

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF THE
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
AUGUST 14, 2013 AT 8:30 A.M.**

There were present:

Harry Raucher	Lena Owens	Deborah Harris	Ed Sol
John I. Whitworth, III	Karen Hoyt	Thomas Barry	Steve Pollart
James Alderman	Fran Cappellini	Michael Brady	William Briard
Robert M. Brown	David Bends	Melissa Wheelihan	Alice Finst
Michael D. Baker	Shaughn Webb	Lany Altman	Andrew Gross
Mark A. Perry	Rosemary Rayman	Armando Pereda	Jennifer Medina
Carol W. Connolly	Megan Hanney	Robert Troy Lee	C. Wilson
Patrick Martin	Bob Wise	Anne Perry	Fred Weitz
Jim Fandrey	Scott Yowell	Carmine Priore	Gary Steebe
Joann Aylor	Nicole Smith	Sal Cherch	Kevin McGinley

Senior Vice President Joyce Haley and Supervisor David Goodlett were not present at the meeting.

1. Call to order by the President
2. Pledge of Allegiance
3. Board Agenda approval

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

4. Announcement – Notice of August 14, 2013 Board meeting was published in the Palm Beach Post
5. Approval of Minutes, Check Register, Financial Statement, Documents and Self-Insurance fund for the previous month

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

6. Presentation of the Employee of the Month Award

Anne Perry made the presentation for Scott Yowell as the Employee of the Month for August 2013. Mr. Yowell was congratulated by the Board.

7. **PUBLIC COMMENTS NOT SCHEDULED ON THE AGENDA – Limited to 5 minutes for each speaker**

None

CONSENT AGENDA

8. Bella Vista Apartments – L-48, LWDD Project No. 03-1P.02
Andy Zollinger, Esq. DLA Piper LLP (Mark A. Perry, Legal Counsel) – Re: Approve Assumption of Encroachment Agreement for Concrete Pad and Pump on low-maintenance side of L-48 Canal. Location: L-48 Canal – Tract 36, Boca Del Mar #3, Plat Book 30, Page 82

9. Boca Rio Development – E-3, LWDD Project No. 13-7544P.06
Susan Brotman (Thomas Barry, Surveyor) – Re: Quit Claim for \$180 underlying Chancery 407 fee ownership (plat older than 30 years). Location: Lot 24, Block 1, Boca Rio Development, PB 34, Pgs 90-92
10. Fred and Gloria Weitz – L-32, LWDD Project No. 13-3065P.07
Fred Weitz (Fran Cappellini, Legal Senior Administrative Assistant) – Re: Request temporary access along the L-32 Canal right-of-way during pool construction for a distance of 146 ft. Location: Coral Trace, south side L-32 Canal
11. Disposal and sale of phone system
Karen Hoyt, Director of Finance

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

WORKSHOP

12. NONE

DISCUSSION AGENDA

13. Organic Nutrition (f/k/a Walker’s Preserve) – S-8, LWDD Project No. 04-5988P.06
Andrew M. Gross, Esq., Hunt & Gross, P.A. (Nicole Smith, Right-of-Way Coordinator II) – Re: Request approval for Organic Nutrition to purchase at fair market value a portion of the north-south S-8 Canal Right-of-Way from LWDD. Location: West of State Road 7 and south of Hypoluxo Road

Supervisor Alderman abstained from all discussion and voting on this item after stating that he is an adjacent property owner. As a result of Mr. Alderman’s abstention, the Board of Supervisors failed to have a quorum and Attorney Mark Perry requested that this item be postponed until next month. Supervisor Alderman completed a Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers.

