



**Town of Loxahatchee Groves &
Loxahatchee Groves Water Control District
Intergovernmental Coordination Committee Meeting
Friday, April 26, 2013 at 3:00 p.m.
Loxahatchee Groves Water Control District, 101 West “D” Road**

Mayor David Browning
LGWCD Board Member Frank A. Schiola
LGWCD Administrator Stephen E. Yohe

Town Manager & Moderator Mark Kutney
Town Clerk Susan Eichhorn

PUBLIC NOTICE/AGENDA

1. OPENING

- a. Call to Order & Roll Call
- b. Pledge of Allegiance & Invocation
- c. Approval of Agenda

2. CONSENT AGENDA

- a. Approval of Minutes: August 15, 2012; September 19, 2012;
October 10, 2012.

3. PRESENTATIONS

- a. Presentation Regarding Wellington Standards for Best Management Practices for Livestock Waste -*Mike O'Dell, Project Director, Municipality of Wellington*

4. OLD BUSINESS

- a. Roadway Discussion

5. NEW BUSINESS

- a. 24th Circle North
- b. Setting of Next Meeting Date and Time

6. DISCUSSION

7. ADJOURNMENT

Any person who decides to appeal any decision of the committee with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact Lynnette Ballard, LGWCD Administrative Assistant at (561-793-0884), at least 48 hours in advance to request such accommodation. There may be two (2) or more Town of Loxahatchee Groves Councilmembers present at this meeting.



2.a. Approval of Minutes

August 15, 2012, September 19, 2012, October 10, 2012

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT /
TOWN OF LOXAHATCHEE GROVES
INTERGOVERNMENTAL COORDINATION (IGC) COMMITTEE MEETING
WEDNESDAY, AUGUST 15, 2012 / 11:00 A.M.**

Call to Order at 11:00 A.M. / Roll Call

Present:

- Mark A. Kutney, Town Manager, Town of Loxahatchee Groves
- Jim Rockett, Town Council Member, Town of Loxahatchee Groves
- Clete J. Saunier, P.E., District Administrator, LGWCD *
- John Ryan, Board Secretary-Treasurer, LGWCD

* Meeting Facilitator

Pledge of Allegiance / Invocation led by Mr. Saunier

SUBJECT: AGENDA APPROVAL. Mr. Saunier asked if there were any additions, deletions, or substitutions to the Agenda. There being none, Mr. Saunier requested a motion to approve the Agenda.

MOTION: Mr. Rockett made a motion to approve the agenda. Mr. Ryan seconded the motion.

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

SUBJECT: CONSENT AGENDA

A. Approval of Minutes from June 18, 2012 IGC Committee Meeting

Mr. Saunier asked if there were any additions, deletions, or comments to the minutes. There being none, Mr. Saunier requested a motion to approve the Consent Agenda.

MOTION: Mr. Rockett made a motion to approve the Consent Agenda, including the minutes from the June 18, 2012 IGC Committee Meeting. Mr. Ryan seconded the motion.

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

SUBJECT: PRESENTATIONS. Mr. Saunier stated there were no presentations.

MOTION: No motion was necessary.

ACTION: **NO ACTION WAS TAKEN.**

OLD BUSINESS

SUBJECT: INTERLOCAL AGREEMENTS BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT.

- Interlocal Agreement for the Maintenance of Non-District Roads Within the Town of Loxahatchee Groves
- Interlocal Agreement for the Funding of Construction, Reconstruction and Maintenance of Public Roads Located Within the Town of Loxahatchee Groves

Mr. Saunier stated the maintenance of non-District roads within the Town of Loxahatchee Groves has been a discussion of the IGC Committee for a long time.

Mr. Kutney stated he spoke with the Town's Attorney, and the only agreement the Town received is the Amendment to the Interlocal Agreement for the Funding of Construction, Reconstruction, and Maintenance, which involves \$150,000.00 of gas tax revenues. He stated this Amendment was completed and transmitted accordingly.

