

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT
BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING - MARCH 9, 2009**

Call to Order at 7:30 P.M.

Roll Call: David DeMarois, Don Widing, John Ryan, Robert Snowball, and Ron Jarriel present.

Also Present: Clete J. Saunier, P.E., District Administrator, Mary M. Viator, Esquire, and Lynnette R. Ballard, Administrative Secretary.

Invocation / Pledge of Allegiance led by Mr. Saunier.

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

MOTION: Mr. Widing made a motion to approve and adopt the Regular Agenda as presented. Mr. Ryan seconded the motion.

There were no comments from the Board or the public on this item.

ACTION: **MOTION PASSED 5 TO 0.**

SUBJECT: RESOLUTION 09-02: CERTIFYING THE RESULTS OF LANDOWNER REFERENDUM AND PROVIDING AN EFFECTIVE DATE (NORTH "A" ROAD). Mr. Saunier stated the affected landowners of north "A" Road and North Road, by a majority vote of the acreage cast at the February 24, 2009 referendum, approved Open Grade Emulsion road stabilization improvements on north "A" Road and North Road. The results of the referendum need to be certified to the Florida Department of State and the Palm Beach County Supervisor of Elections by the Board of Supervisors.

Mr. Saunier requested Board approval of Resolution 09-02: Resolution of the Board of Supervisors of Loxahatchee Groves Water Control District Certifying to the Florida Department of State, Pursuant to Section 100.351, Florida Statutes, the Results of a Landowner Referendum Pursuant to Chapter 99-425, Laws of Florida, as Amended by Chapter 2004-410, Laws of Florida; and Providing an Effective Date.

MOTION: Mr. Jarriel made a motion to accept and adopt Resolution 09-02: Resolution of the Board of Supervisors of Loxahatchee Groves Water Control District Certifying to the Florida Department of State, Pursuant to Section 100.351, Florida Statutes, the Results of a Landowner Referendum Pursuant to Chapter 99-425, Laws of Florida,

as Amended by Chapter 2004-410, Laws of Florida; and Providing an Effective Date. Mr. Ryan seconded the motion.

There were no comments by the Board or the public on this item.

ACTION: MOTION PASSED 5 TO 0.

ACTION: IT WAS THE CONSENSUS OF THE BOARD TO RECOGNIZE AND RECEIVE THE ACCOUNTANT'S REPORT OF REFERENDUM ELECTION RESULTS (NORTH "A" ROAD AND NORTH ROAD) DATED FEBRUARY 24, 2009.

SUBJECT: RESOLUTION 09-03: TO PROCEED WITH OPEN GRADE EMULSION (OGEM) ROAD STABILIZATION IMPROVEMENTS ON NORTH "A" ROAD AND NORTH ROAD, AS APPROVED BY LANDOWNER REFERENDUM. Mr. Saunier stated the affected landowners of north "A" Road and North Road approved Open Grade Emulsion road stabilization improvements on north "A" Road and North Road by a majority vote of the acreage cast at the February 24, 2009 referendum election. The Board of Supervisors must authorize the implementation of the improvements, the costs of which shall be paid by the affected landowners on north "A" Road and North Road through a special assessment.

Mr. Saunier requested Board approval of Resolution 09-03: Resolution of the Board of Supervisors of Loxahatchee Groves Water Control District to Proceed with Open Grade Emulsion (OGEM) Road Stabilization Improvements on north "A" Road and North Road, as Approved by Landowner Referendum.

MOTION: Mr. Snowball made a motion to accept and adopt Resolution 09-03: Resolution of the Board of Supervisors of Loxahatchee Groves Water Control District to Proceed with Open Grade Emulsion (OGEM) Road Stabilization Improvements on north "A" Road and North Road, as Approved by Landowner Referendum. Mr. Widing seconded the motion.

There were no comments by the Board or the public regarding this item.

ACTION: MOTION PASSED 5 TO 0.

SUBJECT: TOWN OF LOXAHATCHEE GROVES RESOLUTION 2009-003 RE: FIREWORKS REGULATIONS. Mr. Saunier stated the Town of Loxahatchee Groves passed Resolution 2009-003 at its February 3, 2009 Council meeting. The Resolution requested that the Legislature repeal the moratorium restricting a local government's ability to enact ordinances regulating an individual's right to purchase,

sell, use, or possess consumer fireworks. On February 13, 2009, the District received a letter from the Town Clerk requesting the District's support on this issue.

Mr. Saunier requested Board consideration and discussion of the Town's request for support on this issue.