14. Palm Beach County Water Utilities – L-2, LWDD Project No. 13-9385U.01
Henry Melendez, P.E., PBCW/U (Patrick A. Martin, District Engineer) – Re: Replace an existing permitted water main installed in 1968 with an 8 Inch Ductile Iron Pipe (DIP) Water Main in the L-2 Canal Right-of-Way with an updated permit issued. Location: starting at the E-3 Canal and continuing east 2586 ft +/- to Haverhill Road

Mr. Martin made a presentation to the Board stating that Palm Beach County Water Utilities had requested that an existing asbestos water main be replaced with a new ductile iron water main. The existing main was permitted on November 12, 1968 and is currently located within the bank of the canal. The existing main is exposed and failing in several locations. The proposed DIP water main will be placed approximately 5 feet south of the north canal right-of-way boundary.

STAFF RECOMMENDATION MADE BY PATRICK A. MARTIN – Approve a permit allowing the installation of approximately 2600 feet of ductile iron water main and the removal of 2600 feet of asbestos pipe. All work shall be done in accordance with local, State and Federal laws and rules. Since the project is currently permitted, staff recommendation is to not require fees from Palm Beach County.

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

15. Arbours of The Palm Beaches Condo – L-9, LWDD Project No. 13-1693P.30
Grant W. Kehres, P.A. (Thomas Barry, Surveyor) – Re: Quit Claim for \$180 underlying Chancery interest. Location: Condo Unit 1604, Phase 16 The Arbours Of The Palm Beaches Plat No. 9 CRESTHAVEN OF PALM BEACH Section 7, PB 41, Pg 56 (1980).

Location: Condo Unit 1604, Phase 16 The Arbours Of The Palm Beaches Plat No. 9 CRESTHAVEN OF PALM BEACH, Section 7, PB 41, Pg 56 (1980)

Mr. Barry made a PowerPoint presentation to the Board stating that this project is located in the north portion of the District along the L-9 Canal. Per Chancery Case 407, the District owns the North 55.77 ft. of the NW ¼ of the SW ¼ which includes the North 2.77 ft. of Plat No. 9 of CRESTHAVEN OF THE PALM BEACHES a CONDOMINIUM. This project is located between Sherwood Forest Boulevard and the E-3 Canal. Mr. Barry stated that the Chancery Case does intersect portions of the buildings. Vice President Whitworth asked Mr. Barry if the condominiums located on each side were also affected. Mr. Barry responded that they were as well as those all the way to the E-3 Canal. Vice President Whitworth asked if adjacent landowners had been contacted. Mr. Barry answered no. Mr. Brown recommended to Mr. Barry that we be proactive and reach out to the other property owners and offer them the same option. Mr. Barry responded that he would.

STAFF RECOMMENDATION MADE BY THOMAS BARRY – Declare the underlying fee eligible and issue a quit-claim deed to clear the title for \$180.00 and a certificate of title. Also to allow staff to issue quit-claim deeds to the other condominium owners along the L-9 Canal that may request them in the future.

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

16. 3698 Briggs Drive (Calvo Ferrara residence) – L-13, LWDD Project No. 13-9407P.01
Carl Wilson, GC, Glades Roofing LLC (Anne Perry, Right-of-Way Coordinator I) – Re: Seek approval for LWDD to Quit Claim its interest in Lot 24 of the unrecorded Plat of the Wilkinson Subdivision, a/k/a the unrecorded Plat of John Wilkinson dated October 21, 1958. Location: North and adjacent to the L-13 Canal on Briggs Drive east of Gulfstream Road and west of Coconut Road

Ms. Perry gave a PowerPoint presentation to the Board explaining that the project is known as Lot 24 in the unrecorded Plat of the Wilkinson Subdivision located along the District's L-13 Canal which is north of Melaleuca Road and east of Kirk Road between Coconut Road and Gulfstream Road. As part of a recent survey, Target Surveying located in the Unrecorded Plat of the Wilkinson Subdivision, a 15 foot LWDD easement bisecting the rear of the subject property. District staff confirmed that LWDD has L-13 Right-of-Way in this area via the North 75 feet of Tract 76, Palm Beach Farms Plat No. 7, Section 30, Township 44, Range 43 recorded in Plat Book 5, Page 72, which is located from the south. However, staff could not locate evidence of the referenced 15 foot easement as being conveyed to LWDD. Several encroachments were identified as a result of the research and the property owner's representatives were notified that a fence, vegetation and concrete patio located within the District's right-of-way would need to be removed. In order to clear the title on the subject property, the owner requested that the District quit-claim any interest it may have in Lot 24 of the Unrecorded Plat of the Wilkinson Subdivision, Tract 53, Palm Beach Farms Company Plat No. 7, Plat Book 5, Page 72.

