



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF REGULAR MEETING**

MAY 4, 2021

Meeting audio available in Town Clerk's Office- due to technical difficulties the meeting recordings starts at 7:38 p.m.

CALL TO ORDER

Mayor Shorr called the meeting to order at 7:00 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, Asst. Town Manager Francine Ramaglia, Town Attorney Glenn Torcivia and Elizabeth Lenihan, Esq., Public Works Director Larry Peters, Town Planning Consultant James Fleischmann, 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.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There were public comments from the following: Nicholas Hardy, Ken Johnson, Brian McNeal, Mary McNicholas, and Palm Beach County District Chief Anthony Talezo introduced himself to the Town Council.

PRESENTATION AND PROCLAMATION

1. Reading of Proclamation: Municipal Clerk Week

Mayor Shorr read the proclamation of Municipal Clerk Week into the record.

- a. Southeast District Director Lanelda Gaskins to present Town Clerk Burch with her Master Municipal Clerk Award

Southeast District Director Lanelda Gaskins presented Town Clerk Burch with her Master Municipal Clerk Designation. Town Burch addressed the Town Council by giving her thanks for their support, as well as Town Manager Titcomb and Administrative Assistant Jennifer Lopez.

CONSENT AGENDA

Vice Mayor Danowski asked that items # 5 and Councilmember Maniglia asked that items # 4 be pulled for the Consent Agenda.

2. Approval of Meeting Minutes.
 - a. January 19, 2021
 - b. February 16, 2021
3. Approval of Resolution No. 2021-24 authorizing the purchase of the Long Reach Mowing/Edging Tractor.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Danowski to approve the Consent Agenda items # 2 and 3; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

4. Approval of Resolution No. 2021-25 authorizing the Revised and Renewed Master Agreement with Palm Beach Aggregates. **PULLED FROM CONSENT**

Councilmember Maniglia asked Mr. Peters could we get any rock we want from Palm Beach Aggregates and could the 1 minus basically used when you are going to pave but is there a different product that can be used that doesn't have so much dust. Mr. Peters responded to Councilmember Maniglia's question.

Motion was made by Councilmember Maniglia seconded by Councilmember Miles to approve item 4 authorizing the Revised and Renewed Master Agreement with Palm Beach Aggregates; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

5. Approval of Interlocal Agreement with Solid Waste Authority. **PULLED FROM CONSENT**

Vice Mayor Danowski asked about the 50% of net revenues, what is the amount of money. Mr. John Archambo from Solid Waste Authority and Asst. Town Manager Ramaglia responded to Vice Mayor Danowski question.

Councilmember Maniglia commented that our waste hauler uses a garbage truck, does SWA have an issue with our recyclable come in a garbage truck. Mr. Archambo and Asst. Town Manager Ramaglia responded.

There was public comment from Ken Johnson.

Motion was made by Vice Mayor Danowski seconded by Councilmember Maniglia to approve the Interlocal Agreement with Solid Waste Authority; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

PUBLIC HEARING

6. Approval of *Ordinance No. 2021- 03* on first reading authorizing the following to be regular members of the Planning Zoning Board and two (2) alternate members.

Town Clerk Burch presented the item to the Town Council.

Town Attorney Lenihan read Ordinance No. 2021-23 into the record.

There was discussion among the Town Council and Town Staff regarding the committee members.

Motion was made by Vice Mayor Danowski seconded by Councilmember Maniglia to approve Ordinance No. 2021-10 with changes of the Ordinance number and Bill Raflowitz to Brett Raflowitz; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

7. Approval of Lockhart In-Door Self Storage Facility.

Town Planning Consultant Fleischmann gave a brief introduction to the Town Council on the listed items.

Town Attorney Lenihan swore in all participants for quasi-judicial asked Town Council if they had any ex-parte communication.

Brad Miller, Urban Design presented a PowerPoint presentation to the Town Council.

