



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL SPECIAL MEETING MINUTES
TOWN HALL COUNCIL CHAMBERS – 155 F. Road, Loxahatchee Groves, FL 33470
Tuesday, January 23, 2024**

TOWN COUNCIL AGENDA ITEMS

1. CALL TO ORDER:

Mayor Danowski called the meeting to order at 6:55 p.m.

2. ROLL CALL:

Mayor Laura Danowski, Vice Mayor Robert Shorr, Councilmember Margaret Herzog, Councilmember Phillis Maniglia, Councilmember Marianne Miles, Town Manager Francine Ramaglia, Town Attorney Tanya Earley, Public Works Director Richard Gallant, and Acting Town Clerk Valerie Oakes were present.

3. PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENCE:

Mayor Danowski led the Pledge of Allegiance followed by a Moment of Silence.

4. AGENDA APPROVAL - ADDITIONS, DELETIONS AND MODIFICATIONS:

Mayor Danowski called for any additions, deletions, modifications or approval of the agenda.

MOTION: VICE MAYOR SHORR/COUNCILMEMBER MANIGLIA MOVED TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED UNANIMOUSLY (5-0).

5. FOLLOW-UP ON PUBLIC COMMENTS FROM PREVIOUS MEETING:

Town Manager Ramaglia advised that staff had been working with the County to address speed and traffic control measures, and a more detailed report would be included on the agenda for the next meeting.

6. PUBLIC AUDIENCE:

Comments from the Public on Non-Agenda Items

Todd McLendon, 3041 D Road, stated that the Florida Statute regarding the dedication of roads was not represented correctly by the Staff and understood that if the Town paved a

road, the Town after four years could claim ownership. Town Manager Ramaglia added that it is four (4) years if the Town constructs the road and seven (7) years if the Town maintains the road. Per the Town Code of Ordinances, ownership would be of the Town, not an easement. The Town Code also recognizes that becoming part of the Town for public purposes would not affect the five-acre requirement.

Cassie Suchy stated that there was already a footprint of a road on G-square and suggested just paving what they had. There should be clarification on the definition of drainage easements versus roadway easements.

7. ANNOUNCEMENTS, COMMUNITY/SPECIAL EVENTS AND PRESENTATIONS:

None.

8. CONSENT AGENDA:

None.

9. PUBLIC HEARING:

None.

10. REGULAR AGENDA

A. Continuation of the Discussion on the Evaluation Appraisal Report from the Meeting on January 9, 2024.

Town Manager Ramaglia introduced the item. She explained Council had conducted an extensive Evaluation and Appraisal review (EAR) of the Town's Comprehensive Plan, including a series of public meetings beginning in November 2022. She advised the Planning and Zoning Board (PZB) had also reviewed the document in their role as the Local Planning Agency (LPA), and staff had conducted thorough reviews. She advised that as a result, there were three (3) sets of revisions to the Comprehensive Plan before the Council at this time. She highlighted a series of scrivener's errors.

Kaitlyn Forbes, Consultant Town Planner, outlined the process moving forward. She advised the requirements of the LPA had been met, and the next step would be first reading on February 6, followed by transmittal of the proposed amendments to the State for a review period of up to 60 days, and finally second reading and adoption.

Jim Fleishmann, Consultant Town Planner, provided additional details on the review and revision process to date.

Mayor Danowski proceeded with a review of the Comprehensive Plan, introducing each section, and inviting comments from the public and Council.

Section 9

Frank Standish, 15410 North Road, asserted there were differences between the document before the Council and the version reviewed by the PZB, and a series of policies and changes were not reflected.

Vice Mayor Shorr highlighted a spelling error in the heading.

Council Member Herzog noted “of any” needed to be removed from 9.1.1.B.

Mayor Danowski sought and received consensus that Section 9 was complete.

Section 3

Council Member Herzog asked for clarification on the removal of “urban areas” from 3A.1. Town Manager Ramaglia clarified.

Council Member Maniglia inquired as to the removal of the bulk of policy 3A.1.2. Town Planner Fleischmann explained former Public Works Director Larry Peters had recommended removal of the specific provisions because standards are more appropriately placed in the Unified Land Development Code (ULDC) rather than in the Comprehensive Plan.

