



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

**NOVEMBER 7, 2023**

*Meeting audio available in Town Clerk's Office  
Meetings are also available on YouTube.*

**CALL TO ORDER**

Mayor Danowski called the meeting to order at 6:33 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Danowski led the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Danowski led a prayer.

**ROLL CALL**

Mayor Laura Danowski, Vice Mayor Robert Shorr, Councilmembers Margaret Herzog, Phillis Maniglia, and Marianne Miles, Town Manager Francine L. Ramaglia, Town Attorney Elizabeth Lenihan, Public Works Director Larry Peters, and Town Clerk Lakisha Burch.

**ADDITIONS, DELETIONS AND MODIFICATIONS**

Councilmember Maniglia asked if items 7 & 8 could be heard before the Consent Agenda.

**Motion was made by Maniglia seconded by Herzog to move items 7 & 8 to be heard before the Consent Agenda; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

**COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

There was a public comment made by Cassie Suchy.

**PRESENTATION**

1. Presentation update from Florida Power & Light.

Ilan Kaufer, External Affairs Manager and Danial Turbet, Customer Service Accounts Manager addressed the Town Council by giving an update on the underground projects. He also informed the Town Council that he is always available to answer questions.

Councilmember Maniglia commented on the statement that was made by Mr. Kaufer and the road project (easements). Mr. Kaufer responded to her statement. There was a discussion between Mr. Kaufer, Councilmember Maniglia, and Town Manager Ramaglia.

Vice Mayor Shorr asked what the deadline for the 2025 year is, Mr. Kaufer responded. Vice Mayor Shorr also asked since the legal issues have been resolved how long before they can start moving on B Road. Mr. Kaufer responded to Vice Mayor Shorr.

Councilmember Herzog asked if FPL is on the same calendar. Mr. Kaufer responded that they're in a calendar year not fiscal year as government. She also asked how easy it is to restart the project since all easements were not had, Mr. Kaufer responded. There was continued discussion among the FPL representatives and Councilmember Herzog.

Councilmember Miles asked for clarification regarding telephones poles lines and maintenance easements. Mr. Kaufer responded to her question. There was dialogue between Mr. Kaufer and Councilmember Miles.

Mayor Danowski thanked them for coming and then asked about the easements. Mr. Turbet responded to her question. There was discussion among the Town Council and FPL representatives regarding other utilities companies being on the poles.

There were public comments made by Katie Lakeman and Cassie Suchy.

Mr. Kaufer also spoke about the damaged culvers by giving an update. There was discussion among the Town Council, FPL representatives, and Town Staff which included vegetation removal.

### **PUBLIC HEARING**

7. Consideration of *Ordinance No. 2023-13* on first reading Amending election for date and vacancies. **MOVED TO BE HEARD BEFORE CONSENT AGENDA**

Town Attorney Lenihan read the ordinance into the record and presented the item to the Town Council.

**Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve Ordinance No. 2023-13 on first reading amending the 2024 Town of Loxahatchee Groves Municipal Election Dates; confirming the Council Member Candidate Qualification Period for expired terms; and adding a second Council Member Candidate Qualifying Period for the Filling of Vacancies in the 2024 Municipal Election; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

8. Consideration of *Ordinance No. 2023-15* on first reading on Agricultural and Agritourism. **MOVED TO BE HEARD BEFORE CONSENT AGENDA**

Town Attorney Lenihan read the ordinance into the record and presented the item to the Town Council.

There was a public comment made by Cassie Suchy.

Councilmember Maniglia asked how many votes would be needed to approve this ordinance. Town Attorney Lenihan responded 4. She then continued to express her concerns regarding the amending of this ordinance. Town Attorney Lenihan responded to Councilmember Maniglia's concern.

Councilmember Herzog asked about things being changed and how much control will be over agritourism, Town Attorney Lenihan responded. Councilmember Herzog stated that her one concern is the impact this will have on the community and the location of where agritourism is being conducted. Town Attorney Lenihan responded.

Vice Mayor Shorr asked about Section 65-10 "Determination of Valid Use – is that something that could be changed. Town Attorney Lenihan responded. He stated why didn't we use the same wording as the Florida State statute. Town Attorney Lenihan stated that that change will be made. He asked more questions to which Town Attorney Lenihan responded. There continued to be discussion between Vice Mayor Shorr and Town Attorney Lenihan.

Councilmember Miles asked Town Manager Ramaglia how many agritourism businesses were in the Town at the moment. Town Manager Ramaglia responded. She also asked were they required to have a Business Tax Receipt (BTR). Town Manager Ramaglia responded. She then asked is there a time limit on obtaining a BTR. Town Attorney Lenihan and Town Manager Ramaglia responded to her question. She also spoke about noise verbiage. Town Attorney Lenihan addressed all her concerns regarding this matter. There continued to be discussion between Councilmember Miles and Town Attorney Lenihan.