STAFF RECOMMENDATION MADE BY ANNE PERRY – Quit-Claim Lot 24 of the Unrecorded Plat of the Wilkinson Subdivision, a/k/a the Unrecorded Plat of John Wilkinson in order to clear title. This recommendation is subject to a certification of title, removal of all encroachments located within the L-13 Canal Right-of-Way, legal and recording fees of \$180.00, all LWDD Operating Policies and request the Board approve notifying the property owners of Lots 22 and 23 of any interest LWDD may have on their property, which can be resolved by LWDD quit-claiming its interest in their lot without having to appear before the Board in the future.

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

17. William Briard (Lot 165 – Woods Walk Plat 2) – L-11, LWDD Project No. 13-327P.11

William M. Briard (Robert Brown, Executive Director) – Re: Request that the existing encroachments, including metal fence, palm trees, decorative bricks, concrete blocks and embankment located within the District’s L-11 Canal Right-of-Way be allowed to remain. Location: 3663 Woods Walk Boulevard, Lake Worth

Mr. Brown provided background information on Item 17 and stated that staff had previously discussed this item at the June 2013 Board of Supervisors meeting as part of the District’s proposed Canal Rehabilitation Program for the L-11 Canal. Specifically, the current owner of Lot 165 (Mr. Briard), spoke during the Public Comment portion of June 2013 agenda. At that time, Mr. Briard stated that he had been notified by the District of its intent to clear exotic vegetation and remove all encroachments within the south L-11 Right-of-Way from State Road 7 to Lyons Road. He further stated that he had been made aware of specific encroachments located in the District’s right-of-way adjacent to his property (i.e. a fence, several palm trees and pavers associated with his pool that was completed in December of last year). Since there was no action being requested at the June 2013 meeting, Mr. Goodlett asked staff to take a closer look at District Policy and determine whether these specific encroachments would qualify for a waiver or variance from District right-of-way encroachment guidelines and/or policy and return with an opinion to the Board in the future. Staff worked closely with District Counsel Mark Perry in identifying types of projects that would qualify for a substantial hardship and determined that the fence and associated vegetation would not meet the definition as they could be relocated. Mr. Briard stated that he had received a building permit for the fence from Palm Beach County and constructed it in the location depicted on the associated sketch. He had no idea that the location was based on an incorrect sketch.

STAFF RECOMMENDATION MADE BY ROBERT BROWN – Denial of the request to allow the existing encroachments within the LWDD L-11 Canal Right-of-Way to remain and that all encroachments are to be removed by November 13, 2013.

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

18. Resolution No. 13-06

Carol Connolly, Director of Administrative Services – Re: Authorized Exemptions from LWDD Non-Ad Valorem Assessment

Ms. Connolly stated that this was simply a housekeeping item. The Palm Beach County Tax Collector’s office asked Lake Worth Drainage District staff to conduct research on certain taxable parcels on the District’s tax roll. The search found that there were housing authority properties previously exempted under the County or Municipality Code. The Property Appraiser added a new exception code (Number 4) and moved these property’s under that code. In order for the District to continue exempting these parcels, it is necessary to add Code 4 to the District’s authorized list of tax roll exemptions.

STAFF RECOMMENDATION MADE BY CAROL CONNOLLY – Approve Resolution No. 13-06.

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

19. Presentation of the Preliminary 2014 Operating Budget

Karen Hoyt, Director of Finance

Ms. Hoyt presented the Preliminary 2014 Operating Budget to the Board for discussion and approval to advertise. The Preliminary Budget was prepared with the proposed new assessment rate of \$42.00.