Council Member Maniglia asked what “assess adequacy of service” referenced in 3A.1.2. Town Manager Ramaglia clarified. Discussion continued regarding the definition of adequacy.

Frank Standish, 15410 North Road, expressed concern with differences between policies in 3C.2.5 and 3C.1.2 in different versions of the document. Town Manager Ramaglia addressed the role of Palm Beach County in providing potable water and advised that redundancies with the County water plan were removed between reviews.

Mayor Danowski sought and received consensus that Section 3 was complete.

Section 4

Council Member Herzog referenced 4.1.3 and asked whether burning garbage should be addressed. Town Manager Ramaglia explained burn permits are regulated by the Division of Forestry and the Town’s Code of Ordinances requires a burn permit.

Council Member Herzog asked whether the Town ordinance numbers should be included in 4.5.4. Town Manager Ramaglia stated ordinances can be changed, so they should not be included in the Comprehensive Plan.

Discussion continued regarding the standards referenced by the clause.

Mayor Danowski sought and received consensus that Section 4 was complete.

Section 8

Cassie Suchy, commented on 8.2.12, and asked whether an impact fee could be added for Town services such as Fire and Police. Town Manager Ramaglia advised that the Town participates in the County Municipal Services Taxing Unit (MSTU) for Fire services, and contracts with the Palm Beach County Sheriff's Office (PBSO) for Police services, so impact fees would be on that level, not the Town level.

Mayor Danowski sought and received consensus that Section 8 was complete.

Introduction

Vice Mayor Shorr highlighted a spelling error on page 13.

Mayor Danowski sought and received consensus that the Introduction was complete.

Section 6

Council Member Herzog referenced 6.2.3 and asked for clarification on the definition of "community residential housing." Discussion ensued regarding the definition and the transition in terms from "congregate living."

Council Member Herzog asked how housing would be ensured for displaced people as discussed in 6.2.4. Town Manager Ramaglia explained. She noted the situation was unlikely, but the language was required by Statute.

Council Member Herzog pointed to 6.2.6 and asked how many accessory dwellings (ADU) are allowed on a given lot, and whether this was clarified in the ULDC. Town Planner Forbes advised the ULDC would be the appropriate place to provide additional details. Town Manager Ramaglia noted a revision of the ULDC was likely, based on discussions throughout this process.

Council Member Herzog and Vice Mayor Shorr asked for clarification on the limits on the number of people in a Community Residential Home. Town Attorney Earley advised of

reasonable accommodation considerations necessary to comply with Federal laws. Discussion continued.

Mayor Danowski sought and received consensus that Section 6 was complete.

Section 2

Cassie Suchy, referenced 2.3.6 and asked what “multi-use trail system” was referenced. Discussion ensued regarding trail parking and the intent of the policy. The consensus was to clarify the language.

Council Member Herzog asked whether the map on page 44 considered ingress and egress of neighboring municipalities. Town Planner Forbes advised that the policy which relates to the map is 2.6.2 and the language regarding other municipalities was in section 2.7.12.

Mayor Danowski commented on the table accompanying 2.7.4 and asked that “or 2 Roads” be added following “Connector public access between two (2) or more Service Level 1 Roads.”

Mayor Danowski sought and received consensus that Section 2 was complete.

Section 7

Council Member Herzog advised that based on previous conversation, 7.2.2 should stay in as written.

Mayor Danowski sought and received consensus that Section 7 was complete.

Section 5

Vice Mayor Shorr pointed to 5A.1.2 and noted the earlier reference to a public equestrian facility was on Southern Boulevard, rather than specifically referencing Loxahatchee Groves Park. Consensus was to make the change.

Vice Mayor Shorr commented that 5A.1.1 was missing a word. Consensus was to add “with” following “work.”

Vice Mayor Shorr questioned the placement of the reference to joint public and private ventures on page 72. He suggested both references should be kept for clarity. Town Planner Forbes advised the language appeared to just be relocated, rather than stricken. Discussion continued. On the direction of counsel, consensus was to reinsert the language in 5A.3.2 and remove 5B.1.1.

