

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT /
TOWN OF LOXAHATCHEE GROVES
INTERGOVERNMENTAL COORDINATION (IGC) COMMITTEE MEETING
FRIDAY, APRIL 16, 2010 / 4:00 P.M.**

Call to Order at 4:00 P.M. / Roll Call

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 - MODERATOR
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. Mr. Snowball seconded the motion.
ACTION: **MOTION PASSED 4 TO 0.**

SUBJECT: APPROVAL OF MINUTES FROM MARCH 19, 2010 IGC COMMITTEE MEETING. Mr. Saunier asked if there were any additions, deletions, or comments to the minutes from the March 19, 2010 Intergovernmental Coordination Committee meeting. There were none.
MOTION: Mr. Lipp made a motion to approve the minutes from the March 19, 2010 Intergovernmental Coordination Committee meeting. Mr. Snowball seconded the motion.
ACTION: **MOTION PASSED 4 TO 0.**

SUBJECT: REPORT ON JOINT MEETING OF TOWN AND DISTRICT STAFF AND ATTORNEYS. Mr. Spence reported that Town and District Staff and their respective attorneys met for the first time as a group to review procedures to be followed with respect to the Town assuming responsibility for non-District roads. He stated, although he informed the District's Board of Supervisors that this item would be placed on the Town Council's meeting agenda (April 20, 2010), the Town's Attorney will not have enough information to prepare the policies and procedures that had been requested. The Town is in the process of contacting its insurance carrier (FMIT) to place them on notice of the Town taking over non-District roads, to ascertain the level of risk and liability on their part, and to determine what the Town's additional fees and premiums would be.

Mr. Spence stated the Town is also looking into the utilization of 5-cent and 6-cent gas tax, to obtain clarification of the authorized uses for the 5-cent gas tax. He stated Palm Beach County imposed a restriction (which is more restrictive than the Florida Statutes) stating that 50 percent of the 5-cent gas tax funds have to be used for transportation and 50 percent have to be used for transit.

The Town Council has authorized Town Staff and a representative of the Town (i.e., Mayor or Vice-Mayor) to appear before the County Commission to request a waiver of the 50-percent transit restriction, since the Town does not have public transportation busses traveling through Loxahatchee Groves. At the last Town Council meeting, a suggestion was made to tie the 50-percent transit restriction into pedestrian / equestrian trails.

Mr. Spence stated the Town and District have a good working relationship, and the Town is moving forward and doing what is necessary in assuming responsibility of maintenance of the non-District roads. Town Staff and the Town Council realize there is much work to do with regard to obtaining adequate rights-of-way, easements, etc.

Mr. Spence stated the District's Attorney suggested the Town contract with the District to carry out road maintenance services. Mr. Spence asked, even though the Town would pay the District for these services, whether the District would be allowed to undertake such efforts. Mr. Saunier replied in the affirmative, and stated the District's Attorney has stated on the record that the District could enter into a contractual relationship as long as the Town is the "responsible authority". Mr. Saunier stated South Indian River Water Control District currently does this on behalf of Palm Beach County for many of the County's roads within South Indian River Water Control District's jurisdiction.

Mr. Lipp asked, when the Town assumes responsibility for maintenance of a Town road that is not currently being maintained by the District, whether the Town would be allowed to expend gas tax monies on road drainage. He noted that landowners along Raymond Drive and 22nd Road North have road drainage problems.

Mr. Spence stated these issues would fall under the area of stormwater management, and stated the Town does not have a stormwater plan. Mr. Spence stated, in his opinion, gas tax revenues could be pledged toward stormwater, because it is part of the infrastructure of the road itself. Mr. Saunier stated the same could be done on all side roads, in terms of the road stormwater drainage.

Mr. Saunier stated these are some topics that were brought up during the meeting with Town and District Staff and their attorneys. It was established that the Town and District would look into different funding mechanisms to address these issues. Mr. Saunier asked for confirmation that the Town's Attorney is looking into this. Mr. Spence replied in the affirmative.

Mr. Saunier stated the Board of Supervisors, at its regular meeting on April 12, 2010, directed him to report on the creation of a draft policy for roads currently not being maintained by the District. He stated, before the next regular Board meeting (May 10, 2010), he would like to have an outline of the policy, which would be adopted by the Town Council with concurrence or review by the Board of Supervisors with regard to the section that is applicable to maintenance of those roads. Mr. Saunier requested concurrence from Town Staff and the Town's Attorney as to what the policy outline is going to look like, which he could then provide to the Board of Supervisors at the next regular meeting (May 10, 2010). Mr. Spence agreed.

Mr. Saunier noted drainage issues with regard to 43rd Road North. He stated when Indian Trail Improvement District widened 140th Avenue North several years ago, they filled in the ditch that had been draining down to North Road Canal; and as a result, the road's drainage is blocked.

Mr. Saunier stated the Town and District should schedule a meeting with Tanya Quicke, Administrator of Indian Trail Improvement District to discuss 43rd Road North. They can discuss various options for maintenance of the road, including whether the Town and/or District can assist the landowners by having a swale dug along 140th Avenue North; or by laying pipeline to North Road Canal. Mr. Lipp stated these actions should be taken within the next few weeks.

Mr. Lipp stated he would contact Mike Erikson at Indian Trail Improvement District to discuss this issue.

