

TOWN OF LOXAHATCHEE GROVES

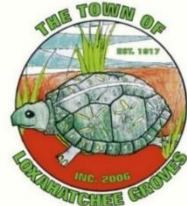
TOWN HALL COUNCIL CHAMBERS

TOWN COUNCIL REGULAR MEETING

Community Open Discussion Meeting 6:00-6:55 PM (Non-Agenda Items Workshop)

AGENDA

MARCH 1, 2022 - 7:00 - 10:30 P.M.



CALL TO ORDER

Mayor Shorr called the meeting to order at 7:02 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, Town Attorney Elizabeth Lenihan, Esq., Public Works Director Larry Petters, Town Planning Consultant James Fleishmann, and Town Clerk Lakisha Burch.

ADDITIONS, DELETIONS AND MODIFICATIONS

Town Attorney Lenihan asked for item #1 to be pulled from Consent to be brought back in April.

Mayor Shorr advised that he has another change; he asked if it has to be one motion at a time.

Town Manager Titcomb advised that item #2 on the Consent Agenda will need some discussion, it will need be recategorized as an actionable item to be placed on the Regular Agenda rather than Consent; this would save Council from having to pull the item from Consent.

Mayor Shorr inquired if this item is something that needs to be pulled now or later.

Town Attorney Lenihan responded it is Councils choice; it can be done either way.

Mayor Shorr requested for Town Council comments to be moved after Town Staff comments being that this is a meeting before an election; it will give Council a chance to thank everyone.

Motion was made by Mayor Shorr, seconded by Councilmember Miles to move Town Council comments after Town Staff comments and pull item #1 from Consent: it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, and Councilmembers Herzog and Miles. Nays: Councilmember Maniglia Motion passed (4-1).

Councilmember Maniglia commented she does not understand. She asked Mayor Shorr if he wants to change comments because it is after an election.

Mayor Shorr explained why and responded yes.

Councilmember Maniglia said no to seconding the motion.

Motion was made by Mayor Shorr, seconded by Vice Mayor Danowski to pull item #2 for discussion 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. 2022-07*** declaring an unsafe condition and directing notice regarding utility poles in Town right-of-way. **ITEM PULLED FROM CONSENT TO HEARD AT THE APRIL TOWN COUNCIL MEETING.**
2. Approval of ***Resolution No. 2022-08*** authorizing the Interlocal Agreement with Palm Beach County for Co-utilization of the Palm Beach County Surplus Property Thrift Store and ***Resolution No. 2022-09*** adopting the Thrift Store Purchasing Policy; and setting a not to exceed amount for purchases under the policy. **PULLED FROM CONSENT AGENDA FOR DISCUSSION**

Town Council directed staff to offer Town surplus equipment for sale at the Palm Beach County Surplus Property Thrift Store (Thrift Store). For the Town to utilize the Thrift Store for sale of surplus property it is required to enter into an Interlocal Agreement with Palm Beach County.

At its February 15, 2022, meeting, Town Council discussed adoption of a policy providing prior approval, in accordance with the Town's Purchasing Code, for the Public Works Director to make purchases from the Thrift Store. A proposed policy is presented for discussion and adoption. Town Council is requested to approve a not to exceed amount for purchases under the policy. Staff asked Town Council to adopt Resolution No. 2022-08 authorizing the Interlocal Agreement with Palm Beach County for Co-utilization of the Palm Beach County Surplus Property Thrift Store and adopt Resolution No. 2022-09 adopting the Thrift Store Purchasing Policy; and setting a not to exceed amount for purchases under the policy.

Mayor Shorr commented that he has no discussion on the Interlocal Agreement.

Vice Mayor Danowski requested Town Manager Titcomb do a summary of ILA.

Town Manager Titcomb presented this item to Town Council. He noted that the item was pulled as there was a blank line on the threshold amount to set for Public Works and the Town to spend on equipment without having to come before the Council for specific direction. He noted there were comments from Council regarding wording on this particular piece of the document. He explained that this agreement formalizes the protocol and policies.