Mr. Kutney stated the agreement that Mr. Saunier is referring to is still under review. At one point, there were three agreements. Back in June 2012, the IGC Committee discussed combining all three agreements into one agreement. However, after review by both the Town and District legal staff (per the Committee's direction), legal staff stated it would be difficult to combine the agreements. The maintenance of the roads is still under negotiation, and will most likely be presented to the Town Council for review and approval in September 2012.

Mr. Saunier suggested the Committee change the order of this meeting's agenda and discuss the agreement that Mr. Kutney is referring to. A brief discussion ensued.

MOTION: Mr. Ryan made a motion to present the Amendment to the ILA for the Funding of Construction, Reconstruction and Maintenance of Public Roads Located Within the Town of Loxahatchee Groves to the Town Council and the Board of Supervisors for review and approval at their respective September 2012 meetings. Mr. Rockett seconded the motion.

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

Mr. Saunier stated, with regard to the existing agreements, the Town has rejected certain invoicing documentation submitted by the District for services on Town roads. Mr. Saunier requested a copy of this invoicing documentation. Mr. Rockett replied that he needs to review this documentation before it can be released.

Mr. Saunier stated several Road Request forms are transmitted to the District without the date of authorization indicated on the forms. He requested that all future Road Request forms include the date of authorization. Mr. Kutney acknowledged this request.

Mr. Saunier stated the District currently sends each Road Request form to the Town immediately following completion of the road request by District Staff. However, he would prefer to contact the Town at the end of the month to inform Town Staff which road services were completed for that month.

SUBJECT: PLANNING FOR THE UPCOMING JOINT MEETING BETWEEN THE TOWN COUNCIL AND LOXAHATCHEE GROVES WATER CONTROL DISTRICT BOARD OF SUPERVISORS. The IGC Committee discussed the agenda for the joint workshop meeting between the Town Council and the Loxahatchee Groves Water Control District Board of Supervisors.

Mr. Saunier stated he was not certain about Item #2. Mr. Ryan clarified that Item #2 states that Charlie Schoech's legal opinion states that, by virtue of Florida Statutes and Interlocal Agreement, the District could assign road responsibilities that it currently has to the Town.

Mr. Ryan stated the Town has traffic control responsibility; and the District has stabilized some of the roads with OGEM. The OGEM stabilization eliminates the need for grading and watering on those roads. The assignment of certain roads to the Town would be for two reasons: (1) to provide additional clarification and rights to gas tax revenues; and (2) to give the Town control and responsibility for those roads.

Mr. Saunier referenced the proposed agenda for the joint meeting, and noted that Item #4 would have to occur prior to Item #2. The reason for this is because the District does not have the authority to issue easements.

Mr. Saunier stated the District and Town attorneys will need a considerable amount of time to review these items and provide reasonable direction. He requested that the IGC Committee consider postponing the joint workshop meeting until October 2012.

Mr. Ryan stated the whole purpose of this joint workshop meeting is not to obtain public input. It is more of an explanation and education for the

Board of Supervisors and the Town Council so that the Town and District can move forward in their joint working relationship.

Mr. Rockett stated, as part of the education process to the public, a letter could be mailed to all landowners which would disburse the facts to the community. That way, if people are unable to attend the joint meeting, at least they would have an opportunity to be updated.

Mr. Ryan stated the Town will videotape the joint workshop meeting, which would be the education process to the public. Mr. Ryan stated the wording of the public meeting notice needs to clarify that this is not a public workshop, but a workshop meeting of the Town Council and Board of Supervisors. The public may attend this meeting, but the meeting will not invite a lot of public input.

Mr. Kutney noted that, if the meeting is limited specifically to a workshop, the Town Council and Board of Supervisors will not be able to take action on any items unless they call a special meeting. The only action the two boards could take is to develop a consensus.

Mr. Kutney stated the agenda proposed by John Ryan covers the two major issues -- roads and the possibility of a Town-District merger.

Mr. Saunier asked whether the joint workshop meeting could be held in October 2012 instead of September 2012. This would allow time to confirm that all Town Council Members and Board Members will be available, and to provide adequate notice of the workshop meeting.

