

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF THE
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
APRIL 17, 2013 AT 8:30 A.M.**

There were present:

Harry Raucher	Joann M. Aylor	Deborah Harris	Edward Sol
Joyce Haley	Bob Wise	Thomas Barry	Ken Todd
John I. Whitworth, III	Nicole Smith	Michael Brady	Murray Logan
C. David Goodlett	David Bends	Melissa Wheelihan	Alan Wertepny
James Alderman	Patrick Martin	Lany Altman	Kevin Carter
Robert M. Brown	James Fandrey	Karen Hoyt	Alice Finst
Carol Connolly	Fran Cappellini	Adam Johnson	Charles Burn
Mike Baker	Megan Hanney	Armando Pereda	Lena Owens
Mark A. Perry			

The President of the Board, Harry Raucher, who presided, called the meeting to order at 8:30 A.M.

President Raucher asked everyone to please stand and the Pledge of Allegiance was recited.

8:31 Announcement – Notice of Board meeting held on April 17, 2013 published in the Palm Beach Post.

8:31 Approval of Minutes, Check Register, Financial Statement, Documents and Self-Insurance fund for the previous month.

Vice President Whitworth made a motion to approve the minutes, check register, financial statement, documents and self-insurance fund for the previous month. Supervisor Alderman seconded and it passed unanimously.

8:32 Presentation of the Employee of the Month Award.

Vickie Smith made the presentation for Charles Burn as the Employee of the Month for April 2013. Mr. Burn was congratulated by the Board.

8:40 PUBLIC COMMENTS NOT SCHEDULED ON THE AGENDA

Alice Finst of 707 Place Tavanz, Delray Beach, complimented staff on improvements made to the auditorium. Ms. Finst, a master gardener for over 20 years, asked if she could be included in the conversation regarding the renaming of the Mounts Building. She further complimented Patrick Martin, Mike Baker, KC White and Jeff Mills who were very helpful to her and her neighbors. She lives on the E-3-1/2 Canal east of Barwick Road on Lake Ida Road. She and her neighbors had concerns with individuals accessing the canal right-of-way. President Raucher thanked her for her comments and stated that it is always nice to hear from the public.

A. Reports from Board members on attendance at other meetings, if any.

President Raucher attended the Palm Beach County League of Cities and WRAC meetings. Supervisor Goodlett stated that he continually watches for topics pertaining to 298 Districts and there was some legislation proposed early in the session that could have impacted Lake Worth Drainage District. That legislation did not pass and he did not believe there would be anything else proposed this year that could impact the District.

CONSENT AGENDA:

**8:45 Kenan Transport Company – E-2E & L-38, LWDD Project No. 03-7039P.01
Mark A. Perry – Re: Request to amend the Temporary Monitoring Well License Agreement to extend for five (5) years from April 28, 2013 to April 28, 2018.**

*Supervisor Alderman made a motion to approve the Consent Agenda as printed.
Vice President Whitworth seconded and it passed unanimously.*

B. Carol Connolly – “Water Conservation Month” Proclamation.

It is April and time to declare Lake Worth Drainage District in favor of Water Conservation month. Ms. Connolly prepared a Proclamation and read it into the record.

STAFF RECOMMENDATION MADE BY CAROL CONNOLLY – approval of the Proclamation.

*Supervisor Goodlett made a motion to approve the Proclamation.
Supervisor Alderman seconded and it passed unanimously.*

**8:50 Boca Pointe Country Club Plat Two – L-50, LWDD Project No. 08-286P.60
David Lindley, Caulfield & Wheeler, Inc. (Nicole Smith, LWDD Right-of-Way Section) – Re: Request for LWDD to quit claim its ownership in Chancery Case 407, being the South 53.79’ of Section 28/47/42, less lands described in ORB 3603/1663. (NW Quad of 18th St. & Powerline Road)**

Ms. Smith gave the presentation on this item.

STAFF RECOMMENDATION MADE BY NICOLE SMITH – declare the underlying fee of the remaining Chancery Case 407 surplus and quit claim to the adjacent property owner for \$180.00. The quit claim deed would be subject to Lake Worth Drainage District’s L-50 Canal right-of-way conveyed to the District in ORB 3603 Pg 1663, subject to the District’s Operating Policies, a certification of title, a sketch of description and fee in the amount of \$180.00 which was already submitted.