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

SUBJECT: DEVELOPMENT OF POLICY FOR NON-DISTRICT TOWN ROADS. See previous agenda item.

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

SUBJECT: NORTH ROAD CANAL / 40TH STREET NORTH STATUS. Mr. Saunier stated the District is on schedule to install gates to close portions of the North Road Canal maintenance road as approved by the Board of Supervisors. He stated landowners will still have access to their properties. Mr. Saunier stated he needs input from the District's Attorney with regard to what type of language is required for the signs. Mr. Saunier stated the gates should be delivered by Monday, April 26, 2010.

Mr. Saunier summarized that the District is moving forward with closing the maintenance road down in certain areas and the landowners / title companies are taking action.

Mr. Saunier requested Town Staff to support the creation of a Town road easement overlaying the District's canal maintenance road from "A" Road to Ian Trail and from the Sunsport Gardens entrance to 140th Avenue North. He suggested a "sunset" clause be incorporated within the easement language requiring it to be renewed by joint agreement of the Board of Supervisors and Town Council every two (2) years.

Mr. Lipp stated the Town and District need to get a roundabout from 140th Avenue North / "E" Road and "D" Road stabilized with OGEM and speed tables.

Mr. Lipp asked who owns the Royal Palm Beach Pines Natural Area. Mr. Saunier replied, to the best of his knowledge, it is owned by Palm Beach County.

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

SUBJECT: 22ND ROAD NORTH / COUNTY-OWNED PARCEL. Mr. Spence stated he needs to write a letter to the County stating that if the County would clean out the canal and remove the trees, the Town would accept this parcel. The question is, if this parcel is already owned by the County, why has the County not maintained it to date. Mr. Spence stated there is a ditch that is overgrown with trees, debris, etc. and is not functioning as a drainage ditch.

Mr. Lipp stated John Choquette quoted a price of approximately \$6,000 to clean out the ditch, including removal of the trees, etc.

Mr. Spence stated there are a total of five (5) parcels of County-owned property that were acquired through tax certificates that the County wants to give to the Town.

Mr. Saunier asked whether the Town has considered splitting it in half, and deeding it over to the adjacent property owners with the proviso that they give the Town an easement with the correct width of 60-feet. Mr. Spence replied this has not been discussed.

Mr. Saunier asked whether a title search has been done on the 22nd Road North property. Mr. Spence replied in the negative.

Mr. Lipp stated he would be willing to hand-deliver a letter from Mr. Spence to Commissioner Santamaria for discussion with the appropriate County Administrator over that area. Mr. Spence agreed.

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

SUBJECT: DISCUSSION ON SETTING WEIGHT LIMITS FOR HEAVY TRUCKS. Mr. Spence stated the previous suggestion by the IGC Committee to consider weight limits set by the Village of Wellington and Village of Royal Palm Beach is not appropriate because those roads are paved roads. He stated he will contact the Florida Department of Transportation and Palm Beach County. Mr. Lipp suggested Mr. Spence contact Indian Trail Improvement District and South Indian River Water Control District.

Mr. Spence stated if Mr. Saunier provides him with a list of special districts and their phone numbers, he will contact them. Mr. Saunier agreed. He asked Ms. Ballard to provide the phone numbers for South Indian River Water Control District, Indian Trail Improvement District, Flagler Estates, and Alachua County.

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

Mr. Lipp asked about the status of OGEM stabilization for the District's parking lot. Mr. Spence stated this is in the hands of the Town's Attorney. Mr. Spence stated he would not recommend proceeding with OGEM stabilization at this time because with the Town taking over the maintenance of non-District roads, the Town is going to need as much money as possible.

Mr. Saunier stated this project was suggested by and had the support of both the Town Council and the Board of Supervisors. Mr. Spence stated it sounded like a good idea in the beginning. Mr. Saunier stated he thinks it is still a good idea.

Mr. Lipp stated he agrees that it is still a good idea.

Mr. Saunier suggested perhaps the Town and District could work together to accomplish OGEM stabilization of the District's parking lot through the agreement with the Town using gas tax monies, and/or through other revenue sources.

Mr. Spence stated he would like to know whether the Town and District could continue to utilize its existing interlocal agreement for maintenance of the roads, or whether a new interlocal agreement would have to be created. Mr. Spence stated Mr. Saunier would have to establish unit costs per mile, which would be billed to the Town; the Town would then pay for those through gas tax monies.

Mr. Saunier asked whether this item could be placed on the agenda for the next Town Council meeting (April 20, 2010). Mr. Spence replied in the affirmative.

SUBJECT: NEXT MEETING DATE AND TIME. The Committee agreed that the next IGC Committee meeting will be held on Friday, May 21, 2010 at 4:00 p.m. at the District office. Mr. Saunier asked the Committee to consider holding subsequent meetings at 2:00 p.m. rather than 4:00 p.m.

Mr. Lipp will remain the Town representative. The Board Supervisor scheduled to represent the District for May-June is Darlene Crawford.

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

The meeting was adjourned by the Committee at 5:10 p.m.



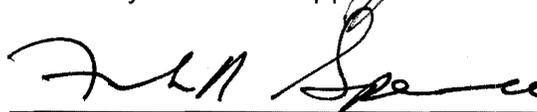
Robert Snowball, LGWCD Board Member



Vice-Mayor Dennis Lipp, Town Council



Clete J. Saunier, LGWCD Administrator



Frank R. Spence, Town Manager