Mr. Rockett suggested the Town Council's second meeting in October (October 16, 2012) be designated for the joint workshop meeting. The Committee agreed.

Mr. Rockett asked Mr. Kutney to point out to the Town Attorney the following issues: (1) Further thought on the process to work with the District Attorney on the issue regarding Southern States Land and Timber Company; and (2) an opinion on how this issue should be included in the joint workshop meeting.

Mr. Kutney confirmed that the IGC Committee is in agreement to utilize the Community Room at the Central Palm Beach County Chamber of Commerce for the joint workshop meeting.

Mr. Ryan suggested public comments be provided either at the beginning or the end of the meeting, but not both. Mr. Kutney stated he would prefer public comments at the end of the meeting. Mr. Rockett agreed that public comments should be held at the end of the meeting.

MOTION: No motion was necessary.

ACTION: IT WAS THE CONSENSUS OF THE IGC COMMITTEE TO SCHEDULE THE TOWN-DISTRICT JOINT WORKSHOP MEETING FOR TUESDAY, OCTOBER 16, 2012 AT 7:00 P.M. IN THE COMMUNITY ROOM AT THE CENTRAL PALM BEACH COUNTY CHAMBER OF COMMERCE AND TO RECEIVE PUBLIC COMMENTS AT THE END OF THE MEETING.

SUBJECT: SETTING OF NEXT MEETING DATE AND TIME. The IGC Committee scheduled its next meeting for Wednesday, September 19, 2012 at 1:00 p.m. at the District office. Mr. Kutney will facilitate the meeting.

The next designated Board of Supervisors representative is Robert Snowball (September 2012 through December 2012).

The next designated Town Council representative is Jim Rockett (June 2012 through September 2012).

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

SUBJECT: DISCUSSION. There was no additional discussion by the IGC Committee at this time.

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

SUBJECT: MEETING ADJOURNMENT. Mr. Saunier called for a motion to adjourn the IGC Committee Meeting.

MOTION: Mr. Rockett made a motion to adjourn the meeting. Mr. Kutney seconded the motion.

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

The meeting was adjourned by the Facilitator at 12:50 p.m.

John Ryan, Secretary-Treasurer
Loxahatchee Groves Water Control District

Jim Rockett, Town Council Member
Town of Loxahatchee Groves

Clete J. Saunier, District Administrator
Loxahatchee Groves Water Control District

Mark A. Kutney, Town Manager
Town of Loxahatchee Groves

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT /
TOWN OF LOXAHATCHEE GROVES
INTERGOVERNMENTAL COORDINATION (IGC) COMMITTEE MEETING
WEDNESDAY, SEPTEMBER 19, 2012 / 2:00 P.M.**

Call to Order at 2:30 P.M. / Roll Call

Present:

- Mark A. Kutney, Town Manager, Town of Loxahatchee Groves (at 2:30 P.M.)
- Jim Rockett, Town Council Member, Town of Loxahatchee Groves
- Clete J. Saunier, P.E., District Administrator, LGWCD *
- David DeMarois, Board Chairman, LGWCD (substituting for Robert Snowball)

* Meeting Facilitator

Pledge of Allegiance / Invocation led by Mr. Saunier

SUBJECT: AGENDA APPROVAL. Mr. Saunier asked if there were any additions, deletions, or substitutions to the Agenda. There being none, Mr. Saunier requested a motion to approve the Agenda.

MOTION: Mr. Rockett made a motion to approve the agenda. Mr. DeMarois seconded the motion.

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

SUBJECT: CONSENT AGENDA. Mr. Saunier stated the minutes from the previous IGC Committee Meeting were not available at this time.

MOTION: No motion was necessary.

ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: PRESENTATIONS. Mr. Saunier stated there were no presentations.

MOTION: No motion was necessary.

ACTION: **NO ACTION WAS TAKEN.**

OLD BUSINESS

Mr. Saunier stated there was no Old Business to be discussed at this time.

