

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT /
TOWN OF LOXAHATCHEE GROVES
INTERGOVERNMENTAL COORDINATION (IGC) COMMITTEE MEETING
FRIDAY, FEBRUARY 19, 2010 / 4:00 P.M.**

Call to Order at 4:00 P.M.

Present: Frank R. Spence – Town Manager, Town of Loxahatchee Groves
Dennis Lipp – Vice Mayor, Town of Loxahatchee Groves
Clete J. Saunier, P.E. – Administrator, LGWCD
Robert Snowball – Board Member, LGWCD
Lynnette R. Ballard – Administrative Secretary, LGWCD

Pledge of Allegiance / Invocation led by Mr. Saunier.

SUBJECT: AGENDA APPROVAL. There were no additions, deletions, or substitutions to the Agenda.

MOTION: Mr. Spence made a motion to approve the Agenda. Clete Saunier seconded the motion.

ACTION: **MOTION PASSED 4 TO 0.**

SUBJECT: APPROVAL OF MINUTES FROM JANUARY 22, 2010 IGC COMMITTEE MEETING. Mr. Saunier asked for approval of the minutes from the January 22, 2010 Intergovernmental Coordination Committee meeting.

MOTION: Mr. Spence made a motion to approve the minutes from the January 22, 2010 Intergovernmental Coordination Committee meeting. Robert Snowball seconded the motion.

ACTION: **MOTION PASSED 4 TO 0.**

SUBJECT: DEVELOPMENT OF POLICY FOR NON-DISTRICT TOWN ROADS. Mr. Spence stated the Town Council, at its last meeting, unanimously agreed to authorize him to proceed with the transfer of the Town's responsibility for maintenance of non-District roads. Mr. Spence explained the Town Council will have to develop policies on how to obtain responsibility for these roads. He stated one of the issues is courtesy grading, and asked for confirmation that the District has absorbed the cost of courtesy grading up until now. Mr. Saunier replied in the affirmative. Mr. Spence stated gas tax money would pay for courtesy grading.

Mr. Lipp asked about obtaining an area map of Loxahatchee Groves in order to identify the roads within the Town. Mr. Spence stated the County will provide updated aerial maps (34" x 46") taken in 2009 on a 1 to 100 ratio. He stated he will provide a map to the District.

Mr. Saunier stated he forwarded a copy of the District's existing Courtesy Grading Policy to Mr. Spence. Mr. Saunier added that there have been several discussions since the Town became incorporated in October of 2006 on what constitutes District roads and non-District roads. Mr. Saunier stated Supervisor John Ryan provided Mr. Spence with a spreadsheet that shows all of the District roads, non-District roads, and their related lane mileages. Mr. Spence replied in the affirmative.

Mr. Saunier stated he determined the costs for road improvements two years ago, together with current road grading costs only for District roads. He stated this is a direct expense tied to actual expenditures for 2007-2008. He stated he had calculated the costs on a per-mile basis for weekly grading and watering. He stated this information would apply to some of the non-District roads, such as the connecting roads like Gruber Lane. **Mr. Saunier stated he would provide this information to Mr. Spence as soon as possible.**

Mr. Lipp stated he would like the Town's Attorney to establish appropriate language that states if an easement is used for access, then the easement is actually a road. He stated he does not want to put the Town through the expense of obtaining easements from landowners to dedicate the road to the Town.

Mr. Spence asked if the Town and District would need a separate interlocal agreement, or whether they could use the existing interlocal agreement. Mr. Saunier stated a separate ILA would need to be created, and explained that the current ILA is based on the one ILA for \$240,000 for the maintenance of District roads. Mr. Spence asked for confirmation that a second ILA would be for services rendered for non-District roads.

It was the consensus of the IGC Committee that the Town Attorney and District Attorney will work with Mr. Saunier and Mr. Spence to establish an interlocal agreement that would enable the Town and District to work in an ILA relationship to address the non-District roads, starting with the courtesy graded roads. Mr. Saunier stated the ILA could always be amended to include other roads as necessary.

Mr. Saunier stated the Town might want to consider establishing standards for driveways.