Mayor Danowski stated that someone mentioned to her that in this verbiage says that the Town is allowed to control and monitor the number of events that an agritourism facility has. She keeps looking but doesn't see it. Town Attorney Lenihan responded. There continued to be discussion regarding this matter.

Councilmember Maniglia asked could this be brought to the next meeting without having to have a first meeting because she would like to do some research. Town Attorney Lenihan responded to her question. Town Manager Ramaglia also responded to her question and concern.

There continued to be a discussion regarding agritourism between the Town Council and Town Staff.

**Motion was made by Vice Mayor Shorr seconded by Councilmember Miles to approve Ordinance No. 2023-15 on first reading amending Section 20-015 "Permitted Uses" of Article 20 "Residential Zoning Districts" within Part II "Zoning Districts" and Article 65 "Agricultural Uses" within Part III "Supplemental Regulations" all within the Unified Land Development Code with the one change and typo correction; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

#### CONSENT AGENDA

Councilmember Maniglia asked that item 6 be pulled for the Consent Agenda because she needs to recuse herself from item number 6 due to selling the property. Councilmember Miles recused

herself from item number 5 due to living off of B Road. Vice Mayor Shorr asked that item number 4, 5 and 6 be removed from the Consent Agenda.

2. Consideration of approval of Meeting Minutes.
  - a. October 3, 2023 Town Council Community Open Discussion Meeting Minutes
  - b. October 3, 2023 Town Council Regular Meeting Minutes
  - c. October 17, 2023 Town Council Community Open Discussion Meeting Minutes
3. Consideration of **Resolution No. 2023-78** approving Town Events for the FY 24 year.

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

4. Consideration of **Resolution No. 2023-79** approving Removal of Specimen Tree at 14964 Snail Trail **PULLED FROM CONSENT AGENDA**

Vice Mayor Shorr stated why he pulled this item from the Consent Agenda, doesn't feel that the site plan gives enough information to remove these trees. Town Manager Ramaglia and Councilmember Miles responded to his concern. There continued to be a discussion among Vice Mayor Shorr and Councilmember Miles.

Mayor Danowski asked does someone from the Town goes out with a tape measure for these trees. Town Manager Ramaglia responded to her question. She also asked what happens if this fails. Town Manager Ramaglia and Town Attorney Lenihan responded.

Councilmember Maniglia asked about setbacks on non-confirming lots. Mr. Fleischmann, Town Planning Consultant and Town Manager Ramaglia responded.

Councilmember Herzog expressed her concern regarding this oak tree. Town Manager Ramaglia responded to her concerns.

Councilmember Maniglia asked Mr. Fleischmann how he is measuring the distance of the trees. Mr. Fleischmann responded. Mayor Danowski asked what if the tree was dead. Mr. Fleischmann responded.

**Motion was made by Councilmember Miles seconded by Mayor Danowski to approve Resolution No. 2023-79 approving the Removal of Specimen Tree at 14964 Snail Trail; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

5. Consideration of **Resolution No. 2023-80** approving Removal of Specimen Trees at 3556 B Road **PULLED FROM CONSENT AGENDA**

Councilmember Miles recused herself stating that due to living on B Road, live off an access road off B Road. She continued to state that she has filed this form to air on the side of caution, no loss or gain will be incurred. Please see attached Form 8B.

Town Manager Ramaglia presented the item to the Town Council.

Vice Mayor Shorr stated why he pulled the item from the Consent Agenda. Town Manager Ramaglia responded.

Councilmember Herzog stated her concern about the trees coming down and that the pond was rather large.

Councilmember Maniglia asked was this an approved site plan. Mr. Fleischmann responded to her question stating that there are no site plans for residential property. Anita Brody spoke as the owner of the property she also responded to Councilmember Maniglia's question. There continued to be discussion among the Town Council, Ms. Brody, and Town Staff.

Mayor Danowski asked about the trees and if there was a bond for the trees. Mr. Fleischmann responded to her question. There continued to be a discussion between Mayor Danowski and Mr. Fleischmann.

Councilmember Maniglia asked about the Loral trees, Ms. Brody responded.

There was a public comment made by Cassie Suchy.

**Motion was made by Vice Mayor Shorr seconded by Councilmember Maniglia to delay Resolution No. 2023-80 approving removal of Specimen Trees at 3556 B Road until the next regular meeting which will be held on December 5, 2023, with more detail on where trees are on the property; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog and Maniglia. Motion passed 4-0. Councilmember Miles recused herself.**

6. Consideration of **Resolution No. 2023-81** approving Removal of Specimen Trees at 14120 6<sup>th</sup> Court **PULLED FROM CONSENT AGENDA**

Councilmember Maniglia recused herself stating that she was the listing agent for this property and sold property in 2023. Please see attached Form 8B.

