

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF THE
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
DECEMBER 11, 2013 AT 8:30 A.M.**

There were present:

Joyce D. Haley	Pam Barrera	Deborah Harris	Ed Sol
John I. Whitworth, III	Lena Owens	Thomas Barry	Joseph Walsh
James Alderman	Nicole Smith	Michael Brady	Alice Finst
C. David Goodlett	David Bends	Melissa Wheelihan	Kevin Ratterree
Robert M. Brown	Shaughn Webb	Lany Altman	Larry Portnoy
Mark A. Perry	Rosemary Rayman	Adam Johnson	Rick Elsner
Michael D. Baker	Megan Hanney	Armando Pereda	Jim Schultz
Carol W. Connolly	Karen Hoyt	Vickie Smith	Johnny Saldivar
Patrick Martin	Bob Wise	Robert Troy Lee	RoAnna Kingman
Joann Aylor	Jim Fandrey	Jennifer Mandes	Larry Schone
Fran Cappellini	Anne Perry	Jeremy Office	Geezella Orocco

President Harry Raucher was not present at the meeting

1. Call to order by the Senior Vice 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 December 11, 2013 Board meeting was published in the Palm Beach Post
5. Approval of Minutes, Check Register, Financial Statement and Documents for the previous month

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

6. Vickie Demerski - Presentation of the Employee of the Quarter Award

Ms. Demerski made the presentation for Steve Myers as the Employee of the Quarter.
Mr. Myers was congratulated by the Board.

Vickie Demerski - Presentation of the Employee of the Year Award

Ms. Demerski made the presentation for Steve Myers as the Employee of the Year for 2013. Mr. Myers was congratulated by the Board.

Melissa Wheelihan - Presentation of Service Awards

Ms. Wheelihan made the presentation for Service Awards. Ms. Connolly presented Ms. Wheelihan with her 5 Year Service Award Pin.

<u>5 Years:</u>	<u>10 Years:</u>	<u>15 Years:</u>	<u>20 Years:</u>
Thomas Barry	James Alderman	William T. Kirk	Armando Pereda
Karen Hoyt	Michael Brady	Tyler Kitching	James Schultz
Kenneth Kershaw	Joseph Walsh	Timothy Smith	
Johnny Saldivar			<u>25 Years:</u>
Melissa Wheelihan			Patrick A. Martin
Bob Wise			

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

NONE

CONSENT AGENDA

8. NONE

WORKSHOP

9. NONE

DISCUSSION AGENDA

10. FPL – L-47, LWDD Project No. 13-1352U.29
 Geezella Orozco, FPL (Mike Brady, Plan Reviewer) – Re: FPL requests approval of installing 410 ft. of 6” PVC Conduit between 2 existing poles. (Location: north top of bank of L-47, adjacent to Boca Raton Community Hospital)

Mr. Brady presented this item and stated that the proposed project is a lateral installation within the L-47 Canal right-of-way for Boca Raton Community Hospital. The project is located north of Palmetto Park Road along the south side of the hospital. Specifically, FPL is requesting Board approval to install one 6 inch PVC Conduit for a distance of 410 feet within the L-47 Canal north right-of-way. This lateral installation will take place between two existing permitted poles and will be buried at a minimum depth of 3 feet. The existing poles were permitted by LWDD on March 8, 2012 and are located approximately 13 feet from top of bank. The installation of the underground facilities is needed to serve a new building at the hospital.

STAFF RECOMMENDATION MADE BY MICHAEL BRADY – Approval of 410 linear feet of 6 inch PVC Conduit within the L-47 Canal right-of-way subject to LWDD Operating Policies and all applicable fees.

Vice President Whitworth made a motion to approve.