Mayor Shorr inquired on fees and Town Attorney Lenihan responded that there is a fee that comes out as part of the sale.

Councilmember Herzog commented she thought that it was 25%.

Councilmember Maniglia inquired if the fee is 25%.

Town Manager Titcomb advised that the information can be located on pages 19 and 20 of the agreement; it is not a one fixed number.

There was discussion among Town Council.

Motion was made by Councilmember Maniglia, seconded by Councilmember Herzog approve Resolution No. 2022-08 authorizing the Interlocal Agreement with Palm Beach County for Co-utilization of the Palm Beach County Surplus Property Thrift Store: it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

Mayor Shorr inquired if there was any discussion from Council on the threshold amount. He commented that \$50k is his starting point and explained his justification.

Councilmember Maniglia commented she does not agree with this; she thinks spending \$50k, \$70k or \$100k needs to come before Council.

Mayor Shorr commented the amount is already budgeted and noted it came before Council as a line item.

Vice Mayor Danowski provided an example and inquired if Mr. Peters wants to purchase items that are more than the \$25k managers threshold but still a budgeted line item; does he have to come before Council.

Town Attorney Lenihan responded yes; that is the purpose of this policy.

There was discussion between Town Council, Town Attorney and Town Manager and Public Works Director Larry Peters.

Councilmember Miles asked Mr. Peters what he thinks should be the threshold amount.

Mr. Peters responded \$100k.

Councilmember Miles commented on opportunities, equipment, and trust. She asked Mr. Peters what his budget is.

Mr. Peters responded \$150k for the past three cycles; in which he has never spent the \$150k and there has always been a reserve.

Councilmember Miles commented she would like \$100k and keep it under \$100k but would like to have the opportunity for \$150k and explained why.

Councilmember Herzog said that she thinks it is good for the municipalities; she thinks Council could go to the maximum amount of what Mr. Peters has in the budget like Councilmember Miles said which is \$100k.

There was discussion between Town Council, Town Attorney and Public Works Director Larry Peters.

Councilmember Maniglia commented she is not comfortable with doing this.

Vice Mayor Danowski asked Mr. Peters when does the thrift store open.

Mr. Peters responded the store it is not open all the time.

Mayor Shorr mentioned there is a schedule listed on the County's website.

Vice Mayor Danowski commented that she is okay with the \$50k.

Mayor Shorr commented on the verbiage listed for item #3 Criteria. He wants to add wording stating if there is no history available on the equipment and the purchase prices is more than \$25k it needs to come before Council.

Town Manager Titcomb commented that this is about policy.

There was discussion between Town Council, Town Manager, Town Attorney and Public Works Director Larry Peters.

There was consensus between Mayor Shorr, Vice Mayor Danowski and Councilmembers Miles and Herzog for the \$75k threshold.

Mayor Shorr commented that he wants wording added that if there is no history available and the cost is above \$25K it must be approved by Town Council. He requested to change the last sentence to state "as well as looking into other options" under #3 Procedures.

There was discussion between Town Council, Town Manager and Town Attorney.

There was consensus to add the verbiage as well as other options in the last line.

Motion was made by Councilmember Herzog, seconded by Vice Mayor Danowski to approve Resolution No. 2022-09 adopting the Thrift Store Purchasing Policy; and setting a not to exceed amount for purchases under the policy with the changes discussed to \$75k; cross out the word before in the last line and add the verbiage as well as other options: it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, and Miles. Nays: Councilmember Maniglia. Motion passed (4-1).

There was consensus to allow public comment from new resident.

REGULAR AGENDA

3. Update on Groves Town Center.

Representatives from Groves Town Center presented an update to Town Council.