Mr. Widing stated fire protection is critical, and stated the Board should support the Town's resolution regarding fireworks regulations.

Mr. Jarriel stated although the Town is justifiable with its concern about fireworks, the District's authority is limited to roadway and canal maintenance. He stated the Water Control District should consider only roadway and canal system issues.

Mr. Snowball stated he sees no problem with the District supporting the Town on the resolution regarding fireworks regulations.

Mr. Ryan stated he understands the Legislature established a consumer fireworks task force to study the issues in 2007. The task force report was submitted on January 15, 2008. He asked Mr. Saunier whether he knows any of the details of this report. Mr. Saunier replied in the negative. Mr. Ryan stated although he is not certain the Water Control District should become involved in fireworks issues, he is in favor of supporting the Town's resolution regarding fireworks regulations.

Mr. DeMarois stated he concurs with Mr. Widing and Mr. Jarriel. Although he is personally in favor of supporting the Resolution, the Board would be going outside of its statutory authority to address this issue.

Mr. Widing stated fire control within the Loxahatchee Groves community is in everyone's best interest, and the Board should support the Town's efforts with respect to this item.

Dennis Lipp, 13402 North Road encouraged the Board to consider their support of the Town's resolution regarding fireworks regulations.

Matthew Lippman, Town Clerk, clarified that the Town is not trying to ban the use of fireworks, but rather to create an awareness of the safety issues related to the use of fireworks.

MOTION: No motion was necessary.

ACTION: **IT WAS THE CONSENSUS OF THE BOARD TO DIRECT MR. SAUNIER TO SEND A LETTER TO THE TOWN OF LOXAHATCHEE GROVES EXPRESSING THE BOARD'S SUPPORT OF THE TOWN'S RESOLUTION 2009-003.**

SUBJECT: TOWN OF LOXAHATCHEE GROVES RESOLUTION 2009-004 RE: INCREASE IN TRUCK TRAFFIC ON STATE ROAD 80. Mr. Saunier stated the Town Council is expressing its concern in the increase in truck traffic on State Road 80 that will potentially result from the transport of solid waste to the proposed location of the new Palm Beach County landfill. The landfill will be near the District's and Town's boundaries. The Town Council is requesting the District's Board of Supervisors support the use of the Florida East Coast Railway and CSX Railroad tracks to assist in the transport of solid waste to the new County landfill.

Mr. Saunier requested Board consideration and discussion of supporting the Town Council and other local government efforts to support Palm Beach County's use of the Florida East Coast Railway and CSX Railroad tracks to transport solid waste to the new Palm Beach County landfill.

Mr. Saunier noted that the use of railroads would have a significant positive impact on decreasing the amount of truck traffic on State Road 80. He stated, as District Engineer, he is concerned about the potential increase in truck volume, and stated there is a potential for adverse impacts to the District's intersecting roads.

Mr. Snowball stated he supports the Town's Resolution 2009-004 regarding the increase in truck traffic on State Road 80.

Mr. Ryan asked Mr. Lippman whether a final location for the County's landfill has been determined. Mr. Lippman replied in the negative. Mr. Ryan stated there are several reasons to oppose the truck traffic and to support the railroad use, one of which is fuel.

Mr. Lippman stated the most likely location for the landfill is Twenty-Mile Bend, however, the County is still discussing locations. He stated the reason the Town Council became involved was the potential adverse traffic impact on Southern Boulevard and Okeechobee Boulevard.

Mr. Ryan stated the District's letter expressing support of this Resolution should include the fuel aspect. He stated he supports the Town's Resolution 2009-004 regarding the increase in truck traffic on State Road 80.

Mr. Widing had no comments regarding this item.

Mr. Jarriel stated he supports the Town's Resolution 2009-004. He stated State Road 80 is already a dangerous road, and most fatalities that occur are a result of dump truck traffic and heavy vehicles.

Mr. DeMarois stated he supports the Town's Resolution 2009-004.

MOTION: No motion was necessary.

ACTION: IT WAS THE CONSENSUS OF THE BOARD TO DIRECT MR. SAUNIER TO SEND A LETTER TO THE TOWN OF LOXAHATCHEE GROVES EXPRESSING THE BOARD'S SUPPORT OF THE TOWN'S RESOLUTION 2009-004.

SUBJECT: PROCLAMATION: DECLARATION OF APRIL AS WATER CONSERVATION MONTH. Mr. Saunier stated the South Florida Water Management District and its Governing Board supports Governor Charlie Crist's proclamation of April as Water Conservation Month and has requested the District adopt its own proclamation.

