

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT /
TOWN OF LOXAHATCHEE GROVES
INTERGOVERNMENTAL COORDINATION (IGC) COMMITTEE MEETING
FRIDAY, OCTOBER 1, 2010 / 3:00 P.M.**

Call to Order at 3:15 P.M. / Roll Call

Present: Frank R. Spence - Town Manager, Town of Loxahatchee Groves
Jim Rockett - Town Council Member, Town of Loxahatchee Groves
Clete J. Saunier, P.E. - District Administrator, LGWCD (Meeting Moderator)
John Ryan - Deputy Secretary-Treasurer, LGWCD

Also Present: Lynnette R. Ballard - Administrative Secretary, LGWCD

Pledge of Allegiance / Invocation led by Mr. Saunier.

SUBJECT: AGENDA APPROVAL. Mr. Saunier requested approval of the agenda. Mr. Ryan requested the addition of the following four (4) agenda items:

- Item 12a -- Discussion of EPA/FDEP Numeric Nutrient Criteria
- Item 12b -- Town Council Support of District's Local Bill
- Item 12c -- Florida Power & Light - Power Poles on North "C" Road
- Item 12d -- Discussion regarding Sixth Court North

There were no other additions, deletions, or substitutions to the Agenda.

MOTION: Mr. Spence made a motion to approve the agenda including the additional four (4) agenda items as requested by Mr. Ryan. Mr. Rockett seconded the motion.

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

SUBJECT: APPROVAL OF MINUTES FROM AUGUST 27, 2010 IGC COMMITTEE MEETING. Mr. Saunier asked if there were any additions, deletions, or comments to the minutes from the August 27, 2010 IGC Committee meeting. There were none.

MOTION: No motion was necessary.

ACTION: **IT WAS THE CONSENSUS OF MR. SPENCE AND MR. SAUNIER TO APPROVE THE MINUTES FROM THE AUGUST 27, 2010 IGC COMMITTEE MEETING, CONTINGENT UPON APPROVAL BY RON JARRIEL AND DAVID DEMAROIS PRIOR TO THE NEXT IGC COMMITTEE MEETING.**

Mr. Spence stated, for purposes of bringing the new IGC Committee Members up-to-date, most of the agenda items are ongoing discussions. Since the IGC Committee meets on a monthly basis, the Committee tries to show activity or action on these various items.

SUBJECT: 40TH STREET NORTH / CANAL ACCESS ROAD / TOWN OVERLAY OF EASEMENTS. Mr. Saunier stated the Town's legal counsel is actively pursuing this issue as efficiently as possible.

Mr. Ryan requested confirmation that this issue involves the District granting an easement to the Town with respect to public use of the District's canal rights-of-way. Mr. Saunier agreed.

Mr. Spence stated the Town will be installing signs that caution people to travel at their own risk, and will also begin posting speed limit signs. He stated some people would like to establish a speed limit of 15 mph, however, the Code states County roads cannot have a speed limit below 20 mph.

Mr. Saunier stated the District has ordered signs that will advise residents and/or invitees that this road is a canal access road, and caution them to travel at their own risk. The Town will need to establish a speed limit for that road.

Mr. Rockett asked for confirmation that the Town's Attorney is actively pursuing this issue. Mr. Spence replied that the Town's Attorney is pursuing the easement. Mr. Saunier stated the road is currently located on the District's right-of-way. He stated it is not 40th Street North. He stated it was never intended to be a regular public access road.

Mr. Saunier explained that there are "reservations" for a future easement along many of the properties. Their legal description states they reserve the southern 30 feet for roadway ingress and egress purposes. A road was never built, nor was an easement recorded indicating the road was 40th Street North. The Town would eventually have to create 40th Street North as a public easement and record it as such; then build the road.

Mr. Rockett inquired whether the reservation includes the section involving Sunsport Gardens. Mr. Saunier replied in the negative.

Mr. Rockett inquired whether the District's Attorney has completed her legal review and any necessary action on this issue. Mr. Saunier replied that Ms. Viator would not need to take any action on this issue until the Town's Attorney, Mike Cirullo, establishes specific language to be included in the easement.