Vice Mayor Shorr asked for clarification on why 5A and 5B were divided rather than being consistent with the format of other sections. Town Planner Forbes stated the numbering was existing but could be adjusted to reflect the numbering in other elements of the Comprehensive Plan. Discussion continued. Consensus was to direct staff renumber for consistency throughout the document.

Council Member Herzog referenced 5B.2 and asked how the trail system would be made feasible. Town Manager Ramaglia stated the clause essentially says the Town will not underwrite a trail system that does not make financial sense.

Council Member Herzog asked for an explanation of “public ownership” in 5B.2.1. Council Member Miles thought that Council had previously removed that language. Vice Mayor Shorr commented that the language provided an option. Town Manager Ramaglia added that if a trail is going to be part of a development application or other changes, then the Town would have discretion as to the ownership. Consensus was to leave the language as-is and discuss the trail system as part of the capital plan.

Mayor Danowski stated she took issue with 5B.3.2 and thought it had been removed. Consensus was to strike 5B.3.2.

Mayor Danowski sought and received consensus that Section 5 was complete.

Section 1

Frank Standish, 15410 North Road, stated he had identified approximately 10 discrepancies. He referenced 1.1.12 and advised language added by Council at a previous meeting which restricted ADU to 1,200 square feet was not included. He referenced 1.15.7 and stated that while the Council had struck the entire policy, staff had changed it instead of striking it.

Town Planner Forbes responded briefly to Mr. Standish’s comments. She noted in 1.1.12, the size regulations were removed as they were best suited for the ULDC, and the additional language was clarification of the terms. She discussed 1.15.7, noting the removal of that policy was not allowed based on State Statute which prohibits the Town from adopting stricter requirements. Town Manager Ramaglia added that this language was revised when it was reinserted to be very specific.

Cassie Suchy, asked why 1.1.3 references land uses outside the Town boundary, recommended a definition of buffers as referenced in 1.1.5.J, asserted 1.1.15 Multiple Land Use (MLU) should be removed as it is not needed, and stated there should be a definition for commercial designations on Southern Boulevard but 1.1.15.C is contradictory with

1.2.1. Continuing, Ms. Suchy stated 1.1.15.D should also be removed, as mixed uses should qualify individually. She asked for a definition of Commercial Recreational in the Future Land Uses table, and stated non-conforming uses should be removed from 1.11.2 and 1.11.3 and the issue addressed with historical legacy. She asserted 1.15.7 needed to be removed and argued the legislative intent did not apply.

Town Manager Ramaglia advised that staff had checked and double checked, and the Special Policy in 1.15.7 had to be readded due to State law. She stated this is the most important section of the Comprehensive Plan, and most of the matters brought up by the public are matters best addressed in the ULDC. She noted once this document is transmitted, a review of changes to the ULDC and Code will be undertaken.

Mayor Danowski stated she was also surprised to see 1.15.7 added back in but she was not going to argue with State Statute. Council Member Maniglia noted there was a lawsuit and asked whether an opinion could be sought from the Attorney General. Town Attorney Earley stated she would investigate the matter between the first and second reading. Town Manager Ramaglia advised that the policy provides access to the process but does not provide for an approval. She highlighted the importance of remaining neutral on potential quasi-judicial matters. Discussion continued.

Mayor Danowski sought and did not receive consensus to seek an opinion from the Attorney General. Council Member Miles, Vice Mayor Shorr, and Mayor Danowski opposed.

Vice Mayor Shorr stated “E Road” in 1.2.4 should be changed to “D Road.” He advised that he did not support putting a name on a Special Policy in the Comprehensive Plan, and suggested the names be replaced with references to the included maps. Consensus was to remove the names.

Vice Mayor Shorr referenced the Future Land Uses chart and stated the reference to “congregate living facilities subject to F.S.” was inconsistent. He asked for clarification on the reference to “commercial recreation” in the same chart. Town Planner Forbes commented on the distinction between commercial recreation and general recreation in terms of the intensity and types of uses allowed. Discussion continued regarding definitions. Consensus was to remove the word “commercial.”

Council Member Maniglia asked why Agricultural Residential (AR) had been changed to Rural Residential (RR) in the Future Land Uses chart. Town Planner Forbes explained the difference between zoning and land use categories. Town Manager Maniglia and Town Planner Fleischmann provided additional details of the feedback provided by the PZB.