Dan Zimmer Vice President of Delaware North presented PowerPoint presentation Groves Town Center. He discussed the Equestrian Trail-Clean up status. He mentioned there may be an issue with a neighbor encroaching on the land. He inquired if the Town has a Compliance Department. Town Manager Titcomb advised Mr. Zimmer to contact Town staff or Code Enforcement to look into this.

Mr. Zimmer continued presenting the Equestrian Trail-Clean up status. He mentioned engaging with Brian McNeal of Broad Park Equestrian Service, Inc. to advise on and perform tasks on the Equestrian Trail. He asked Town Council if it is acceptable to add bollards at the entrances to restrict access to the trails to prevent unauthorized users from tearing up the horse trail. Mayor Shorr commented to hire the professionals and let them make the recommendation.

Mr. Zimmer continued and presented the Stabilization of Trail, Conservative Easement- Removal of Exotics and The Equestrian Bridge Location. He compared the alternative location for the Equestrian Bridge and noted that it is 80 feet to the East of the current designed location. He mentioned the drainage issue near the designed bridge and said that there would be additional cost for the relocation of the bridge and noted the estimated cost. He asked that the Keshevarz Review fees be waived; they ask that if the bridge is relocated that the Town pay the cost and he explained why. He said that they are pleased with the progress to date.

Public Comment was given by Katie Lakeman and Todd McClendon.

Motion was made by Councilmember Maniglia, seconded by Vice Mayor Danowski to receive, and file trail photos taken by Katie Lakeman: it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia and Miles. Motion passed unanimously.

Mr. Zimmer responded to Ms. Lakeman's comment and noted that photos have been taken as well; he said that the trail is much cleaner and there is still work to be done.

Taylor Parker Associate at Bohler responded to Mr. McClendon's comment on turning lanes; she advised that under permitting the last item is securing a bond; there are some questions on the Department of Transportation (DOT) side with respect to path of ownership since there are several entities involved in the property ownership. She explained the next steps with the bond and permit after the questions have been resolved.

Mayor Shorr inquired if modifications will take place in the future for the turning lanes.

Ms. Parker advised what the required DOT conditions are for the intersection of B Road and Southern Boulevard and mentioned what is being proposed.

Councilmember Maniglia inquired on the roundabout for B Road.

Town Planning Consultant James Fleishman responded that this is one of the improvements that was being discussed prior to the B Road agreement between the three developers; it was for paving only B Road up to the entrance to the college and having a roundabout with paving; this was not carried forward in the agreement; it never was a requirement.

Councilmember Maniglia inquired on the tortoises.

Ms. Parker responded that Florida Fish and Wildlife would prohibit any construction taking place on any property that has endangered species; she explained the process of removing the tortoises.

Councilmember Maniglia commented on ATVs and signage being placed on the barricade stating no authorized motorized vehicles on the trails and fines. She asked Larry Peters Public Works Director to place this on a list to do. She asked about the horse crossing caution light on B Road and inquired who is responsible for the other side of the road.

Ms. Parker responded that this is not their property.

There was discussion between Councilmember Maniglia and Town Planning Consultant James Fleishmann.

Councilmember Maniglia thanked Mr. Zimmer for cleaning the trail. She mentioned the franchise agreement with Coastal Waste Services; she inquired about whether Bohler is exempt from using Coastal dumpsters.

Town Attorney Lenihan responded they have to use Coastal dumpsters.

Mr. Zimmer asked for the contact information for Coastal.

Town Manager Titcomb advised Mr. Zimmer to contact Town Hall and noted that the information is located on the Town's website.

Councilmember Maniglia commented on the bridge relocation. She asked if relief is only being sought for Keshevarz fees.

Mr. Zimmer responded that it is for all cost; he commented in respective to looking at their bills for what has been paid for the review of plans that they designed; the cost are certainly significant and a little bit out of the norm; however, in this case given the changeover of personnel at Keshevarz, the back-and-forth about comments that they would take issue with, he would ask that those fees be waived to the Town completely but the other costs to the extent that they would move the bridge and the instrumental cost in his view would be for the Town's account not the developer's account.