Mr. Saunier stated, at the last Board meeting, discussion included what constitutes an emergency on a courtesy-graded road, with regard to 43rd Road North. Mr. Saunier stated the Town and District need to establish a policy to define what constitutes an emergency for District Staff to perform courtesy grading services, under the protective umbrella of a general-purpose government that a special district does not have. This would ensure

that the residents of 43rd Road North that are being denied free, clear, and safe access to their homes due to uncooperative neighbors will be able to access their properties safely.

Mr. Saunier noted that Palm Beach County Fire-Rescue Chief Nigel Baker submitted a letter to the District requesting emergency assistance for grading and maintenance of 43rd Road North, west of 140th Avenue North. Mr. Saunier recommended this letter be forwarded to the Town's Attorney, for his advice on how the District can contract with the Town on a case-by-case basis.

Mr. Lipp asked whether 43rd Road North is being used for public access to properties. Mr. Saunier stated the Town Attorney needs to answer that question. Mr. Lipp stated since the landowners are driving down the road to access their properties, it would seem that there is a public easement there, because the landowners have not closed it off. Mr. Lipp stated with an ILA in place, if a road for which the Town is receiving gas tax money is in need of grading/maintenance, Mr. Spence could call Mr. Saunier to request said service on that road.

Mr. Saunier agreed that there needs to be an ILA which shows an agreement with the Town to contract with the District to perform grading/maintenance on roads such as 43rd Road North, regardless of a courtesy grading petition.

Mr. Lipp stated the courtesy grading petition process is not the way the Town should function.

Mr. Snowball agreed that the Town should request grading/maintenance services from the District as needed.

Mr. Saunier stated he has Board consensus to take action on this issue, and it is not necessary to wait for successive Town Council and Board meetings. He stated both attorneys have heard from respective Town Council and Board Members that this needs to be done. Mr. Saunier requested the IGC Committee support his and Mr. Spence's administrative efforts to consult with the Town Attorney and District Attorney to begin this process and draft an interlocal agreement.

Mr. Lipp stated the whole concept of "emergency" needs to be taken out of the lexicon. Mr. Saunier agreed.

Mr. Saunier stated the District will establish a rate schedule which will be an exhibit to the ILA, showing costs for grading and watering on a per-mile basis. The District will keep a record of that data, and will forward a copy to the Town. The information will include costs for additional rock or other road material, etc. The Committee agreed.

MOTION: No motion was necessary.
ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: CONSIDERATION OF PAYING FOR OGEM FOR LGWCD PARKING LOT. Mr. Saunier thanked the Town for its consideration of OGEM for the District's parking lot; he stated he has wanted this to be done for several years. He stated he will have an OGEM contractor provide an estimate of the OGEM portion of the parking lot improvements. He stated there is some concrete work that needs to be done in association with the OGEM improvements.

Mr. Lipp asked what would be done in the event of oil stains on the concrete. Mr. Saunier replied the concrete slab is sloped toward the east side of the garage and there is a grease trap drain that runs the full-length of the building that runs into a manhole structure. He stated that, every six months or so, the District has this drain pumped clean.

Mr. Spence stated that Town Council Member Ron Jarriel suggested the use of a heavier aggregate for the parking lot, and asked whether Mr. Saunier is considering this. Mr. Saunier replied in the affirmative. He stated he has already spoken to the OGEM contractor representative regarding aggregate size; it is actually an 89 stone, which is a finer aggregate and is a lot denser; with a 4-inch lift instead of a 3-inch lift on the entrance road from the concrete bridge at Tangerine Drive/Pineapple Drive all the way into the facility, then all the way to just beyond the garage door.

Mr. Lipp asked about the east side of the parking lot where the aggregate material is currently being stored, and whether it would remain as is. Mr. Saunier replied in the affirmative.

Mr. Lipp stated he thinks the Town Council would support this.

Mr. Saunier stated he anticipates obtaining quotes for the OGEM and concrete work prior to the Town Council's next meeting on March 2, 2010.

MOTION: No motion was necessary.
ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: TRI-PARTY PROPOSAL FOR LOXAHATCHEE GROVES PARK. Mr. Spence stated Council Member Bill Louda met with Dennis Eschelmann, Director of Palm Beach County Parks and Recreation, to discuss the alignment and interior route from Loxahatchee Groves Park to "F" Road.