NEW BUSINESS

SUBJECT: DISCUSSION AND PLANNING FOR UPCOMING WORKSHOP MEETING BETWEEN THE TOWN COUNCIL AND LOXAHATCHEE GROVES WATER CONTROL DISTRICT BOARD OF SUPERVISORS – OCTOBER 16, 2012 AT 7:00 P.M. Mr. Saunier inquired about the location of the workshop meeting.

Mr. Kutney replied that he and Town Mayor David Browning agreed the workshop meeting should be held at the Central Palm Beach County Chamber of Commerce (Community Room), located at 13901 Southern Boulevard (at "F" Road).

Mr. Kutney requested confirmation that the workshop meeting would be held at 7:00 p.m. Mr. Rockett replied in the affirmative.

Mr. Kutney stated the Town and District Attorneys have been asked to begin working on the list of agenda items to be discussed at the workshop meeting. Mr. Kutney and Mr. Saunier indicated they would contact their respective attorneys to obtain an update.

Mr. Saunier requested a motion to approve the agendas as presented, and to direct legal staff to prepare their respective reports for the next Board and Town Council meetings.

Mr. Rockett stated he would like to discuss the recently-installed speed humps (on the OGEM roads) at the joint workshop meeting.

Mr. Saunier stated he is not certain all of the agenda items can be discussed at one workshop meeting. Mr. Kutney stated the original idea was to schedule several workshop meetings.

Mr. DeMarois stated perhaps the Town and District could start with Item #2 first, and ask the Town and District Attorneys to review the 1917 Deed of Easement, interpret it, and then make suggestions to the Town and District on how to proceed.

Mr. Kutney stated the Town and District Attorneys will be much more involved in the workshop meeting in October than they were at the last workshop meeting in January.

MOTION: Mr. DeMarois made a motion for the Town and District Attorneys to receive the workshop meeting outline prepared by Supervisor John Ryan (including the additional item regarding speed humps); to review and prioritize the outline; and to address each item in a legal memorandum for presentation at the next Town Council and Board of Supervisors meetings

(October 2, 2012 and October 8, 2012, respectively). Mr. Rockett seconded the motion.

ACTION: MOTION PASSED 4 TO 0.

Mr. Saunier inquired whether the workshop meeting should be open for public comments. Mr. Kutney stated he would prefer allowing public comments at the end of the meeting. Mr. DeMarois agreed with Mr. Kutney and added that comments should be limited to three minutes.

Mr. Kutney inquired about a moderator for the workshop meeting and whether the Committee should consider allowing Board Chairman David DeMarois and Town Mayor David Browning to facilitate the meeting. Mr. DeMarois stated there will be more than one workshop meeting, and he would be willing to facilitate the first meeting; and Mayor Browning could facilitate the second meeting. Mr. Saunier stated he would prefer that Staff not facilitate any of the workshop meetings. Mr. Rockett suggested the Town and District attorneys could facilitate the workshop meetings.

Mr. Kutney stated it might be difficult for the attorneys to serve as moderators and to provide input at the meeting.

IT WAS THE CONSENSUS OF THE IGC COMMITTEE THAT EITHER BOARD CHAIRMAN DAVID DEMAROIS OR TOWN MAYOR DAVID BROWNING WOULD FACILITATE THE OCTOBER 16, 2012 JOINT WORKSHOP MEETING; AND THAT PUBLIC COMMENTS WOULD BE ALLOWED AT THE END OF THE MEETING (3-MINUTE TIME LIMIT PER PERSON).

Mr. Kutney announced that the Town Council, at its last meeting (September 18, 2012), agreed to hear the plat regarding the Simon Property on October 2, 2012 without it going to the Planning and Zoning Board. The advertisement will be published in the newspaper on September 20, 2012 and the Town Council will deliberate on it at their October 2, 2012 meeting. Since the Board of Supervisors is not scheduled to review the plat until October 8, 2012, the Resolution to be adopted by the Town Council will indicate the plat is subject to the Board's approval.