Councilmember Maniglia asked Mr. Zimmer if he has an amount.

Mr. Zimmer responded the amount is listed on the last page of the slide.

Councilmember Maniglia commented that she has no issue with \$17,500k.

Mr. Zimmer commented that these are estimates.

Ms. Parker commented that before a decision is made on the relocation of the bridge; she mentioned an email from Keshevarz regarding concerns conflicting with the clear zone of C Road. She noted the concerns expressed and said that she would like the concerns to be brought back to the table before a decision is made and explained why.

There was further discussion between Town Council, Mr. Zimmer and Ms. Parker on the bridge, access, unauthorized vehicles, and encroachments.

Mayor Shorr thanked the Mr. Zimmer and Ms. Parker for listening and acting. He said that he noticed that they have until March 31st to clean up all the exotics as the permit has conditions of approval, if it does not get done by March 31st there will be a stop work order the next day immediately; the Building Official will be out there, and someone will be out there on March 31st to inspect. He asked Mr. Zimmer for a timeline for the Equestrian Trail.

Mr. Zimmer inquired if the Town is okay with access control measures being placed at B and C Roads. If so, this opens a broad discussion; this is a recommendation coming from Brian McNeal. He does not have a timeline tonight; he estimates the next 30 days.

Mayor Shorr suggested a meeting be set for the first meeting in April for an update; dates can be established at that point.

Mr. Zimmer said this is fine.

Mayor Shorr commented this bridge has been a pain; He noted that there are 21-22 months to finish it and inquired on the updated cost.

Ms. Parker said that they are working with the pre-manufactured bridge person; they are updating based on material cost which has not been received yet.

Mayor Shorr inquired on the foundation cost and signaling.

Ms. Parker advised this can be included in the cost estimate.

Mr. Zimmer said that the cost to install the foundation was part of their cost anyway.

Mayor Shorr advised Mr. Zimmer to add up all the cost. He asked if they would consider a payment to the Town of what it would cost them to put the bridge in and pass this project on to the Town.

Councilmember Maniglia commented that she is not on board with him asking for this. She asked Mayor Shorr if he was going to talk with Town Council about this. She asked if the Town Attorney could weigh in on this and whether this is appropriate.

Town Attorney Lenihan responded yes.

Mr. Zimmer stated that they have not thought about this concept; they will have to think about it and come back to Council.

There was discussion between Mayor Shorr and Mr. Zimmer.

Mayor Shorr asked Council if they would consider a payment in lieu of doing the bridge. He mentioned having staff research cost for the Town to build the bridge and see where the numbers line up.

Councilmember Herzog asked Mayor Shorr if there is an escape clause.

Ms. Parker asked Mr. Shorr for clarification of the cost on the number; and what it would include.

Mayor Shorr said it is for all cost, payment in lieu of the bridge.

There was a consensus between Mayor Shorr, Vice Mayor Danowski and Councilmember Miles to discuss.

Councilmember Herzog inquired on who owns the property on the Southern end of C Road.

Mayor Shorr responded it is the Towns; except for the design that touches Mr. Zimmer's property.

Councilmember Miles commented that she likes the idea that we are starting to have progress on the trail. She thanked Mr. Zimmer for cleaning up the trails. She said that she does like the idea that the money is right, and it can be worked out. She said we do not need a metal-built in bridge. If we can get it in the timeframe this would be wonderful.

Vice Mayor Danowski inquired if a deposit has been provided to the fabricator of the bridge.

Ms. Parker responded she believes it has; it is somewhere around the range of \$10k to \$15k.

Mr. Zimmer said it is a findable number and the terms of the proposal would have terms with it.

Vice Mayor Danowski said whatever number is brought back before Council it needs to have the backup. She asked Public Works Director Larry Peter if the Town could get it done sooner than 22 months.