Vice President Whitworth asked Mike Baker if there was adequate right-of-way to work within. Mr. Baker answered that the Development has a Higher Degree of Maintenance Agreement and that LWDD does not maintain the area.

*Vice President Whitworth made a motion to take staff recommendation.
Supervisor Alderman seconded and it passed unanimously.*

C. Karen Hoyt – Correction of Vehicle Information.

Ms. Hoyt explained that at the Board meeting on March 13, 2013, a list of vehicles to be disposed of was presented and included information on a vehicle that had been declared a total loss by our insurance company. The vehicle number originally presented was transposed as T98 instead of T89, so Ms. Hoyt made the following recommendation to the Board.

STAFF RECOMMENDATION MADE BY KAREN HOYT – declare vehicle T89 as surplus for parts and remove it from District assets.

*Vice President Whitworth made a motion to take staff recommendation.
Supervisor Goodlett seconded and it passed unanimously.*

**8:55 Redwing Parcel – L-33, LWDD Project No. 12-9281P.01
Nicole Smith, LWDD Right-of-Way Section – Re: Request to allow staff to accept a 35’ easement for the L-33 Canal subject to two existing 12’ FPL easements one recorded in ORB 1882 Pg 1609 and the other in ORB 4257, Pg 1167. (NE Corner of L-33 & Starkey Road)**

Ms. Smith stated that this parcel is associated with a G.L. Homes development parcel known as The Valencia Assemblage, which is presently known as Valencia Cove. During the review of the sketch of descriptions requiring G.L. Homes to convey a 35 ft. easement to Lake Worth Drainage District, it was discovered that there are two existing FPL easements located within the area to be conveyed.

STAFF RECOMMENDATION MADE BY NICOLE SMITH – for the Board to allow staff to accept the 35 ft. easement as requested from G.L. Homes and that the 35 ft. easement would be subject to the two existing FPL easements that were recorded in ORB 1882 Pg

1609 and ORB 4257 Pg 1167, subject to the Operating Policies and the sketch of description that was previously provided to Lake Worth Drainage District.

*Vice President Whitworth made a motion to take staff recommendation.
Senior Vice President Haley seconded and it passed unanimously.*

Supervisor Goodlett asked President Raucher for consideration by the Board to add an item to the agenda regarding the renaming of the Mounts Botanical Garden Building. Supervisor Goodlett explained that there is a move to either rename or modify the current name. Supervisor Goodlett further stated that he is asking the Board for consideration to appear at a future Palm Beach County Commission meeting. Because of this District's history related to agriculture, he stated that we had standing to offer comments in regards to the name change of the Mounts building. He further requested that we send a staff person to oppose any name change to the Mounts Botanical Garden Building and suggested asking Mr. Brown to attend the commission meeting. President Raucher asked Mr. Goodlett if there is a reason for this action. In speaking with Mr. Richard Macheck, it appears, Mr. Goodlett stated, the name change is due to a non-profit organization residing there to raise money. Supervisor Alderman stated that he agrees with Mr. Goodlett. Supervisor Goodlett said he would ask Mr. Brown, depending upon his schedule or a designee, to attend the public hearing regarding the name change of the Mounts Building and ask that we oppose the change. Vice President Whitworth stated that while he agrees with fellow Board members and opposes any name change, he felt that the District should not be involved in issues of political nature. Supervisor Goodlett agreed to withdraw his motion and asked members of the Board to participate in that deliberation. Mark Perry stated that he personally would be sending a letter as an Attorney who has practiced in Delray Beach since 1980 and recommended that each Board member do the same as well as Mr. Brown on behalf of the District. President Raucher thanked Supervisor Goodlett for bringing this item to the Board.

9:00 Palm Beach County Farm Bureau

Mike D. Baker – Re: Request authorization to enter into negotiations with Palm Beach County Farm Bureau for the purchase of their Delray Beach Facility.