Council Member Miles asked why Special Policies were listed for specific entities in the

Comprehensive Plan. Town Attorney Earley advised the properties had come before Council and requested a Comprehensive Plan amendment specific to their properties, and the Special Policies memorialized what had been approved. Town Manager Ramaglia added that based on State Statute, the Special Policies must remain in the Comprehensive Plan until October 2024. Discussion continued.

Council Member Miles commented on removal of the word “large” in 1.2.5. Discussion ensued and consensus was to leave the language as-is.

Council Member Herzog asked who determines what is considered “large scale” in 1.1.5.I. Town Planner Forbes stated the definition was in the ULDC.

Council Member Herzog referenced 1.1.15 and stated she did not understand how urban city rules can be proposed when the Town just won its rural designation. She asserted she did not like the idea of MLU being able to be anywhere in Town. Town Planner Forbes explained a proposed MLU would need to meet the location and size criteria outlined to be eligible for application.

Council Member Herzog commented on the reference to 2,000 linear feet and stated East Citrus Drive was not long enough to be the boundary. Town Planner Forbes advised she had a similar question and asked for the attorneys to review the language in 1.2.1 as it relates to Special Policies and MLU. She noted she hoped to have an answer prior to first reading as to how that apparent conflict is resolved. Town Planner Fleischmann pointed out the 2,000 linear feet restriction was also included in the MLU ordinance. Discussion continued.

Council Member Herzog referenced the Future Land Uses chart and stated MLU should be removed, as it is an urban thing, and was not needed in a rural town. She asked the distance between self-storage units as referenced in 1.2.6. Council Member Maniglia advised there was a distance specified in the ULDC.

Council Member Herzog commented on impact fees for development in 1.4.4 and asked whether the fees were one (1) time or annual. Town Planner Fleischmann explained the fees are administered once at the time of development approval.

Council Member Maniglia asked for clarification on whether impact fees that go to the County are shared with the Town to assist with their costs. Town Planner Fleischmann advised that could be negotiated at the time of approval. Mayor Danowski stated she sits on the County committee, so she will investigate and report back.

Council Member Herzog pointed to 1.10.3 and suggested the abbreviations for the agencies be added. Town Manager Ramaglia noted the Water Control District also needed to be deleted from 1.10.2 and 1.10.3.

Council Member Herzog referenced 1.11.2 and 1.11.3 and asked for an explanation of “non-conforming.” Town Manager Ramaglia explained non-conforming uses are created as a result of changes made by the Town to its own regulations.

Council Member Herzog asked what could be done about non-conforming uses that continue to exist in Town, and whether they were still working their way through Code Enforcement. Town Manager Ramaglia advised that there are more than 600 lots that are less than five (5) acres and technically non-compliant. She noted Code Enforcement complaints are not in the scope of the Comprehensive Plan.

Town Planner Fleischmann asked for clarification on the deletion recommended for 1.10.2 and 1.10.3. Town Manager Ramaglia stated that she believed the language should be revisited due to changes to the development process previously adopted.

Mayor Danowski referenced 1.5.1 and noted the number following “Special Policy” was incorrect. She asked whether the Town had a post-disaster redevelopment plan as contemplated in 1.6.4. Town Planner Forbes noted the Town could consider adopting the County plan rather than developing their own. Town Manager Ramaglia stated she would investigate and report back.

Mayor Danowski commented on the subjective nature of “for an extended period of time” in 1.11.2. Town Manager Ramaglia suggested a change to “as specified in the ULDC.” Consensus was to approve the change.

Mayor Danowski asked for clarification on 1.13.2. Discussion ensued. Town Manager Ramaglia stated staff would consolidate and come back with the proposed language.

Mayor Danowski referenced the Commercial Recreation land use category in the Future Land Use table and asked for clarification on what was being stricken. Town Manager Ramaglia advised the category was previously proposed and was removed by PZD.

Town Planner Fleischmann noted there had been a lengthy discussion of the Rural Residential land use category at a previous Council workshop. He discussed examples of business types which may exist in this category. Mayor Danowski stated she was okay with what PZB had done.