Mr. Peters responded the last two cost significant less and both were completed within 6 days.

There was discussion between Vice Mayor Danowski and Public Works Director Larry Peter.

Ms. Parker commented in the discussion that there is no clear zone.

Mayor Shorr said that we are not here to debate; Bohler can debate this at the next meeting.

Councilmember Maniglia commented that she did not get the memo.

Mayor Shorr advised Councilmember Maniglia that an email from Keshevarz was sent regarding the culvert.

Town Attorney Lenihan mentioned at the last meeting Council gave direction to look into this. She pointed out that there is an Improvements Agreement between the owner and Town that includes the list of the required improvements; cost estimates, and the bonds for the bridge based on a culvert bridge that was reported in May 2020. She advised that all the details, locations, and plans for the bridge would agree; the only thing that is there is the cost estimates as the details were not actually attached but there is back up material. She said that the agreement would need to be revised regardless to accommodate any and all changes. She would like to make sure that everyone knows that the agreement does include language that states no complete, partial nor temporary certificate of occupancy can be issued by the Town for any pod, tract until all of the Pod B phase improvements are completed.

Mr. Zimmer requested that if there is any kind of the agreement that the mayor talked about, he would ask that all of those amendments to the agreement completely resolve any of their obligations.

Mayor Shorr responded this is why we pay the attorney the big bucks. Mayor Shorr thanked Town Attorney, Mr. Zimmer, and Ms. Parker for their presentation.

Representatives from Groves Town Center will present an update to Town Council regarding Town Council direction from the February 1, 2022, Meeting.

TOWN COUNCILMEMBER COMMENTS

Phillis Maniglia (Seat 1)

- Culverts
- Grading Schedule
- Facebook (Robert illegal flyer)

Laura Danowski (Seat 2)

- How many hours put in road plans?

Marianne Miles (Seat 3)

- Facebook

Marge Herzog (Seat 5)

- 25-mile signs be put up
- Treasure Coast will be on April 5th
- Members of Loxahatchee Landowners Dues

Mayor Robert Shorr (Seat 4)

TOWN STAFF COMMENTS

Town Manager

Town Manager Titcomb provided Town Council with the PBSO February monthly report

Motion was made by Vice Mayor Danowski, seconded Councilmember Maniglia to receive and file the district 17 Town of Loxahatchee Groves February monthly report: it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

Captain Craig Turner Palm Beach Sheriff's Office (PBSO) District 17 commented on:

- Yearly Report
- Signage
- PBSO ATVs to use

Town Manager Titcomb said that he will work with PBSO on signage and mentioned that Mr. Fleishmann may have design criteria that has been agreed to.

Captain Turner advised that no one brought the dirt bike issue to his attention; he will make sure that deputies cover that area; he said he knows that this is an issue in the general area throughout the entire Town however if they flee on private property PBSO can not chase; this is PBSO policy.

Vice Mayor Danowski commented that there are group of youngsters on North Road certain times and days; she asked what the best way is to approach PBSO and asked if a deputy can be placed on the roads.

Captain Turner advised that an email can be sent to him at www.PBSO.org under the district 17-Town of Loxahatchee Groves; he noted that these messages come directly to him and his assistant or the Town Manager can be advised.

Councilmember Maniglia thanked Captain Tuner and commented on:

- C Road and Okeechobee Boulevard guardrail
 - Captain Turner advised that every time there is an accident that causes damage to Town property a case number and narrative are forwarded to the Town Manager.
- Barbershop in the plaza
 - Captain Turner mentioned that PBSO did visit the location and spoke with the individuals about allegations and other possible activity. Town Manager Titcomb

advised that Code Enforcement has been out there as well. Captain Turner advised that PBSO does have a street team and he can have them look into this.

Councilmember Herzog commented on:

- Accidents/Double stripping on the roads/ PBSO officers following Department of Transportation (DOT) rules.
 - Captain Turner explained the reports process and advised what areas the deputy's cover.

