



**TOWN OF LOXAHATCHEE GROVES  
TOWN COUNCIL MINUTES OF REGULAR MEETING  
DECEMBER 7, 2021**

*Meeting audio available in Town Clerk's Office*

**CALL TO ORDER**

Mayor Shorr called the meeting to order at 7:04 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Shorr led the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Shorr gave a prayer.

**ROLL CALL**

Mayor Robert Shorr, Vice Mayor Laura Danowski, Councilmembers Phillis Maniglia, Marge Herzog, and Marianne Miles, Town Manager James Titcomb, Assistant Town Manager Francine Ramaglia and Town Attorney Elizabeth Lenihan, Esq., and 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 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 were no public comments.

**CONSENT AGENDA**

1. Approval of **Resolution No. 2021-65** approving Agreement with Community Emergency Response Team (CERT).
2. Approval of **Resolution No. 2021-66** approving Agreement with the Division of Emergency Management for ARPA.
3. Approval of **Resolution No. 2021-67** approving first amendment to the Hardrives' road paving contract.
4. Approval of **Resolution No. 2021-68** approving Municipal Election Agreement with the Supervisor of Elections for the March 8, 2022, election.
5. Receive and File status of Audit FY 2020.

**Motion was made Councilmember Herzog seconded by Councilmember Maniglia to receive and file status of Audit FY 2020; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

6. Approval of *Resolution No. 2021- 69* approving FY 21/22 Budget Amendments.

**Motion was made by Councilmember Herzog 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.**

### **PRESENTATION**

7. Kim Delaney, Director of Strategic Development and Policy, Treasure Coast Regional Planning Council (TCRPC).

Kim Delaney, Director of Strategic Development and Policy, Treasure Coast Regional Planning Council (TCRPC) presented a PowerPoint presentation to Town Council. Ms. Delaney stated that she took a detailed tour of the Town with Vice Mayor Danowski to get a better feel of the community and the roadway network, where it is connected and is not, and also working with staff to developing an approach for developing a Loxahatchee Groves' Town vision and mobility plan. In addition, reached out to the staff at Palm Beach TPA, that the TPA would like to partner with the Town for a mobility plan. Also talked with staff on other avenues that Town would like to go in. Councilmember Herzog asked what is needed to move forward. Ms. Delaney responded an Interlocal Agreement with Palm Beach County. Vice Mayor Danowski thanked Ms. Delaney for coming out to tour the Town and asked what a mobility plan is -because the mobility is not the same. Ms. Delaney responded. Councilmember Miles asked what Treasure Coast could bring that Town's staff could not. Ms. Delaney responded. Mayor Shorr asked what other costs that may cost outside your scope.

There was public comment by Ken Johnson.

**Motion was made by Councilmember Herzog seconded by Councilmember Maniglia to move forward with Treasure Coast Regional Planning Council (TCRPC); it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

### **PUBLIC HEARING AND REGULAR AGENDA**

8. Approval of *Ordinance No. 2021-15* on second reading to amend Building Code.

The Town entered into a contract with SAFEbuilt to provide "turnkey" building and code services, replacing the interlocal agreement with Palm Beach County for building permitting and inspections. In order for the Town to establish its own permitting and inspection's function, it

must first adopt the Florida Building Code and any local amendments allowed by Section 553.73(4)(a), Florida Statutes. The local amendments included in the ordinance are generally those adopted by Palm Beach County, and we have included by reference certain Town codes significant to the building function such as Agricultural Uses, Floodplain Management, Tree Mitigation and Land Clearing. The code is being brought back for second hearing tonight as the Town's interlocal agreement with Palm Beach County terminates on January 3, 2022. Town Staff asked Town Council to consider adopting Ordinance 2021-15 on second reading of the Florida Building Code and Local Amendments.

Town Attorney Lenihan read Ordinance No. 2021-15 into the record.

**Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve Ordinance No. 2021-15 amending its Code of Ordinance by amending Article 1 "General" of Chapter 10 "Buildings and Building Regulation"; regarding adoption of the Florida Building Code and Local Amendments; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

9. Approval of *Resolution No. 2021-70* amending Permit Fee Schedule Rates.

The Town most recently updated its comprehensive fee schedule in 2018 which includes limited planning and zoning fees as well as a single permit intake fee. The Town entered into a contract with SAFEbuild to provide "turnkey" building and code services, replacing the interlocal agreement with Palm Beach County for building permitting and inspections. In order for the Town to establish its own permitting and inspection's function, it must first adjust the current schedule of rates, fees, and charges to include all services provided by the Town, including those previously provided by the County under the interlocal agreement. The proposed comprehensive fee schedule becomes effective January 3, 2022. Assistant Town Manager Ramaglia presented this item to the Town Council regarding the fee schedule. There was discussion among the Town Council, and Town Staff.

There was public comment by Paul Coleman.