STAFF RECOMMENDATION MADE BY KAREN HOYT – Authorize management to advertise the Preliminary Budget and notice the public hearing to be held on the September 11, 2013 Board meeting in accordance with our budget policies. Ms. Hoyt stated that the final budget will be brought back to the September Board meeting for approval.

Supervisor Alderman made a motion to accept the recommendation of Ms. Hoyt.

Vice President Whitworth seconded and it passed unanimously.

RECESS

20. Renewal of Health Insurance
Stephen Pollart, Wells Fargo Insurance Services

Mr. Pollart provided the Board with a PowerPoint presentation stating that October 1, 2013 is the District's renewal date for the employee benefit program. The first slide showed a list of companies who were sent, on the District's behalf, a Request for Proposal for insurance coverage. The Request for Proposal requested quotes for stop loss policies for the self-funded health insurance plan currently in force, fully insured health insurance plans to replace the self funded plan and Life, ADD & Short Term Disability coverage's. Mr. Pollart also obtained quotes for vision and dental plans which would be needed if the District decided to place health insurance coverage with a fully insured plan. Mr. Pollart reviewed a slide which compared the renewal of the District's self-funded health insurance retaining Sun Life as the stop loss carrier to fully insured plans quoted by Florida Blue f/k/a Blue Cross and Blue Shield of Florida. Mr. Pollart included the cost of a vision plan from VSP and a dental plan from MetLife in the Florida Blue premiums shown. Mr. Brown stated that the costs shown were based on a worst case scenario of all employees choosing the PPO plan. Ms. Hoyt stated that the District spends approximately 100 hours annually administering the self-funded plan and incurs costs of approximately \$10,000 annually securing an actuarial evaluation of the plan in accordance with Florida Statutes. Mr. Pollart stated that Florida Blue has a very large presence in the area. For the first three months, Florida Blue will have a sales representative available to assist the District with enrollment and benefit explanations. After that time, the District will be assigned a team of customer service representatives to assist with any issues. Mr. Pollart told everyone that Florida Blue also has conveniently located walk-in service centers where an employee can receive confidential, individual assistance. Mr. Alderman asked Ms. Hoyt if Florida Blue would provide District employees with the same benefits as the self-funded plan. Ms. Hoyt responded that the selected plans were chosen to closely mirror the District's current benefits.

STAFF RECOMMENDATION MADE BY KAREN HOYT – to purchase fully funded group health insurance with Florida Blue f/k/a Blue Cross and Blue Shield of Florida including add-on vision and dental plans and to continue Life, Accidental Death & Dismemberment and Short Term Disability insurance with Lincoln Financial.

*Supervisor Alderman made a motion to accept the proposal.
Vice President Whitworth seconded and it passed unanimously.*

STAFF REPORTS

21. **Board comment**

President Raucher said he enjoys reading the District's Wellness Newsletter that Joann Aylor prepares each month. She does a great job putting the Newsletter together and he really appreciates it. Vice President Whitworth said he would like to compliment Ms. Aylor for doing a fantastic job on the newsletter.

22. **Executive Director's Report**

Mr. Brown stated that he attended the Water Resources Advisory Commission (WRAC) meeting held last Thursday in Jensen Beach. Both South Florida Water Management District and U.S. Army Corp of Engineers staff presented agenda items on the condition of Lake Okeechobee and releases being made. The Lake is slightly above 16 feet and the U.S. Army Corps of Engineers recently made the decision to make discharges at full capacity. The committee spent the majority of the day listening to residents of Martin County speak about the amount of fresh water that is being discharged as well as other local issues.

Mr. Brown informed the Board that he had made a formal offer to the Palm Beach County Farm Bureau on behalf of the District for their Delray Beach facility. On July 25,

2013, a response was received from Mr. Roland Yee, President of the Farm Bureau, thanking the District for their interest, but declining the offer at this time. Mr. Brown said that he would like to reach out to Mr. Yee and request that an agenda item be placed on the Palm Beach County Farm Bureau's next board meeting and that he be allowed to make a presentation on the District's proposal and answer any questions that the Board may have.