Mr. Saunier requested Board adoption of a Proclamation Declaring April as Water Conservation Month.

MOTION: Mr. Jarriel made a motion to adopt a Proclamation Declaring April as Water Conservation Month. Mr. Ryan seconded the motion.

There were no comments from the Board or the public on this item.

ACTION: MOTION PASSED 5 TO 0.

SUBJECT: INTERGOVERNMENTAL COORDINATION COMMITTEE (IGC) MEETING REPORT. Mr. Saunier stated the last Town and District Intergovernmental Coordination (IGC) Committee meeting was held on Friday, February 13, 2009. In attendance were Clete Saunier, Dr. Bill Louda, Dr. Irv Rosenbaum, and John Ryan. The topics of discussion included the following: (1) Water Conservation and Fire Suppression; (2) Coordination between Town and District Relating to Town Comprehensive Plan; (3) Road and Maintenance Responsibilities and Jurisdiction; (4) Coordination between Town and District relating to Road Improvements; (5) 40th Street North/North Road Canal; (6) Federal Funding Sources, (7) LGWCD Communication of Agreements to Public and Town Council.

In summary, the IGC Committee agreed to support alternative fire suppression water sourcing research with the Town Council and the Board of Supervisors. The IGC Committee approved the revised Town of Loxahatchee Groves Comprehensive Plan (second) submittal to the Department of Community Affairs. Town Staff will request Town Council and Staff's support of attending and participating in a landowner workshop meeting for 40th Street North/North Road Canal.

Mr. Saunier noted Supervisor John Ryan's two-month term on the IGC Committee expired on February 28, 2009. Supervisor Robert Snowball is designated as the next Board representative on this Committee. His term will expire on April 30, 2009.

Mr. Ryan stated the IGC Committee meetings have worked out very well, and the Town and District have made outstanding progress by meeting on a regular basis. He stated the Town and District have resolved the issues regarding the Town's Comprehensive Plan. He stated the issues involving 40th Street North and the North Road equestrian trail are very important and he is hopeful they will be resolved in the very near future. He stated the IGC Committee is considering a gray water connection from Florida Power & Light as an alternative to pumping water into the District's canals.

Mr. DeMarois thanked Mr. Ryan for doing a fine job in serving on the IGC Committee for the past two months, and stated the Board is looking forward to Mr. Snowball's service on the Committee.

Mr. Jarriel stated, despite the fact that Mr. Snowball is scheduled as the next Board representative to serve on the IGC Committee, he would like Mr. Ryan to continue to serve on the Committee for another two-month term.

Mr. DeMarois asked Mr. Snowball for his comments about Mr. Jarriel's suggestion. Mr. Snowball stated he has no problem with Mr. Jarriel's suggestion, and stated he is leaving the decision to Mr. Ryan. Mr. Ryan stated he will leave the decision to Mr. Snowball. Mr. Snowball stated he will serve on the Committee effective Friday, March 13, 2009.

Ms. Viator asked whether the IGC Committee meeting has been duly advertised, and Mr. Lippman replied in the affirmative.

MOTION: No motion was necessary.

There were no comments from the public on this item.

ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: NORTH "D" ROAD REFERENDUM ELECTION / LANDOWNERS MEETING - DATE CHANGE. Mr. Saunier stated in light of the fact that the date scheduled for holding the north "D" Road and North Road referendum election and landowners meeting is April 9, 2009 and that date coincides with Passover and precedes the Easter Sunday weekend, Staff requested approval from the Board to reschedule the meeting date to April 22, 2009. The Board members were contacted individually by the District Administrator to confirm the meeting schedule change.

Mr. Saunier requested Board approval to change the date of the north "D" Road and North Road referendum election and landowners meeting from April 9, 2009 to April 22, 2009.

Ms. Viator noted she would not be able to attend the north “D” Road and North Road referendum election / landowners meeting on April 22, 2009; however, Peggy Wood, Esquire from Caldwell and Pacetti will attend.

MOTION: Mr. Jarriel made a motion to change the date of the north “D” Road and North Road referendum election and landowners meeting from April 9, 2009 to April 22, 2009. Mr. Widing seconded the motion.

There were no comments by the Board or the public on this item.

ACTION: MOTION PASSED 5 TO 0.