**There was a Consensus by the Town Council for the yard sale permit be changed from 25.00 dollars to 5.00 dollars.**

**Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve Resolution No. 2021-70 amending a schedule of rates, fees, and charges for Planning and Zoning, Permitting, Code Enforcement, and Other Services and authorizing Town Manager to modify/amend the fee schedule of rates and charges from time to time at his discretion on an annual basis by the Town Council; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

**10. Approval of *Resolution No. 2021-71* approval of Impact Fees Interlocal Local Agreement (ILA).**

The Town entered into a contract with SAFEbuilt to provide “turnkey” building and code services, replacing the interlocal agreement with Palm Beach County for building permitting and inspections. As part of the Town establishing its own permitting and inspection function, it must enter into the accompanying interlocal agreement with the County to collect required impact fees from applicants within the Town. The agreement is being brought tonight as the Town’s interlocal agreement for building services with Palm Beach County terminates on January 3, 2022. Assistant Town Manager Ramaglia gave an overview of this item regarding impact fees to the Town Council. There was discussion among the Town Council, and Town Staff.

**Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve Resolution No. 2021-71 approving an Interlocal Agreement with Palm Beach County for collection of County levied impact fees from applicants with the Town; it was voted as follows; Ayes: Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed 4-0. Abstaining: Vice Mayor Danowski. (Form 8B attached)**

**TOWN COUNCILMEMBER COMMENTS**

**Marge Herzog (Seat 5)**

- Loxahatchee Groves Landowners Association mailers has gone out.
- Meeting place/time for the parade
- Pearl Harbor Day
- Wished everyone a Happy Holiday
- Landowners will have candidates’ forum the fourth Thursday in January.

**Marianne Miles (Seat 3)**

- Adoption of animals
- Roads-happy they are getting started.
- Glitches with phones
- Thanked the Town’s staff- spoke about public records, and elections.
- Happy New Year

**Phillis Maniglia (Seat 1)**

- Sad what has happen to the LG Facebook page.
- Paving of roads.
- Thanked everyone- move forward.

**Laura Danowski (Seat 2)**

- Thanked staff for all they do.
- Shout Out to the Gehring Group-Sponsored a fund raiser for the ARC Group
- Happy Hanukah, Merry Christmas, Happy Kwanza, and all that celebrate. Happy Holiday to everyone.

**Mayor Robert Shorr (Seat 4)**

- Farm Bureau
- Lights for the dais- to make easier to recognize Councilmembers who would like to speak.
- Float decorating

**TOWN STAFF COMMENTS**

**Town Manager**

- Spoke about Manager Mondays
- Public Records Request
- Code Red- push media
- New website options
- Town Council doesn't give themselves enough credit- they have made a lot of progress.

Captain Turner from the Palm Beach County Sheriff Office gave an update to the Town Council. There was discussion among the Town Council and Captain Turner.

**Assistant Town Manager**

No comment

**Town Attorney**

- Request for Attorney-Client Session Meeting for December 14, 2021, at 10:00 a.m.

Pursuant to section 286.011(8), Florida Statutes, the Town Attorney announced her desire for advice from the Town Council concerning pending litigation, specifically regarding settlement negotiations and strategy related to litigation expenditures in the case of 444 B Road, LLC and 556 B Road, LLC v. Town of Loxahatchee Groves, Florida, Case No. 2020-CA-000436 and the case of Elaine Smiley, Seth Brier, Country Corner General Store "LLC", and 556 B Road, LLC v. Town of Loxahatchee Groves, William F. Underwood, II, and Underwood Management Services Group, LLC, Case No. 2018-CA-002087(AF), both in the circuit court of the 15th Judicial Circuit, in and for Palm Beach County, Florida and she requested an attorney-client session to be scheduled for December 14, 2021, at 10:00 a.m. The Town Attorney made this request at the Town Council's public meeting held on February 1, 2022. The session will be attended by the members of the Town Council Mayor Robert Shorr; Vice Mayor Laura Danowski; Council Members Phillis Maniglia, Marge Herzog, and Marianne Miles; Town Manager Jamie Titcomb; Town Attorney, Elizabeth Lenihan; and outside counsel Michael Burke. A certified court reporter will be present to ensure that the session is fully transcribed, and the transcript will be made public upon the conclusion of the above-cited, ongoing litigation.

**Motion was made by Vice Mayor Danowski seconded by Mayor Shorr to approve having an Attorney-Client Closed Session Meeting for December 14, 2021, at 10:00 a.m.; it was vote as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

**Public Works Director**

No comment

**Town Clerk**

- Holiday Parade
- Holiday Gratitude Baskets/Toy Giveaway

**ADJOURNMENT**

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

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

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Lakisha Q. Burch, Town Clerk

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Mayor Robert Shorr

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Vice Mayor Laura Danowski

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Councilmember Margaret Herzog

\_\_\_\_\_  
Council Member Maryann Miles

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Council Member Phillis Maniglia