Mr. Fleischmann presented the item to the Town Council. There was discussion among the Town Council and Town Staff.

**Motion was made by Vice Shorr seconded by Mayor Danowski to delay Resolution No. 2023-81 approving of removal of Specimen Trees at 14120 6<sup>th</sup> Court until the next regular meeting which will be held on December 5, 2023, with more details on what trees will be removed, the turning radius and other conditions that were discussed; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, and Miles. Motion passed 4-0. Councilmember Maniglia recused herself.**

## DISCUSSION

9. Discussion and direction regarding Prescriptive Easement.

The Town Attorney presented the item to the Town Council regarding Prescriptive Easement and what it is.

Councilmember Maniglia asked what the limitation is on claiming Prescriptive Easement. Town Attorney Lenihan responded. Mayor Danowski asked questions regarding the Prescriptive Easement as the owner such as what the liability and changing of lot size of having a Prescriptive Easement. Town Attorney Lenihan responded to her questions. There continued to be discussion among the Town Council and Town Staff.

There was a public comment made by Cassie Suchy.

10. Discussion regarding Roadway and Drainage update.

Jeff Kurtz presented an update regarding Roadway and Drainage. He stated that on Friday got information/easements on E speaking with Cheatum to when they can come back and finish the job. He spoke about Collecting Canal trying to finalize within the next few days. He also spoke about the paving for 2024 document that was passed on to the Town Council and stated that at this point have not gone out to contract the paving project. The primary issue at the moment is getting the work plan in place and how to do that in cost. Mr. Peters, Public Works Director, also addressed the Town Council stating that there is a lot of work to be done regarding removal of trees, drainage, culvert installations and removal of berms. He continued to address the Town Council. There was discussion among the Town Council and Town Staff.

There was a public comment made by Cassie Suchy.

Councilmember Miles spoke about roots being in the roads, more people at Public Works but Folsom is not on the list and that was a road that should be on the list. Mr. Kurtz responded. There continued to be discussion between Councilmember Miles and Mr. Kurtz. Councilmember Miles expressed her disappointment.

Vice Mayor Shorr also commented on the topic and expressed his concerns. He asked what is had as a contract mechanism, what could be done as council to move this forward. Town Manager Ramaglia responded to his questions and concerns. There was discussion among the Town Council and Town Staff. Councilmember Herzog commented on the topic.

Mayor Danowski commented that roads that was discuss in the Capital Plan is not on this list and she is irritated that we are trying to use our Public Workers folks to do this job, she also asked was the trees that were identified are trees in the easement or problem trees. Mr. Kurtz responded. Mayor Danowski stated that whatever we decide to do she doesn't want the Public Worker employees doing the work.

## **TOWN STAFF COMMENTS**

### **Town Manager**

- EAR in deep review (will be meeting on Friday, November 10, 2023) will not be ready on November 21, 2023, will be ready on December 5, 2023. Requesting that there be no meeting on November 21, 2023.
- Purchased a table for the upcoming Farm Lunch have 10 seats available, if you can't attend- how to utilize the vacant seats.

### **Town Attorney**

No comment.

### **Public Works Director**

No comment.

**Town Clerk**

- Spoke about the upcoming Veteran’s Day parade and ceremony.
- Stated that donations are being accepted for the Holiday Gratitude Basket and names are also being accepted.
- Qualifying for the 2024 Municipal Election will be next Tuesday, November 14<sup>th</sup> at noon until November 21<sup>st</sup> at noon.

**TOWN COUNCILMEMBER COMMENTS**

**Phillis Maniglia (Seat 1)**

- Joseph and Tonia-Gratitude Gardens (sell mushrooms and turmeric)

**Marianne Miles (Seat 3)**

- Asked for clarification that there will be no meeting on November 21, 2023.

**Marge Herzog (Seat 5)**

- Loxahatchee Groves Landowners Association will be having representatives come in from the rare fruit council and they will be presenting a program that should be interesting to many members, the meeting will be held November 16, 2023.
- Tribute banners for residents who served have arrived and looking for volunteers who have experience in pruning, just give her a call.

**Vice Mayor Robert Shorr (Seat 4)**

- Veteran’s Day Parade and Ceremony-gave outline of the parade route.

**Mayor Laura Danowski (Seat 2)**

- Need explanation of why FPL representative made the statement of widening Folsom Road. Mr. Peters stated he thinks he was speaking of 25<sup>th</sup> due to the poles being relocated to widen it.
- Asked about feedback from Rona regarding Special Session. Town Manager Ramaglia responded that she is sending a note for an update.

**ADJOURNMENT**

The workshop was adjourned at 10:25 p.m.

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

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Mayor Laura Danowski

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Lakisha Burch, Town Clerk

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Vice Mayor Robert Shorr

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Council Member Marge Herzog

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Council Member Phillis Maniglia

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Council Member Marianne Miles