There was no further discussion by the IGC Committee on this item.

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

SUBJECT: NON-DISTRICT ROAD MAINTENANCE POLICY. Mr. Spence stated the Town's Attorney, Mike Cirullo, is still working on this issue. Mr. Spence stated he believes the Town's Non-District Road Maintenance Policy should be comparable to the District's standards. Up to now, the District has performed courtesy grading services on non-District roads; however, these roads will be taken over by the Town in the future. It would be in the Town's best interest to ensure there are identical standards regarding culverts, drainage, swales, and any other aspects of unpaved roads. This is the first step in the process. Mr. Spence stated as these items are addressed, he will present them to the Town Council for final acceptance and approval. He stated the target date is Tuesday, October 19, 2010. Mr. Spence stated today is the first day of the new fiscal year, and the Town's revenue will start being applied toward maintenance on non-District roads.

Mr. Saunier stated he met with Mr. Spence, Mr. Cirullo, and Ms. Viator on Tuesday, September 28, 2010 to discuss these issues. During that meeting, it was decided that as an interim first-step measure, he would provide a copy of the District's Courtesy Grading Policy to the Town. He stated he is also working on an agenda item for the District's Board of Supervisors to review at its next regular meeting (October 11, 2010).

Mr. Saunier stated he is working on estimated costs to provide maintenance on non-District roads for the Town to consider.

Mr. Saunier stated the District will eventually need to increase its personnel and equipment in order to keep up with the additional road work that the Town is going to want done.

Mr. Spence stated there is currently one non-District road, 147th Avenue North, with residents that want OGEM on the road.

Mr. Spence stated the Town will address the easiest roads first – the roads with no major issues.

Mr. Saunier stated he will provide information regarding the non-District road maintenance policy to the Board of Supervisors at the October 11, 2010 regular Board meeting.

Mr. Saunier explained the District's Courtesy Grading Policy, and noted there are two types of courtesy grading – active and passive. Active courtesy

grading applies to those roads that connect two District roads, and these roads would take precedent over passive grades. Passive courtesy grading applies to smaller, dead-end roads.

Mr. Saunier stated the Town and District need to establish an interlocal agreement to provide road grading services on non-District (Town) roads. Mr. Spence stated that up to now, the Town's Attorney has been in favor of amending the existing ILA for the sake of simplicity.

Mr. Saunier stated it might be better to have a separate agreement because the current ILA is a funding agreement related only to maintenance costs on District roads. The new ILA would address non-District roads with the District working as the Town's contractor. Mr. Saunier suggested the Town's Attorney address this issue, and Mr. Spence agreed.

There was no further discussion by the IGC Committee on this item.

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

SUBJECT: ACCEPTANCE OF 22ND ROAD NORTH / COUNTY-OWNED PARCEL. Mr. Spence stated the Town Council has agreed to accept 22nd Road North from the County, with the conditions that costs for surveying and cleaning the ditch will be paid by the County. The County indicated it would give the Town \$5,000.00 toward this parcel, as well as the title. The \$5,000.00 donation has been placed on the County Commission's meeting agenda for this coming Tuesday (October 5, 2010). Mr. Spence stated he will attend that meeting. The County has indicated it will send the title to this parcel within three weeks after approval by the County Commission.

Mr. Spence stated he has engaged the services of A & B Engineering, Inc. to perform surveying work on this parcel. Mr. Spence stated the ditch is covered with thick, overgrown vegetation that interferes with the flow of drainage. He stated he will request proposals to clean out the ditch.

There was no further discussion by the IGC Committee on this item.

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

SUBJECT: DEDICATION OF 148TH TERRACE NORTH / STATUS OF BRIDGE CULVERT. Mr. Saunier stated the Town's Attorney will be coordinating this issue with the title company's attorney. During the recent meeting with Mike Cirullo, Frank Spence, and Mary Viator, it was clearly pointed out that the

permit application and dedication of the roadway would be a discussion between D.J. Doody and Barbara Richardson, who represents the title company. They would then apply for a permit on behalf of the Town, and move forward with the bridge culvert construction.

