



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MINUTES OF SPECIAL MEETING
MARCH 30, 2021**

Meeting audio available in Town Clerk's Office

TOWN COUNCIL AGENDA ITEMS

CALL TO ORDER

Vice Mayor and Acting Mayor Herzog called meeting to order at 4:02 p.m.

PLEDGE OF ALLEGIANCE

Vice Mayor and Acting Mayor Herzog led the Pledge of Allegiance.

MOMENT OF SILENCE

Vice Mayor and Acting Mayor Herzog led a prayer.

ROLL CALL

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

ADDITIONS/DELETIONS/MODIFICATIONS TO THE AGENDA

Council Member Maniglia stated that the information in the title of the Resolution is incorrect. In the Resolution title it states that 142 Avenue North and 42nd Road. The correct language is 145th Road North and 43rd Road N.

Motion was made by Councilmember Shorr seconded by Councilmember Maniglia to approve the corrections. Voting is as follows Ayes: Acting Mayor and Vice Mayor Herzog, Councilmembers Maniglia, Danowski, Shorr, and Miles. Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There was no public comment.

REGULAR AGENDA

1. Review to adopt RESOLUTION 2021-12 to receive deeded ROW land from properties in the general vicinity of 145th Ave N and 43rd Rd N. (also known as LTC LLC)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING ACCEPTANCE OF A DEDICATION OF LAND LOCATED IN THE VICINITY OF THEORETICAL 145th AVENUE NORTH & THEORETICAL 43 ROAD NORTH, LOXAHATCHEE GROVES,

FLORIDA, ("LAND"), FROM CONTRACT PURCHASERS DR. KENNETH A. LARSON, IVY LARSON & GAIL INGRAM ("BUYERS"); AUTHORIZING THE MAYOR AND TOWN MANAGER, SUBJECT TO SATISFACTORY COMPLETION OF DUE DILIGENCE, TO ACCEPT IN SUBSTANTIAL FORM, THE DEED OF CONVEYANCE AND EXECUTE ALL INSTRUMENTS AND DOCUMENTS REASONABLY NECESSARY OR INCIDENTAL TO CONSUMMATE TRANSFER OF TITLE OF THE LAND TO THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: Proposed Development Agreement
Proposed Special Warranty Deed
Road Construction Development Cost Proposals.

Town Manager James Titcomb provides a brief presentation of the history of the Little Turtle Creek project and the negotiations with property buyers, Dr. Kenneth and Ivy Larson and Gail Ingram.

Councilmember Miles expressed her concerns regarding Section 3.1(b) of the development agreement. She requested that the "fast track of any zoning changes" be stricken from the agreement.

Councilmember Maniglia questions Town Planner Jim Fleischman about the process of fast tracking for Zoning

There was a unanimous consensus to strike Section 3.1(b) and 3.2 (e) from the agreement. Consensus is as follows Ayes: Acting Mayor and Vice Mayor Herzog, Councilmembers Maniglia, Danowski, Shorr, and Miles.

There was a consensus of 3-2 to strike Section 4.1(b) from the agreement. Consensus is as follows Ayes: Acting Mayor and Vice Mayor Herzog, Councilmembers Maniglia, Councilmember Miles. Nays: Councilmember Danowski, and Shorr.

Councilmember Maniglia inquired about the flood plain development for the project. Town Engineer, Scott Priceman, Keshavarez and Associates provided a response.

Councilmember Miles inquired about the parcel adjacent to Little Turtle Creek providing 43rd Road North access to 140th Road N through an Interlocal agreement with Indian Trail Improvement District

Councilmember Maniglia provided comment for Little Turtle Creek closing 145th Road N. and 43rd Road North.

Councilmember Laura Danowski thanked the buyers and the sellers for the efforts and patience with the process.

Councilmember Maniglia asked Town Attorney James Brako for an explanation regarding Section 2.1 (a) regarding the reversionary interest. She stated that the reversionary interest is unacceptable.

Acting Mayor and Vice Mayor Herzog concurred with Councilmember Maniglia regarding her comments about the reversionary interest.

Acting Mayor and Vice Mayor Herzog inquired about the naming of the roads.

Councilmember Miles express concerns regarding the residents off of 140th Road being denied access to the road once the agreement is made.

Councilmember Shorr expresses his disagreement with the reversionary statement in the contract

There was a unanimous consensus to strike Section 2.1(a) from the agreement. Voting is as follows Ayes: Acting Mayor and Vice Mayor Herzog, Councilmembers Maniglia, Danowski, Shorr, and Miles.