There were public comments by Matthew Barnes, Paul Coleman, Martin Perry, and Todd McLendon.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Danowski to receive and file Objection to the proposed ULDC amendment to require a minimum separation of 2-miles between self-storage facilities from Perry and Taylor, P.A.; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

Motion was made by Councilmember Maniglia seconded by Councilmember Miles to receive and file objection to proposed Ordinance No. 2021-02 agenda item #7b on May 4, 2021, Town Council meeting agenda from WGI; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

- a. Approval of *Ordinance No. 2021-01* on second reading assigning Commercial Low (CL) Zoning Map designations on the Town of Loxahatchee Groves Zoning Map to the following three parcels of land located at 14711 Southern Boulevard, Loxahatchee Groves, Florida 33470 comprising 2.62 acres, 2.62 acres, more or less being more fully described in Exhibit "A" Hereto: the 2.45 acres parcel owned by Sameera and Muean Ayesh; The 0.10 acre parcel owned by Tahia S. and Sameera Ayesh; and the 0.61 acre more or less parcel owned by Tahia S. and Sameera Ayesh.
(*Quasi-Judicial*)

Motion was made by Mayor Shorr seconded by Vice Mayor Danowski to discuss item # 7a; it was voted as follows; Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

Town Attorney Lenihan read Ordinance No. 2021-01 into the record.

Councilmember Maniglia asked had they gotten a unity of title and the 25% site plan. Mr. Miller responded to Councilmember Maniglia' s question.

Motion was made Councilmember Herzog seconded by Councilmember Maniglia to approve Ordinance No 2021-01 on second reading assigning Commercial Low (CL) Zoning Map designations on the Town of Loxahatchee Groves Zoning Map to the following three parcels of land located at 14711 Southern Boulevard, Loxahatchee Groves, Florida 33470 comprising 2.62 acres, 2.62 acres, more or less being more fully described in Exhibit "A" Hereto: the 2.45 acres parcel owned by Sameera and Muean Ayes; The 0.10 acre parcel owned by Tahia S. and Sameera Ayes; and the 0.61 acre more or less parcel owned by Tahia S. and Sameera Ayes; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

- b. Approval of *Ordinance No. 2021- 02* on second reading Unified Land Development Code Amendments proposed by Mr. James Lockhart to: (1) Revise Article 10 Definitions, Abbreviations and Construction of Terms to add the definition of Limited Access Self-Indoor Storage Facility; (2) Amend Article 25 Commercial Zoning Districts Section 25-015 Permitted Uses to Revise the Warehouse , Self-Storage use to read Limited Access Indoor Self-Storage Facility permitted with a Category "A" Special Exception Approval, Subject to Section 80-075 Limited Access Indoor Self-Storage Facility; and (3) add Article 80 Conditional Uses Section 80-075 Conditional Uses Section 80-075 Limited Access Indoor Self-Storage Facility.

Town Attorney Lenihan read Ordinance No. 2021-02 into read.

Councilmember Maniglia expressed her concerns and thoughts regarding this item. There was discussion among the Town Council and Mr. Fleischmann. Councilmember Maniglia asked further questions and comments regarding self-storage facilities. There continued to be discussion among the Town Council and Town Staff.

Vice Mayor Danowski asked if this Ordinance is approved tonight when will this building being and end. Mr. Miller responded immediately-distance separation doesn't affect us-affect future storage facilities. Mr. Lockhart also addressed Vice Mayor Danowski's question. There continued to be questions from Councilmember Miles, Herzog, and Mayor Shorr to Mr. Lockhart and Mr. Miller addressed. There continued to be discussion among the Town Council.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve on second reading Ordinance No. 2021-02 to Unified Land Development Code Amendments proposed by Mr. James Lockhart to: (1) Revise Article 10 Definitions, Abbreviations and Construction of Terms to add the definition of Limited Access Self-Indoor Storage Facility; (2) Amend Article 25 Commercial Zoning Districts Section 25-015 Permitted Uses to Revise the Warehouse , Self-Storage use to read Limited Access Indoor Self-Storage Facility permitted with a Category "A" Special Exception Approval, Subject to Section 80-075 Limited Access Indoor Self-Storage Facility; and (3) add Article 80 Conditional Uses Section 80-075 Conditional Uses Section 80-075 Limited Access Indoor Self-Storage Facility; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