Mr. Baker requested authorization to enter into negotiations with Palm Beach County Farm Bureau for the purchase of their Delray Beach facility. Senior Vice President Haley asked Mr. Baker if he was aware of any asbestos in the building. Mr. Baker responded that he did not know at this time. Supervisor Alderman inquired as to where the funding would come from to purchase the property, as well as the purpose for the property. Mr. Baker said as far as purchasing the property, it is adjacent to the District's property and it could be used for an operations office. Bob Brown stated that the appropriate wording on this agenda item should be for the "potential purchase" of this property. He stated that this is primarily a due diligence effort on our part and rarely do you get the opportunity to have vacant property on Military Trail immediately adjacent to your facility for sale. The Farm Bureau is in the process of requesting an appraisal and that should give us a better indication of the Palm Beach County Property Appraiser's estimated value. Mr. Brown is assuming that the appraisal will be more than the Property Appraiser's estimated value. Supervisor Goodlett stated he thinks we do need to move forward, but asked Mr. Brown to use caution since we will be looked at with a "jaundice eye" as almost each member on this Board is most likely a member of the Farm Bureau and we need to be sure that we do this very carefully so that we are not subject to criticism. He stated that the proposal is an excellent idea to look at and see how the property might fit into what we are doing here and that we should consider it. Supervisor Alderman stated he would consider it and that he understands the reason for purchasing the parcel. Supervisor Goodlett said there might be an opportunity to be a landlord until we actually need the property. President Raucher said he thinks it's important that we pursue it for a number of reasons; one is for possible expansion in the future and second, he is not sure what the property is currently zoned, but it could be developed into something that we may or may not like. Lastly, Mr. Raucher stated that the Board will have the final say on the price and asbestos issue, if any. He stated that it is important to give staff the opportunity and periodically update the Board in the future.

STAFF RECOMMENDATION MADE BY MIKE BAKER – approval to enter into negotiations with Palm Beach County Farm Bureau for the possible purchase of their property.

Supervisor Goodlett made a motion to approve staff recommendation to begin negotiations on the potential for acquisition of the adjacent property owned by the Palm Beach County Farm Bureau.

Supervisor Alderman seconded and it passed unanimously.

D. Executive Director's Report.

Bob Brown briefed the Board on a couple of items; first, Joann has been working diligently preparing for the Wellness Fair which is scheduled for May 1st from 8:00 am to 11:00 am. We will have several speakers and numerous displays. Mr. Brown wanted to let the Board know that they are welcome to attend.

There is a public meeting scheduled for April 23rd at the Village of Wellington Library to meet with landowners located along the south side of the L-11 Canal from State Road 7 to Lyons Road. The District will begin clearing vegetation in the very near future and we have noticed those individuals. The meeting will begin at 7:00 PM.

Mr. Goodlett informed the Board that for the most part it appears Senate Bill 538 was temporarily postponed and has not been placed back on the agenda. Mr. Brown stated that he did speak with Mr. Raucher and suggested that it might be a good opportunity after session to meet with Senator Ring, sponsor of the legislation. He further offered to reach out and invite Senator Ring to visit our District and see first hand what we do.

Mr. Brown provided an update to the Board on the C-51 Reservoir Project. Mr. Brown stated that he, Mark Perry and Pat Martin had the opportunity to meet with representatives of Palm Beach Aggregates, specifically Phil Gilden who is an attorney with Greenberg Traurig, as well as Ernie Cox. They discussed a draft protocol agreement between Palm Beach Aggregates and Lake Worth Drainage District. Mr. Perry stated that they did impress upon Mr. Cox and Mr. Gilden that if Palm Beach Aggregates is proposing to utilize the E-1 Canal, that they will be responsible for any improvements as well as for the operations and maintenance of the E-1. Additionally, Lake Worth Drainage District would require a license fee as they will be utilizing District facilities.

Mr. Brown also commended Megan Hanney for the fine job she has done in overseeing improvements to the auditorium. He further stated that it is a work in progress with future modifications proposed and that Megan has completed the work under budget. Supervisor Goodlett asked if he would be able to bring up the agenda and all the other presentations on his iPad. Ms. Hanney answered not currently, but she will check into it. This may be something that may need to be addressed at budget time.

**9:05 Discussion on Numeric Nutrient Criteria
Kevin Carter, South Florida Water Management District**

Mr. Carter gave a powerpoint presentation on Numeric Nutrient Criteria. He provided an update on the settlement between the federal government and State of Florida. Mr. Carter also discussed Total Maximum Daily Loads (TMDL), stating that both of these topics are part of the Clean Water Act. Alan Wertepny from Mock Roos and Associates and Ken Todd from Palm Beach County were also present to answer questions.

There being no further business, the meeting adjourned at 10:05 A.M.

President – Harry Raucher

Supervisor – James M. Alderman

Sr. Vice President – Joyce Haley

Supervisor – C. David Goodlett

Vice President – John I. Whitworth, III

Recording Secretary – Joann M. Aylor