Councilmember expresses that she would like for the residents of 43rd Road North to have the opportunity to speak regarding the project.

Public Comment was made by Todd McClendon, James Rockett, and Ken Johnson

Mr. James Rockett requested that Town Council allow letters that he brought to the meeting from residents James and Nancy Rockett, Luz De La Cruz, Damon Rockett, Lesley Rauberts, and Sarah and Tony Cruz regarding 2012-12 be accepted and submitted into the record.

Motion was made by Councilmember Shorr seconded by Councilmember Maniglia to accept letters from residents James and Nancy Rockett, Luz De La Cruz, Damon Rockett, Lesley Rauberts, and Sarah and Tony Cruz be accepted and submitted into the record. Voting is as follows Ayes: Acting Mayor and Vice Mayor Herzog, Councilmembers Maniglia, Danowski, Shorr, and Miles. Motion passed unanimously.

Councilmember Shorr inquired about the ability to redraw the property line to merit setbacks.

Councilmember Miles asked Town Attorney Bracko if approving the Town Council approve the Resolution are they also approving the agreement.

There was a unanimous consensus to strike the agreement from Resolution 2012-12. Voting is as follows Ayes: Acting Mayor and Vice Mayor Herzog, Councilmembers Maniglia, Danowski, Shorr, and Miles.

There was a unanimous consensus to strike development order from Resolution 2012-12. Voting is as follows Ayes: Acting Mayor and Vice Mayor Herzog, Councilmembers Maniglia, Danowski, Shorr, and Miles.

Town Council discussed the cost of the project. Council Member Maniglia expressed concerned about the cost of the proposal and expressed she did not want Public Works to pave the road due to limited staffing.

Motion was made by Councilmember Maniglia seconded by Councilmember Danowski to extend the meeting. Voting is as follows Ayes: Acting Mayor and Vice Mayor Herzog, Councilmembers Maniglia, Danowski, Shorr, and Miles. Motion passed unanimously.

Councilmember Shorr asked Public Works Director Larry Peters about the timeline for Public Works to complete the paving project.

Councilmember Miles expressed her support of Public Works paving the required road due to the saving to the Town Taxpayers.

There was a consensus of 3-2 to for Public Works to pave the Little Turtle Creek 43rd Road N to 145th Avenue. Voting is as follows Ayes: Acting Mayor and Vice Mayor Herzog, and Councilmembers Shorr, and Miles. Nays: Councilmembers Maniglia and Danowski.

Councilmember Maniglia requested that millings are add to the asphalt.

Motion was made by Councilmember Shorr seconded by Councilmember Maniglia to include millings for the paving of Little Turtle Creek 43rd Road N to 145th Avenue. Ayes: Acting Mayor and Vice Mayor Herzog, Councilmembers Maniglia, Danowski, Shorr, and Miles. Motion passed unanimously.

Motion was made by Councilmember Maniglia seconded by Councilmember Shorr to approve Resolution 2021-12 with deletions that were discussed and recorded by Council Voting is as follows Ayes: Acting Mayor and Vice Mayor Herzog, Councilmembers Maniglia, Danowski, Shorr, and Miles. Motion passed unanimously.

TOWN COUNCILMEMBER COMMENTS

Phillis Maniglia (Seat 1)

- Welcomed the Larsons to Loxahatchee Groves. Look forward to the paving of 43rd Road North.

Laura Danowski (Seat 2)

- Thanked the Larson and Ingram family for their patience in the process of bring the agreement to fruition.

Marianne Miles (Seat 3)

- Thanked the Larsons for attending the meeting and their patience.

Robert Shorr (Seat 4)

- No comments

Acting Mayor and Vice Mayor Marge Herzog (Seat 5)

- Welcomed the Larsons to Loxahatchee Groves and asked that they come active in the Loxahatchee Groves Landowner Association

TOWN STAFF COMMENTS

Town Manager

- Thanked the Larson, Town Attorney Bracko and staff for all their hard work and patience throughout the process.
- Thanked Indian Trail Improvement District for the patience with the Town as details were worked out in the agreement

ADJOURNMENT

There being no further business the meeting was adjourned at 8:42 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

Elizabeth Lenihan, Town Attorney

Mayor Robert Shorr

Vice Mayor Laura Danowski

Councilmember Phillis Maniglia

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Councilmember Marianne Miles