Mr. Spence stated that he and Vice-Mayor Dennis Lipp also met with Mr. Eschelmann to review the same map and alignment issues. The County

indicated that, due to their tight budget, they expect the Town to pay for the limerock road, which extends from the middle of the park to "F" Road. The County suggested a 10-inch deep limerock base, about 20 feet wide.

Mr. Spence stated the Town Council believes that since this park is a County-owned park, the County should pay for the road. He noted the alignment has not been finalized.

Mr. Spence also noted that the Palms West Chamber of Commerce did not talk with the County regarding the location of their road, and the exit road from Loxahatchee Groves Park will have to extend further north, almost to the intersection with Citrus Drive. The existing Chamber of Commerce building will become their parking lot, and the Chamber of Commerce did not want "F" Road to cut through their parking lot.

Mr. Spence stated the three parties involved in this issue are the Town, the District, and the County. Mr. Spence stated perhaps the District could do the work associated with this project.

Mr. Saunier explained that District Field Staff has a full workload, including the "D" Road Canal Maintenance Project which will start March 1, 2010; the OGEM parking lot improvements if approved; the blocking of 40th Street North which will occur on April 30, 2010. He noted this might require field staff to erect blockages, signage, etc. In addition to these projects, District Field Staff has their regular maintenance schedule, plus the possibility of more Town roads to be maintained.

Mr. Lipp stated this tri-party issue is the County's way of letting the Town know this issue is the Town's issue, and not the County's. He stated it is a good idea to give somebody an alternate way to get to "F" Road without using Citrus Drive.

MOTION: No motion was necessary.

ACTION: **IT WAS THE CONSENSUS OF THE IGC COMMITTEE TO RESEARCH THIS ISSUE FURTHER AND FOR TOWN STAFF TO OBTAIN COST ESTIMATES FOR THIS PROJECT.**

SUBJECT: 40TH STREET NORTH MAINTENANCE ISSUE. Mr. Saunier stated that, by order of the Board of Supervisors, 40th Street North will be closed on April 30, 2010. He stated he presented a report to the Board of Supervisors on October 12, 2009, showing the facts associated with 40th Street North. There is one segment of the 40th Street North issue that has been agreed to by Attorneys Title Insurance Fund to construct a bridge crossing on 148th Terrace North (approximately one-quarter mile of affected landowners).

Mr. Saunier stated, although this type of situation would resolve most of the issues, he thought the title companies may be waiting to see whether the District will actually close the road. Mr. Saunier stated he is recommending that the Town declare 40th Street North a non-existent roadway. He stated there is no existing road easement, however, there is a reservation on some of the properties. He stated although there are some easement reservations immediately north and adjacent to the north right-of-way line of North Road Canal, the actual road surface is entirely within the District's right-of-way.

Mr. Spence asked if the road is closed off, how landowners would be able to access their properties. Mr. Saunier replied that the Town would declare the road a non-existent road, then with the District's concurrence, the Town could dedicate a road easement overlaying that portion (12 feet) of the canal right-of-way where the existing road surface is situated. The District, with Town authorization, would remove all street name signs and post warning signs (purchased by the Town) that state use of the canal maintenance road (12 feet wide) is not advised since it is not intended for conventional public use, and speed limits should be reduced to 15 mph. Mr. Saunier added that the landowners would have access to their properties, but it would be very limited in its function, similar to a private driveway. He noted there is a desire by the Town, as referenced in its MREG Plan, and also by the Board of Supervisors to construct an equestrian trail in this same area.

Mr. Saunier requested the Town ask its attorney to review his recommendation; after the Town's Attorney reviews it, the information could be forwarded to the District's Attorney for review.

Mr. Lipp asked what brought the 40th Street North issue to the surface. Mr. Saunier replied the construction improvements to North Road Canal. Mr. Lipp asked for confirmation that the North Road Canal improvements were secondary to the County installing water and sewer lines. Mr. Lipp stated, otherwise, the North Road Canal improvements would not have happened. Mr. Saunier explained that the North Road Canal improvements would eventually have happened as part of the District's Canal Maintenance Program. Mr. Lipp asked for confirmation that this is what precipitated the 40th Street North issue. Mr. Saunier replied the improvements revealed there was a problem.