SUBJECT: PROPOSED PROJECTS FOR FY 2009-2010. Mr. Saunier stated in preparation for the first draft of the FY 2009-2010 budget proposal, Staff has developed a list of critical projects for Board consideration. The proposed projects for next year’s budget consideration are as follows:

1. “D” Road Canal Improvements–Phase II: Clearing all encroaching vegetation from canal right-of-way, dredging, restoring, and reshaping canal section to design specifications, and seeding and grassing disturbed areas. Project limits include the “D” Road Canal right-of-way from Okeechobee Boulevard to North Road.
2. “A” Road Canal Right-of-Way Land Survey: Project includes professional boundary and topographic surveying services for the “A” Road Canal right-of-way from Southern Boulevard (State Road 80) to North Road.
3. Replacement of all “D” Road Canal Bridge Culverts Serving Intersecting District Roads: Project includes replacement of two (2) bridge culvert crossings at the intersection of “D” Road and Collecting Canal Road.
4. Road Improvements for North “B” Road: Project includes placement of six (6) inches of base rock to “B” Road from Okeechobee Boulevard to North Road.
5. Road Improvements for South “C” Road: Project includes placement of six (6) inches of base rock to “C” Road from Collecting Canal Road to Okeechobee Boulevard.
6. OGEM Stabilization Improvements for the District’s work center parking lot and entrance roadway.
7. Capital Equipment Replacement: Includes capital equipment vehicles to be replaced in FY 2009-2010 as previously approved by the Board of Supervisors on July 14, 2008 within the 10-year Capital Equipment Replacement Plan.

Mr. Saunier requested Board discussion of Staff's proposed projects and/or alternative projects recommended by the Board of Supervisors.

Mr. DeMarois, Mr. Ryan, Mr. Snowball, and Mr. Widing all stated they would call Mr. Saunier to discuss this issue individually with him.

Mr. Jarriel suggested the Board make item #6 of the proposed list (OGEM Stabilization Improvements for the District's work center parking lot and entrance roadway) a priority, and stated there would be numerous benefits of having OGEM placed on the work center parking lot and entrance roadway.

MOTION: No motion was necessary.

ACTION: **NO ACTION WAS TAKEN.**

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

1. Minutes of February 9, 2009 Regular Meeting
2. Financial Reports
 - A. Warrant Report – February 2009
 - B. Treasurer's Report – February 2009
3. District Staff Reports
 - A. Attorney's Report – February 2009
 - B. Superintendent's Report - February 2009
 - C. District Engineer's Report – February 2009
 - D. District Administrator's Report – February 2009
4. Administrative:
 - A. Designation of Surplus Equipment for Sale to the Public

MOTION: Mr. Widing made a motion to accept and approve the Consent Agenda. Mr. Snowball seconded the motion.

There were no comments from the Board or the public on this item.

ACTION: **MOTION PASSED 5 TO 0.**

SUPERVISOR COMMENTS

Mr. Snowball had no comments.

Mr. Ryan thanked Mr. Saunier, Ms. Viator, and Lynnette Ballard for doing a great job in preparing the OGEM stabilization workshops and providing the public with an abundance of information related to road improvements with OGEM stabilization.

Mr. Widing thanked Ron Jarriel for doing a great job serving on the District's Board of Supervisors.

Mr. DeMarois thanked Mr. Jarriel for many years of outstanding service on the Board of Supervisors. He stated the Board of Supervisors will give Mr. Jarriel a formal farewell at a later date.

Mr. Jarriel stated he has been honored to serve on the Board of Supervisors for so many years; he thanked Mr. Saunier, Ms. Viator, and Lynnette Ballard for always doing a great job serving the landowners and the Board of Supervisors. He encouraged the Board members to consider Darlene Crawford as his replacement on the Board of Supervisors.

PUBLIC COMMENTS

Dennis Lipp, 13402 North Road commented on equestrian trails and OGEM stabilization.

Marge Herzog, 966 "A" Road commented about water lettuce in "A" Road Canal.

Mr. Saunier stated the District's current investment rate of interest is .1% annually. He asked for Board direction on whether to pursue alternative investment options for the next fiscal year.

MOTION:
ACTION:

No motion was necessary.

IT WAS THE CONSENSUS OF THE BOARD TO DIRECT MR. SAUNIER TO RESEARCH ALTERNATIVE INVESTMENT OPTIONS FOR FISCAL YEAR 2009-2010.

The Chair adjourned the meeting at 8:20 p.m.

David DeMarois, Chair

Donald P. Widing, Vice Chairman

John C. Ryan, Secretary-Treasurer

Robert Snowball, Deputy Secretary-Treasurer

Ron Jarriel, Supervisor