- c. Approval of **Resolution No. 2021-10** the Lockhart Limited Access Indoor Self-Storage Facility Site Plan for Land owned by Tahia and Sameera Ayes, consisting of 2.62 acres more or less, located on the North side of Southern Boulevard approximately 880 feet West of “D” Road Loxahatchee Groves, Florida legally described in Exhibit “A” to this Resolution.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Danowski to approve Resolution No. 2021-10 the Lockhart Limited Access Indoor Self-Storage Facility Site Plan for Land owned by Tahia and Sameera Ayes, consisting of 2.62 acres more or less, located on the North side of Southern Boulevard approximately 880 feet West of “D” Road Loxahatchee Groves, Florida with added conditions of approval discussed by Town Council; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

8. Approval of **Resolution No. 2021-17** the Aldi Sign Variance, for land owned by BW Southern Binks, LLC, consisting of 4.73 acres more or less, located at the Northeastern Corner of Southern Boulevard and “B” Road Loxahatchee Groves, Florida legally described in Exhibit “A” to the Resolution. (*Quasi-Judicial*)

Town Planning Consultant Fleischmann presented the item to Town Council.

Town Attorney Lenihan swore in all participants and asked Town Council if they had any ex-parte communication.

Matt Scott, Zoning Attorney at Dunay, Miskel & Backman, LLP in Boca Raton speaking on behalf of the applicant ALDI presented a PowerPoint presentation to the Town Council.

There was public comment by Ken Johnson.

Vice Mayor Danowski asked Mr. Scott what he knows about the ALDI’s Certificate of Occupancy. Town Manager Titcomb responded that they received a temp Certificate of Occupancy from Palm Beach County and continued to explain. There was discussion among Vice Mayor Danowski, Town Staff, and Mr. Scott. Councilmember Maniglia asked why didn’t get the tractor sign and what is all the trees and expressed her concerns regarding ALDI’s request and spoke about security. Mr. Scott responded. There continued to be discussion among Councilmember Maniglia, Town Attorney Lenihan and Mr. Scott. Councilmember Miles asked is there a design or plan to put a sign on “B” Road, she continued to ask questions regarding the ALDI sign. Mr. Scott responded. Councilmember Herzog asked what is size of the Everglades Tractor Supply and Publix in comparison of what is being asked. Mr. Scott and Mr. Fleischmann responded by stating that Publix is 74 ft. There continued to be discussion. Mayor

Motion was made by Councilmember Miles seconded by Herzog to approve Resolution No. 2021-17 approving the Aldi Sign Variance to be 74 sq. ft., for land owned by BW Southern Binks, LLC, consisting of 4.73 acres more or less, located at the northeast corner of Southern Blvd. and “B” Road Loxahatchee Groves, Florida; it was voted as follows: Ayes: Mayor Shorr, Councilmembers Herzog, and Miles. Nays: Vice Mayor Danowski and Councilmember Maniglia.

9. Approval of **Resolution No. 2021-18** the Southern Palms Car Wash Site Plan for land owned by BW Royal Master Properties, Inc., consisting of 1.52 acres more or less, located on the North side of Southern Boulevard East of “B” Road Loxahatchee Groves, Florida, legally described in Exhibit “A” to this Resolution. (*Quasi-Judicial*)

Town Attorney Lenihan swore in all participants and asked Town Council if they had any ex-parte communication.

Jacob Lawson, Engineer of record from Kimley-Horn presented to Town Council. Mr. Fleischmann also gave a brief summary from Town Staff.

There was public comment from Ken Johnson. Mr. Lawson responded to Mr. Johnson questions.

Mr. Daniel Woodard, owner of Southern Palms Car Wash also addressed the Town Council. There was discussion among the Town Council and Mr. Woodard.

Motion was made by Vice Mayor Danowski seconded by Councilmember Maniglia to extend the meeting until 11:00 p.m. it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

Motion was made by Councilmember Herzog seconded by Councilmember Miles to approve Resolution No. 2021-18 approving the Southern Palms Car Wash Site Plan for land owned by BW Royal Master Properties, Inc., consisting of 1.52 acres more or less, located on the North side of Southern Boulevard East of “B” Road Loxahatchee Groves, Florida; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, and Miles. Nay: Councilmember Maniglia. Motion passed 4-1.

10. Approval of **Resolution No. 2021-19** the Heartland Dental Office Site Plan for land owned by Solar Sportsystems, Inc., consisting of 1.05 acres more or less located on the North side of Southern Boulevard East of “B” Road Loxahatchee Groves, Florida, legally described in Exhibit “A” to the Resolution. (*Quasi-Judicial*)

Town Attorney Lenihan swore in all participants and asked Town Council if they had any ex-parte communication.