Councilmember Miles thanked Captain Turner for doing what he does. She asked whether the 30 mile per hour speed limit is contributing to accidents off Okeechobee Boulevard. Captain Turner advised that he would have to study this and see whether it does.

Mayor Shorr thanked Captain Turner for his service and crew. He commented on traffic control and said that he appreciates everything they are doing to get everyone equipped to handle a rural area like this.

Phillip Olavarria District Chief Palm Beach County Fire Rescue (PBCFR) provided an update on the internal changes taking place at the Fire Department; he advised that the new Fire Chief for the District is Patrick Kennedy. He provided updates on vehicle accidents for January and commented that February's report is pending as it is first of the month; he mentioned that brush fires have been tamed this year; and everything is looking good.

Vice Mayor Danowski inquired on the burn permit process. She asked who residents can call if a neighbor is exceeding a safe procedure.

District Chief Olavarria advised that permits are handled through the Health Department right now; they are only issued for certain circumstances. He said that if a resident sees someone burning and there is concern call 911; residents can call Fire Station 21 to find out if there is a permit issued and find out if it is a burn day.

Councilmember Herzog asked how long does a burn permit last.

District Chief Olavarria responded that is up to the Health Department.

Mayor Shorr commented on burn permits process issued through the Forestry Department off D Road.

District Chief Olavarria explained what happens when calling 911 for burns.

Mayor Shorr thanked District Chief Olavarria and his crew.

Mr. Titcomb mentioned that he will be out March 12th-19th Assistant Town Manager Ramaglia will be appointed as acting Town Manager in his absence.

Assistant Town Manager

Town Clerk

- Campaign Signs/Ordinance in the Unified Land Development Code (ULDC)
- Mail in/Election March 8th 7 a.m. to 7p.m.
- Drop off for Precent Clerk

Town Manager Titcomb clarified that there are some candidate signs that are zip tied and lashing to private property, DOT signs and Town signs. He said that the Town gets a lot of calls on this

and the Town does not want to be in the business of taking down signs. Her advised that the signs need to be removed by those that have placed them there.

Mayor Shorr inquired on the timeframe and the who will remove them.

Town Clerk Burch responded 24 hours; this is a courtesy for everyone.

Town Manager Titcomb said that a process has not been decided; we will cross that bridge when we get to it; this is a courtesy announcement.

Councilmember Maniglia asked Mr. Peters if canal banks are off limits for signs.

Mr. Peter responded this is a right-a-way.

Councilmember Maniglia asked Mr. Shorr to remove his signs from her canal banks.

Mayor Shorr commented absolutely; soon as the people across from your property remove theirs.

Councilmember Maniglia inquired on campaigning from the dais as she is nervous that this may happen.

Town Clerk Burch advised this should not be done from the dais; if there is any issue you can contact the Florida Elections Commission.

Councilmember Maniglia thanked Town Clerk Lakisha Burch.

- March 15th Ceremonial Meeting

Town Clerk Burch noted the names of those that will be recognize and asked Town Council if they have any names.

Councilmember Maniglia inquired on committees being brought back.

Town Clerk Burch said this is up to Council.

Councilmember Herzog asked Town Clerk Burch why Mr. Ryan is being recognized.

Town Clerk Burch advised because of his long standing on District.

Public Works Director

Mr. Peters thanked Town Council for their continued support. He reported that extended family that left Ukraine and are safe in Poland.

Town Manager Titcomb congratulated Mr. Peters on his report.

Town Attorney

- Public Records/Town Council request
- Update on Litigation for 444B Road and 555B Road LLCs
- Litigation filed for property owners on North B Road

ADJOURNMENT

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There being no further business the workshop was adjourned at 9:38p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

Mayor Robert Shorr

Vice Mayor Laura Danowski

Councilmember Marge Herzog

Council Member Marianne Miles

Council Member Phillis Manigli