Mr. Saunier stated there are two separate, but related issues: the bridge culvert permit (with the Town being the Permittee on the permit) and the recording of 148th Terrace North as a Town road.

Mr. Spence inquired whether construction of the bridge would be bid out. Mr. Saunier replied he thought Ms. Richardson may have already obtained quotes and a contractor.

There was no further discussion by the IGC Committee on this item.

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

SUBJECT: SHELLROCK IMPROVEMENT FOR SUNSPORT GARDENS CUT-THRU (40TH STREET NORTH). Mr. Spence stated he requested shellrock improvements for the Sunsport Gardens Cut-Thru (40th Street North), and the District addressed it immediately.

There was no further discussion by the IGC Committee on this item.

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

SUBJECT: DISCUSSION REGARDING FDEP'S RESPONSE TO EPA NUMERIC NUTRIENT CRITERIA. Mr. Saunier stated he has included in the Board meeting packets a presentation from Lisa Tropepe of Engenuity Group which provides a very thorough update on the legal status of this issue. This presentation indicates the deadline for policy finalization on canal water quality criteria has been extended to August 2012. A 30-day extension was granted for the coastal waters and estuarian systems such as the Lake Worth Lagoon, Loxahatchee River, St. Johns River, etc. to November 14, 2010.

Mr. Ryan stated the people that are directly involved (agriculture interests, Water Control Districts, water authorities such as Palm Beach County Water Utilities Department, and South Florida Water Management District) all know this is a multi-billion dollar problem. The US EPA is forcing it on Florida only, so they will have a premier example to present throughout the United States.

Mr. Ryan stated the variables need to be considered – the water residence time and transparency, the solidity to resolve the oxygen, etc. There are multiple factors that are different in each one of these areas for several reasons. If an agency is looking at water quality, they need to consider all of them. He stated the EPA was taking extra precautionary measures.

There was no further discussion by the IGC Committee on this item.

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

SUBJECT: DISCUSSION REGARDING TOWN COUNCIL'S SUPPORT OF DISTRICT'S LOCAL BILL.

MOTION: No motion was necessary.
ACTION: **IT WAS THE CONSENSUS OF THE COMMITTEE TO TABLE THIS ITEM TO THE NEXT IGC COMMITTEE MEETING.**

SUBJECT: FLORIDA POWER & LIGHT – RELOCATION OF POWER POLES ON NORTH "C" ROAD.

MOTION: No motion was necessary.
ACTION: **IT WAS THE CONSENSUS OF THE COMMITTEE TO TABLE THIS ITEM TO THE NEXT IGC COMMITTEE MEETING.**

SUBJECT: DISCUSSION REGARDING SIXTH COURT NORTH. Mr. Ryan stated in his opinion, Sixth Court North is the District's canal maintenance road. It runs along the south side of Collecting Canal Road, and goes from "D" Road to Folsom Road.

Mr. Saunier explained that there is a road on both sides of the canal. On the north side is Collecting Canal Road which runs east-west from "D" Road to Folsom Road. On the south side is Sixth Court North and it lies entirely outside of the canal right-of-way, but within a 25 or 30 foot road easement.

There was no further discussion by the IGC Committee on this item.

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

SUBJECT: SETTING OF NEXT MEETING DATE AND TIME. The Committee agreed to schedule its next meeting for Friday, October 22, 2010 at 3:00 p.m. John Ryan and Jim Rockett will continue to serve as the District and Town representatives on the IGC Committee, respectively.

There was no further discussion by the IGC Committee on this item.

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

MEMBER COMMENTS

There were no comments from the IGC Committee members.

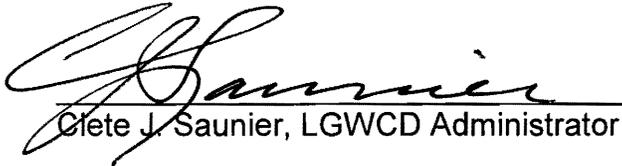
The meeting was adjourned by the Committee at 5:10 p.m.



John Ryan, LGWCD Deputy Sec-Treasurer



Jim Rockett, Town Council Member



Clete J. Saunier, LGWCD Administrator



Frank R. Spence, Town Manager