Vice Mayor Shorr referenced 1.11.4 and asked what “legally established” means in this instance. Town Planner Forbes stated there is a standard to be considered legally established and reviewed examples. Discussion continued. Town Manager Ramaglia advised that legally established is defined by Palm Beach County, and noted this was an item which needs to be further reviewed by Council as part of a ULDC clean up.

Mayor Danowski sought and received consensus that Section 1 was complete and asked

that members of Council meet individually with Town Manager Ramaglia prior to the first reading to review changes to Section 1.

Evaluation and Appraisal Amendments

Vice Mayor Shorr highlighted an error on page 112, noting it read “a maximum of five (5) units per acre” instead of one (1) unit per five (5) acre lot.

Council Member Herzog noted 3C.2.2 had been excluded and pointed to confusing language under 6.2. Town Planner Forbes advised 6.2 could be remedied by replacing the period after “households” with a comma.

B. Discussion Regarding Roadway and Drainage Update.

Town Manager Ramaglia stated there is a draft of the bid, and Public Works Director Gallant is finalizing the schedule of values. She noted it will then go back to the attorneys for a quick review and then the Invitation to Bid (ITB) can go out. Public Works Director Gallant added that the bid should go out the following week, and staff had begun the preparations for paving. Town Manager Ramaglia explained the bid would need to be open for 30 days. She advised that an ITB does not require a selection committee but does require a protest period. She stated the goal is to award the bid at the April 6, 2024, Council meeting.

11. STATEMENTS BY THE TOWN COUNCIL

A. Councilmember Margaret Herzog stated she was glad they had made it through the entire discussion, and noted she liked the idea of meeting one-on-one between meetings to get their individual concerns across. She asked that Town Manager Ramaglia also meet with Mr. Standish to discuss his outstanding comments. She advised that the candidate forum is scheduled for Wednesday, February 7, 6 p.m. to 7 p.m. and asked that questions be mailed to P.O. Box 96, Town of Loxahatchee Groves.

B. Councilmember Marianne Miles stated she was glad the Comprehensive Plan process was moving forward and would be complete so they can move on.

C. Councilmember Phillis Maniglia commented that she had been peppered with ethics complaints since 2018, and none have ever been founded. She stated she was looking forward to having a Council that can work together.

D. Vice Mayor Robert Shorr thanked Public Works Director Gallant and his crew, noting improvements are already evident and he looks forward to the next phase of

paving. He asserted the candidate forum was not to use any of the Town's equipment for live streaming. Town Manager Ramaglia advised that use of the equipment had been requested and staff had agreed. Mayor Danowski sought and did not receive consensus to allow the candidate forum to use the Town's audio-visual equipment and staff to live stream. Vice Mayor Shorr, Councilmember Maniglia, and Mayor Danowski were opposed.

Vice Mayor Shorr stated he would be heading to Tallahassee the following week and was excited to learn with the League of Cities. He noted the Water Resources Task Force meeting was coming up, and he would be taking part in a Street Light Ad-Hoc Committee to discuss the Palm Beach County street light policy.

- E. Mayor Laura Danowski** thanked staff for their work through the long Comprehensive Plan and EAR process. She commented on the Mayor's Breakfast and Parade at the South Florida Fair and shared that it was well attended. She noted she had attended the 2024 reunion at Yesteryear Schoolhouse, and it had brought back memories. She added that she also looked forward to going to Tallahassee.

12. TOWN MANAGER'S REPORT

Town Manager Ramaglia asked Town Planner Forbes to describe the Town's enhanced process for development applications. Town Planner Forbes stated she had mentioned at the last meeting that staff would be beginning the Development Review Committee (DRC) process with applicants beginning January 25. She advised that there are three (3) applicants currently going through that process. She noted a formal recommendation will not come out of the DRC, and the timeline will depend on the time applicant's need to address comments and resubmit. Town Manager Ramaglia added that DRC meetings are open to the public, but do not include public engagement. Town Planner Forbes stated there would be a standing meeting scheduled for the fourth Thursday of each month at 10 a.m., depending on the applications. She noted there would be a Zoom link available.

13. TOWN ATTORNEY'S REPORT

Town Attorney Earley had no report.

14. TOWN CLERK'S REPORT

Town Clerk Consultant Valerie Oakes had no report.

15. ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 10:18 PM.