Mr. Lipp asked for confirmation that this issue was not created by anyone serving on the Town Council or the Board of Supervisors. Mr. Saunier replied in the affirmative.

Mr. Snowball asked for confirmation that the 5-cent sales tax is strictly for road improvements. Mr. Saunier replied in the affirmative.

Mr. Lipp stated this issue needs to be resolved as soon as possible. Mr. Saunier agreed, and stated the details involved can be worked out. Mr. Lipp

asked how many workshop meetings were held to discuss this issue. Mr. Saunier replied at least two, and he also met individually with several of the affected landowners and title insurance agents.

Mr. Lipp stated the Town will obtain direction from its legal counsel and/or from the Palm Beach County League of Cities to determine the best way to remove a road.

MOTION: No motion was necessary.
ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: 22ND ROAD NORTH - COUNTY OWNED PARCEL. Mr. Spence stated an offer was made by Commissioner Jess Santamaria to give this parcel (off of "C" Road) to the Town of Loxahatchee Groves, which the County acquired through foreclosure. Mr. Spence stated he was asked to write back to the Commissioner indicating the Town would accept the property if the County would clean out the canal of trees, debris, etc. Mr. Spence stated it would be too costly for the Town to clean out the canal.

Mr. Lipp clarified that the canal is actually a drainage ditch, and not a canal. Mr. Spence agreed.

Town Council Member Ron Jarriel stated Commissioner Santamaria indicated to him that, if the Town provided him with a cost estimate for cleaning the canal, he would bring it to the County Commission for review and approval.

MOTION: No motion was necessary.
ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: DISCUSSION OF WEIGHT LIMITS FOR HEAVY TRUCKS. Mr. Spence stated this subject was discussed at the last Town Council meeting. The Town has unpaved roads, and the weight from heavy trucks could easily destroy the roads. Mr. Spence stated the heavy trucks might be hard on the OGEM stabilization as well.

Mr. Saunier stated he would fully support the implementation of weight limits on the roads. He stated there are already "No-Thru Trucks" signs posted on all the roads, and the District does have a hauling permit process.

Mr. Spence asked whether weight limits would be practical, and asked what the weight limits would be.

Mr. Snowball stated the weight limit should be 35,000 pounds maximum.

Mr. Saunier recommended Mr. Spence contact the Village of Wellington, Village of Royal Palm Beach, and the County to find out about weight restrictions on their roads. Mr. Saunier stated the District cannot establish or enforce weight restrictions. Mr. Lipp agreed, and stated the Town would have to do that.

Mr. Saunier stated this would be a policy decision to be made by the Town Council, and strongly recommended landowner input on this issue. He stated the Town might want to consider charging a fee for businesses that would be hauling.

Mr. Lipp suggested businesses purchase a decal to be placed on their trucks that would be hauling throughout the Loxahatchee Groves community.

MOTION: No motion was necessary.

ACTION: **IT WAS THE CONSENSUS OF THE IGC COMMITTEE THAT MR. SPENCE WILL RESEARCH THIS ISSUE FURTHER, AND DETERMINE A POSSIBLE SURCHARGE FOR THE TOWN TO IMPOSE UPON BUSINESSES WITH HEAVY TRUCK TRAFFIC.**

SUBJECT: NEXT MEETING DATE AND TIME. The Committee agreed that the next IGC Committee meeting will be held on Friday, March 19, 2010 at 4:00 p.m. at the District office. Mr. Lipp will remain the Town representative. Although Don Widing is the next Board Supervisor scheduled to represent the District, Robert Snowball agreed to serve as an alternate District representative.

MOTION: No motion was necessary.

ACTION: **NO ACTION WAS TAKEN.**

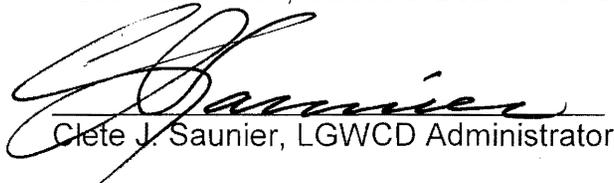
The meeting was adjourned by the Committee at 5:45 p.m.



Robert Snowball, LGWCD Board Member



Vice-Mayor Dennis Lipp, Town Council



Clete J. Saunier, LGWCD Administrator



Frank R. Spence, Town Manager