SUBJECT: SETTING OF NEXT MEETING DATE AND TIME. The IGC Committee scheduled its next meeting for Wednesday, October 10, 2012 at 2:00 p.m. at the District office. Mr. Saunier will facilitate the meeting.

The next designated Board of Supervisors representative is Robert Snowball (September 2012 through December 2012). However, David

DeMarois will substitute for Mr. Snowball due to a conflict in Mr. Snowball's schedule.

The next designated Town Council representative is Ryan Liang (October 2012 through January 2013).

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

SUBJECT: MEETING ADJOURNMENT. Mr. Kutney called for a motion to adjourn the IGC Committee Meeting.
MOTION: Mr. Rockett made a motion to adjourn the meeting. Mr. Saunier seconded the motion.
ACTION: **MOTION PASSED 4 TO 0.**

The meeting was adjourned by the Facilitator at 3:50 p.m.

David DeMarois, Board Chairman
Loxahatchee Groves Water Control District

Jim Rockett, Town Council Member
Town of Loxahatchee Groves

Clete J. Saunier, District Administrator
Loxahatchee Groves Water Control District

Mark A. Kutney, Town Manager
Town of Loxahatchee Groves

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT /
TOWN OF LOXAHATCHEE GROVES
INTERGOVERNMENTAL COORDINATION (IGC) COMMITTEE MEETING
WEDNESDAY, OCTOBER 10, 2012 / 2:00 P.M.**

Call to Order at 2:10 P.M. / Roll Call

Present:

- Mark A. Kutney, Town Manager, Town of Loxahatchee Groves *
- Jim Rockett, Town Council Member, Town of Loxahatchee Groves
- Clete J. Saunier, P.E., District Administrator, LGWCD
- David DeMarois, Board Chairman, LGWCD

* Meeting Facilitator

Mr. Kutney stated Jim Rockett was substituting for Ryan Liang and David DeMarois was substituting for Robert Snowball.

Pledge of Allegiance / Invocation led by Mr. Kutney.

SUBJECT: AGENDA APPROVAL. Mr. Kutney asked if there were any additions, deletions, or substitutions to the Agenda. There were none.

MOTION: Mr. DeMarois made a motion to approve the agenda. Mr. Rockett seconded the motion.

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

SUBJECT: CONSENT AGENDA. Mr. Kutney stated the minutes from the previous IGC Committee Meeting were not available at this time.

MOTION: No motion was necessary.

ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: PRESENTATIONS. Mr. Kutney stated there were no presentations.

MOTION: No motion was necessary.

ACTION: **NO ACTION WAS TAKEN.**

OLD BUSINESS

SUBJECT: DISCUSSION AND PLANNING FOR UPCOMING JOINT MEETING BETWEEN TOWN COUNCIL AND LOXAHATCHEE GROVES WATER CONTROL DISTRICT BOARD OF SUPERVISORS – OCTOBER 16, 2012 AT 7:00 P.M. Mr. Kutney stated the joint workshop meeting between

the Town Council and the District's Board of Supervisors will be held on Tuesday, October 16, 2012 at 7:00 p.m. at the Community Room of the Central Palm Beach County Chamber of Commerce.

Mr. Kutney asked whether the workshop meeting time could be changed to 6:00 p.m. Mr. Rockett stated Mayor Browning might have a scheduling conflict with 6:00 p.m. Mr. DeMarois stated Supervisor Don Widing might also have a scheduling conflict. Mr. Saunier stated the Board of Supervisors would like to hold the meeting from 7:00 p.m. to 10:00 p.m. Mr. Kutney suggested starting the meeting at 7:00 p.m. with no specific ending time.

Mr. Kutney stated Mr. Saunier provided him with a summary e-mail based upon input from the District's Board of Supervisors at the October 8, 2012 meeting. This summary includes an outline of agenda items for discussion as prepared by Supervisor John Ryan. Mr. Kutney stated the only item that the IGC Committee would like to add for discussion is the speed hump issue.

