor Shorr seconded by Councilmember Miles to approve Resolution No. 2023-31 authorizing the expenditure to Level Land Grading, Inc. in excess of \$25,000. for fiscal year 2023 for culvert construction/installation services; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

5. Consideration of *Resolution No. 2023-33* approving of easements. **PULLED FROM THE AGENDA**

This item was brought before the Town Council because in moving forward with the FY23 Town Paving Program it is beneficial for the Town to secure certain Roadway and/or Drainage and/or Utility easements along some segments of the road paving project. Specifically, easements are needed along North E Road, Folsom Road, and West G Road. In addition, while there is an existing 20-foot roadway easement along Collecting Canal Road, drainage and utility easements would be useful in this area.

Town staff has been working with property owners to acquire the easements and have identified properties upon which easements are needed or available. Those property locations are identified in Exhibit "A" to Resolution No. 2023-33 and the form of the proposed easement is the Town's standard easement form which was previously approved by Town Council. The nature and extent of the easement will vary depending on the particular location.

The Town Council must accept the easements in accordance with Section 05-085 of Article 05 "Administrative and Legal Provisions" of Part I "Administration and Definitions of the Town's ULDC. With the pendency of the FY23 Town Road Paving Program and the award of the contract for the construction work and in order to minimize and delay or stoppage of the work, the Town Manager and Town Attorney are suggesting the Town Council approve and accept the easements at the identified locations, authorize the Mayor to execute the easements and Town staff to record the easements, without the necessity of bringing them back individually to the Town Council for acceptance and approval, under the following conditions:

1. That the easements will be in the standard form approved by Town Council or with non-monetary changes subject to approval by the Town Manager and Town Attorney;
2. Authorizing the Mayor (or Town Manager) to execute the acceptance of the easements identified in the Resolution upon approval by the Town Attorney;
3. Require that the easement for each property be fully executed and recorded before work on the project takes place within the easement area for that property.

There was discussion among the Town Council and Town Staff regarding this item.

Motion was made by Vice Mayor Shorr seconded by Councilmember Maniglia to approve Resolution No. 2023-33 accepting easements; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

REGULAR AGENDA

6. Consideration of ***Resolution No. 2023-30*** approving the awarding of IFB # 2023-01 paving project.

Town Attorney Lenihan addressed the Town Council stating that the agenda was supposed to include a budget amendment then went to explain to Town Council other options.

There was a consensus to have this item moved to the April 18, 2023, meeting.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to remove item # 6 (IFB # 2023-01) from the agenda and have it on the April 18, 2023 agenda; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

DISCUSSION

7. Discussion of ***Ordinance No. 2023-01*** adopting Chapter 2 “Administration” Article VII “Town Advisory Boards” to provide for the applicability, composition, quorum, eligibility and qualifications, appointment, terms, removal, and vacancies, officers, compensation, and procedures regarding Town Advisory Boards.

Town Attorney Lenihan presented the item to the Town Council stating over the years, the Town Council has adopted several resolutions dealing with various Town advisory boards, including, but not limited to, the Scholarship Fund Committee, Charter Review Committee, Unified Land Development Code Review Committee, Finance Advisory and Audit Committee, and the Roadway, Equestrian Trails and Greenway Advisory Committee. Each resolution provides for the composition, term, appointment procedure, removal, etc. To ensure consistency and a more efficient procedure, the Town Attorney has drafted Ordinance No. 2023-01, an advisory board ordinance that applies to all Town advisory boards, committees, and commissions unless otherwise set forth in the Code.

The ordinance provides uniformity for its advisory boards in composition, quorums, eligibility, appointment, terms, removal, vacancies, officers, procedures, and meetings. The ordinance also provides the Town Council with the authority to adopt other resolutions (or ordinances) that address the particular qualifications for members of each board and the time and frequency of meetings. It provides for an application process for potential board members, and the Town Council will review the applications and vote on the members and alternates for each board. Board members will serve two-year staggered terms and will continue to serve until successors are appointed.

There was discussion among the Town Council and Town Staff regarding this item which included appointments of committee members, date, and time of meetings, coming before Council for approval of Town Council’s appointee, etc.

There was consensus by the Town Council that they would continue to appoint their representative to Advisory Boards, their appointee will serve the same term on the committee as the Councilmember servers on the and be able to remove their own appointee without coming before Town Council.