Jacob Lawson, Engineer of record from Kimley-Horn presented to Town Council. Mr. Fleischmann also gave a brief summary from Town Staff. There was discussion among the Town Council and Mr. Fleischmann.

Motion was made by Vice Mayor Danowski seconded by Councilmember Miles to extend the meeting until 11:30 p.m. it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

Motion was made by Vice Mayor Danowski seconded by Councilmember Miles to approve Resolution No. 2021-19 approving the Heartland Dental Office Site Plan for land owned by Solar Sportsystems, Inc., consisting of 1.05 acres more or less located on the North side of Southern Boulevard East of “B” Road Loxahatchee Groves, Florida, it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

11. Approval and appointment of Town of Loxahatchee Groves' committees.

- a. Resolution No. 2021-20 Finance Audit and Advisory Committee (FAAC).

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

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve Resolution No. 2021-20 appointing Anita Kane, Peter Savino, Bruce Cunningham, Dougal Menelaws, and Jim Rocket as voting members of the Finance Audit and Advisory Committee (FACC) to serve terms of one (1) year; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

Mayor Shorr stated that he would like a consensus for the next three committees to be on hiatus until July. There was discussion among Town Council and Town Staff.

- b. Resolution No. 2021-21 Roads, Equestrian Trails & Greenway Advisory Committee (RETGAC).

There was public comment from Paul Coleman.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Danowski to approve the Resolution No. 2021-21 appointing Paul Coleman, Brian McNeil, Darcy Murray, and Katie Lakeman as voting members of the Roads, Equestrian Trails & Greenway Advisory Committee (RETGAC) to serve terms of one (1) year; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

- c. Resolution No. 2021-22 Unified Land Development Code Committee (ULDC).

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve Resolution No. 2021-22 appointing Todd McLendon, Karen Plante, and Jo Siciliano as regular members of the Unified Land Development Code Committee (ULDC) to serve terms of one (1) year; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

- d. Resolution No. 2021-23 Town of Loxahatchee Groves Charter Review Committee.

There was discussion among the Town Council and Town Clerk Burch regarding the Charter Review Committee.

Motion was made by Vice Mayor Danowski seconded by Councilmember Miles to extend the meeting until 12:00 a.m. it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve Resolution No. 2021-23 appointing William Ford, Deborah Marshall, Todd McLendon, Neil O'Neil III, John Ryan, Jo Siciliano, Cassie Suchy, and Don Whiding as voting members of the Town of Loxahatchee Groves' Charter Review Committee, providing for staff support for the committee; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

TOWN COUNCILMEMBER COMMENTS

Motion was made by Vice Mayor Danowski seconded by Councilmember Maniglia to extend the meeting until 12:30 a.m. it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

Marge Herzog (Seat 5)

- Working with Palm Beach County Sheriff Office- vegetable man- Town Manager Titcomb responded.

Marianne Miles (Seat 3)

- Update on Little Turtle Creek- There was discussion among Councilmember Maniglia and Town Staff.
- Update on “A” Road
- Update on 43rd Road
- Keshavarz footprint

Phillis Maniglia (Seat 1)

- Town Hall- open on Monday
- 50/50 Cost Sharing
- Permit Boxes
- Minutes
- Resolution
- Canals
- Code Enforcement-move on without CAP

Laura Danowski (Seat 2)

- Survey-going green, global warming
- Donations for Dress for Success

Mayor Robert Shorr (Seat 4)

- “A” Road- move forward.
- Paving (OGEM)
- Cost Sharing
- Volunteer Program
- Cable/Phone franchise fee
- Scholarship
- Page # agenda
- Monthly report from Public Works

TOWN STAFF COMMENTS

Town Manager

No Comment.

Assistant Town Manager

No Comment.

Town Attorney

No Comment.

Public Works Director

No Comment.

Town Clerk

No Comment.

ADJOURNMENT

There being no further business the meeting was adjourned at 12:30 a.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

Mayor Robert Shorr

Vice Mayor Laura Danowski

Council Member Marge Herzog

Council Member Marianne Miles

Council Member Phillis Maniglia