The outline of agenda items, suggested by Supervisor John Ryan, is as follows:

1. Alternative futures for L.G.W.C.D. as it relates to Town

- A. Independent Special District
 - 1. With periodic assignment of OGEM/speed hump road segments to Town
 - 2. Providing contract services to Town for all roads (District and non-District)
 - 3. Continuing sharing of revenues associated with gas tax funds received by the Town
- B. Dependent Special District
 - 1. Ad valorem tax basis for non-assigned roads and canals
 - 2. Acre assessment basis for non-assigned roads and canals

2. Periodic assignment of District's rights and/or responsibility for OGEM road segments to Town per Charlie Schoech's April, 2007 legal opinion

- A. Relevant Florida Statutes
- B. Consider effect of 1918 Deed of Easement
- C. Consider current District enabling legislation and acre assessment authority

3. District handling maintenance work on both assigned District roads and non-District roads

- A. Per Town approved schedule and as needed/on call
- B. Payment/reimbursement arrangements – ILA and process documentation involved

4. District action required to convert 1918 perpetual Deed of Easement from Southern States Land and Timber to fee simple ownership (probably without mineral rights)

- A. Quiet title action (with notification to SSL&T)
- B. Any amendment (local bill) to District enabling legislation required

5. Compile (update as necessary and advisable) surveys (associated with #4 above) to permit sufficient “trails access control” by the Town to comply with grant application requirements

6. Speed Humps – Design and liability issues

Mr. Saunier stated the Board of Supervisors, at its October 8, 2012 regular meeting, indicated they would like to discuss (in order) agenda items #1, #3, and #4. If time permits, item #2 could be discussed afterward.

Mr. Rockett stated agenda item #4 should be the first item on the workshop meeting agenda. Mr. Kutney concurred.

A lengthy discussion ensued among the IGC Committee Members.

Mr. Kutney requested confirmation that the IGC Committee would like to place the following agenda items from Supervisor John Ryan’s outline in the following order: **Item #4, Item #1, Item #2, Item #5, Item #6, and Item #3.** Mr. Saunier stated this order was not what the Board of Supervisors agreed upon.

Mr. DeMarois suggested Item #6 (regarding speed humps) be placed under Item #3 as agenda item #3c. Mr. Kutney and Mr. Rockett agreed.

MOTION: Mr. Rockett made a motion to approve and accept the revised workshop meeting agenda as described by Mr. Kutney above. Mr. DeMarois seconded the motion.

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

NEW BUSINESS

SUBJECT: SETTING OF NEXT MEETING DATE AND TIME. Mr. Kutney stated the Committee needs to schedule the meeting date and time for the next IGC Committee Meeting. He asked whether the Committee would like to establish a particular day of the week. Mr. Saunier stated he would prefer Wednesdays.

MOTION: No motion was necessary.

ACTION: **IT WAS THE CONSENSUS OF THE IGC COMMITTEE THAT ALL FUTURE IGC COMMITTEE MEETINGS WOULD BE HELD ON THE THIRD WEDNESDAY OF EVERY MONTH.**

The IGC Committee scheduled its next meeting for Wednesday, November 14, 2012 at 2:00 p.m. at the District office. Mr. Saunier will facilitate the meeting.

The next designated Board of Supervisors representative is Robert Snowball (September 2012 through December 2012).

The next designated Town Council representative is Ryan Liang (October 2012 through January 2013).

SUBJECT: MEETING ADJOURNMENT. Mr. Kutney called for a motion to adjourn the IGC Committee Meeting.

MOTION: Mr. DeMarois made a motion to adjourn the meeting. Mr. Rockett seconded the motion.

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

The meeting was adjourned by the Facilitator at 3:15 p.m.

David DeMarois, Board Chairman
Loxahatchee Groves Water Control District

Jim Rockett, Town Council Member
Town of Loxahatchee Groves

Clete J. Saunier, District Administrator
Loxahatchee Groves Water Control District

Mark A. Kutney, Town Manager
Town of Loxahatchee Groves

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