8. Discussion of **Ordinance No. 2023-02** amending Chapter 34 “Planning and Development”, Article II “Planning and Zoning Board” to amend the appointment process and terms and for other purposes.

Town Attorney Lenihan presented the item to the Town Council stating that by separate ordinance, the Town Council is considering adopting uniform requirements for its Town advisory boards which have, over the years, included, but not been limited to, the Planning and Zoning Board, the Scholarship Fund Committee, Charter Review Committee, Unified Land Development Code Review Committee, Finance Advisory and Audit Committee, and the Roadway, Equestrian Trails and Greenway Advisory Committee. That separate ordinance provides uniformity for the advisory boards in composition, quorums, eligibility, appointment, terms, removal, vacancies, officers, procedures, and meetings (“Advisory Board Ordinance”). The Advisory Board Ordinance provides for an application process for potential board members, and the Town Council will review the applications and vote on the members and alternates for each board. Board members will serve two- year staggered terms and will continue to serve until successors are appointed.

If the Town Council adopts the Advisory Board Ordinance, it will also consider Ordinance No. 2023-01 which provides for the removal of certain provisions from the Planning and Zoning Board ordinance that are already addressed in the new Advisory Board Ordinance (Ordinance No.2023-01) including the following: nomination process, quorum requirement, vacancies, removal of members, compensation, and the organizational meeting.

There was discussion among the Town Council and Town Staff.

9. Discussion of Town Council Rules and Procedures.

The ground rules for Town Council behavior and conduct of meetings are governed by the Code of Ordinances and the Council’s adopted rules. Section 2-23 of Article II “Town Council” of Chapter 2 “Administration” of the Code sets forth the codified regulations. The Town Council Approved Resolution No. 2019-65 “Town Council Rules of Engagement” and the Town Attorney has provided training on the role and conduct of being a member of Council. Copies of Section 2-23, Resolution No. 2019-65, and the training materials are attached for your review and discussion.

In addition to the general review of the guidelines, there has been interest expressed in addressing modifications and adjustments to the rules and procedures to include, but not necessarily be limited to the following topics:

1. Which meetings (including board and committee meetings) get live streamed, or otherwise disseminated.
2. Who and how many council members sign ordinances, resolutions, contracts, checks, and other official documents of the Town.
3. The use and. placement of lights.

4. Cellphone use.
5. Roll call procedures and acknowledgements.
6. Appropriate manner of addressing each other during meeting discussions.
7. The extent and limitation, tone, and tenor of Councilmember comments.
8. One on ones prior to Council Meetings.
9. Effective use of Agenda Review meetings on Mondays.

There was discussion among the Town Council and Town Staff regarding the above-mentioned items.

There was consensus by the Town Council to stream all meetings, to continue Agenda Reviews until June on the Monday before the Regular Town Council Meeting, Councilmember Maniglia stated that she would reach out to Sarah Palmer to see if you would be available to facilitate a training among Town Councilmembers.

10. Discussion of Town Council Priorities.

There was discussion among the Town Council and Town Staff. Mayor Danowski expressed that she loved the Council priorities schedule in the agenda.

TOWN STAFF COMMENTS

Town Manager

No comment.

Town Attorney

No comment.

Public Works Director

No comment.

Town Clerk

No comment.

TOWN COUNCILMEMBER COMMENTS

Phillis Maniglia (Seat 1)

- Congratulated everyone on their appointments.

Marianne Miles (Seat 3)

- Also congratulated everyone on their appointments.

Margaret Herzog (Seat 5)

- Also congratulated everyone on their appointments.
- Inquired about Building Projects
- Thanked Town Council and Staff for gifts/notes during her time of loss.

Robert Shorr (Seat 4)

- Commented on the Agenda

- Term limits for the Mayor
- Thanked Town Manager Ramaglia for putting together the Hyde Park Meeting.
- Paving Project

Laura Danowski (Seat 2)

- Town Council's homework as a group
- Cyber Training
- RV program
- Thank you everyone.
- Having guest speakers- to update on issues surrounding our community.
- Loxahatchee Groves Landowners Association (LGLA)

ADJOURNMENT

There being no further business meeting adjourned at 9:42 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Laura Danowski

Lakisha Burch, Town Clerk

Vice Mayor Robert Shorr

Councilmember Margaret Herzog

Councilmember Marianne Miles

Councilmember Phillis Maniglia