In addition, Mr. Brown stated that legislation was proposed by Senator Jeremy Ring of Broward County during this year's session that would have placed Special Taxing District's under the authority of a local municipality or County. He further stated that while the Bill did not pass, he has reached out to Senator Ring's aide, Joel Ramos and asked if the Senator would be interested in a meeting with District staff in order to provide him with an update on some of our functions that we conduct on a day to day basis, as well as discuss the C-51 Reservoir Project.

a. Director of Operations & Maintenance

Mr. Brown asked Mr. Baker if the contractor was nearing completion on the construction of the Control Structure 3 project. Mr. Baker stated that the contractor is awaiting mechanical items which should be delivered near the end of this month.

b. Director of Administrative Services

Ms. Connolly introduced Juan Tobar to the Board. Mr. Tobar is the District's new Information Technology Manager. Ms. Connolly also introduced two other new employees: Daniel Resto, who is employed on the tree crew and Zackary Braswell, who is employed on the heavy equipment crew.

c. Director of Engineering & Right-of-Way

Mr. Martin stated that the L-11 Canal Rehabilitation Project is nearing completion with the exception of some minor debris clean-up. The L-46 Canal Right-of-Way was recently field staked by District surveyors. Staff met with several residents living adjacent to the L-4 Canal and assisted in the field location of septic tanks and associated drain fields. Mr. Martin said it is his belief that all septic tanks are located outside of the District's right-of-way, but that there may be an issue with the drain fields being located in the right-of-way. Mr. Martin further stated that the tree clearing portion of the L-4 Canal Rehabilitation Program is moving along quite well.

Mr. Martin also stated that he had a conference call earlier in the week regarding the Numeric Nutrient Criteria issue and it appears that canals will be exempt from the process. What this really means is that we go back to a narrative approach and not a numeric approach which benefits the District. There are also additional conversations underway on the Total Maximum Daily Load (TMDL) Program with staff from the Florida Department of Environmental Protection (DEP).

Mr. Martin said the District is very involved with the Federal Emergency Management Agency (FEMA) regarding flood insurance rate maps and we will be preparing a response to them on the current draft maps. The flood insurance rate maps (FIRMs) are currently being distributed to the public and have not received favorable reviews based on the assumptions used.

Mr. Martin stated the District has been asked to attend the Palm Beach/Broward County Working Group to work on governance issues regarding the C-51 Reservoir Project.

Mr. Martin said he had the opportunity to attend and speak at a recent Boynton Beach City Commission meeting regarding the District's participation at community outreach functions pertaining to flood protection issues.

Vice President Whitworth asked Mr. Martin if when a canal leaves one jurisdiction and discharges into another entity's jurisdiction, is the outfall water exempt. Mr. Martin responded that if we discharge into a receiving waterbody such as an estuary, then that waterbody may have a numeric nutrient standard which may become problematic.

President Raucher inquired about the issue of floodplains. Mr. Martin acknowledged Ken Todd as the water resource manager for Palm Beach County and responsible for coordinating FEMA issues on behalf of the County. Mr. Martin also said that he is reviewing the maps and that assumptions used for the report are not well validated and as a result it is very difficult to critique the report. Supervisor Alderman asked Mr. Martin to explain the intent of the FEMA mapping. Mr. Martin responded that the current maps are over 40 years old and that much has changed during this time. The concept for FEMA maps is the 100 year floodplain. That floodplain is defined using a storm event that has a 1% chance of occurrence. These are modeled through the current rainfall standards.

d. District Counsel

Mr. Perry stated that he had nothing to report at this time.

There being no further business, the meeting adjourned at 10:35 A.M.

President – Harry Raucher

Supervisor – James M. Alderman

Absent
Sr. Vice President – Joyce Haley

Absent
Supervisor – C. David Goodlett

Vice President – John I. Whitworth, III

Recording Secretary – Joann M. Aylor