RoAnna Kingman, Executive Director of Boca Raton Regional Hospital Neuroscience Institute made a presentation on behalf of the hospital. Ms. Kingman stated that the hospital is a not-for-profit facility and they are proposing an addition. She requested that the Board waive the permit fee as well as the annual fee. Ms. Kingman added that the facility is also planning to add a Women’s Institute in the next few years. Ms. Kingman said there are several reasons why the District should approve their request for waiving all fees. The reasons given were they are paralleling existing utility services that are in use by the facility, they are adding underground lines which do not impact the District, they are a not-for-profit organization and they are consistently dedicating their resources and efforts to the growth and development of the facility to meet the expanding needs of the community.

Vice President Whitworth retracted the motion previously made.

Supervisor Goodlett asked staff as to what the financial implication of waiving fees would be to the District. Patrick Martin responded that there would be a one-time fee of \$8200 and an annual fee of \$1,640 to be adjusted through the consumer price index every five years. Mr. Brown asked Mr. Martin if he was aware of any other exemptions from paying fees. Mr. Martin responded that to the best of his knowledge the only exception previously made by the District was for the Faith Farm bridge and that he didn’t believe there were any other exemptions for permit fees.

Supervisor Alderman made a motion to waive both fees.

Vice President Whitworth stated that he could not agree to waive both fees, but would consider waiving the one-time fee.

Senior Vice President Haley called for a second. Vice President Whitworth said he was concerned of the precedent. Mr. Martin informed the Board that FPL was actually making the request and that the hospital is second so the motion to approve, he thinks, would have been acceptable. The hospital could ask for a waiver of fees but, FPL would have to pay the fees because FPL is the applicant. Geezella Orozco, FPL Area Supervisor said that it is the customer's responsibility to provide all rights-of-ways and facilitate where FPL will place the service as well as be responsible for fees. Mr. Martin stated that the District's agreement is with FPL. Mr. Brown made a recommendation for the Board to only charge the one-time fee of \$8200 and to waive the recurring annual fee. Vice President Whitworth said the annual fee was implemented as a deterrent.

Supervisor Alderman withdrew his motion.

Supervisor Goodlett said based upon the information provided by Mr. Brown he would make a motion to waive the one-time \$8200 fee and request the payment on an annual basis of the annual fee.

Mr. Brown informed Mr. Goodlett that his recommendation was just the opposite. Supervisor Goodlett corrected his motion.

Senior Vice President Haley called for a second.

Supervisor Goodlett said since his previous motion died for a lack of a second, he would move to adopt staff recommendation and charge all appropriate fees.

Senior Vice President Haley called for a second.

Supervisor Goodlett withdrew his motion.

Supervisor Alderman made a motion to accept the \$8200 one-time fee and to waive the annual fee of \$1640 and to also approve staff recommendation to approve the FPL line. Vice President Whitworth seconded and it passed unanimously.

11. Atlantic Commons – L-31 & L-32, LWDD Project No. 99-5176P.01

Kevin Ratterree, Vice President, Atlantic Commons Associates, LLLP (Nicole Smith, Right-of-Way Coordinator II) – Re: Request to seek approval to have the L-31 and L-32 Canal right-of-ways declared eligible and any interest quit-claimed to Atlantic Commons Associates, LLLP for fair market value (Location: North of Atlantic Ave. between Florida Turnpike & E-2W Canal)

Supervisor Alderman abstained from all discussion and voting on this item and completed Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. Ms. Smith stated this project is located north of Atlantic Avenue between the Florida Turnpike and the E-2E Canal. The original request was to purchase both the L-31 and L-32 Canal rights-of-ways. However, the current request only includes the L-32 Canal. Atlantic Commons is the adjacent property owners on both sides of the canal. The District owns Chancery Case 407 on the L-32 Canal which varies from 39.66 feet to 40.92 feet in width and the District also owns the platted road. In addition, the District was conveyed an easement for the L-32 Canal which has a varying width to 60 feet.

STAFF RECOMMENDATION MADE BY NICOLE SMITH – declare the underlying rights-of-way of the L-32 Canal eligible for purchase and sell to Atlantic Commons Associates LLLP for fair market value subject to the adjacent property owner continuing the historic drainage from the surrounding properties, sketch of description, all applicable fees, appraisal, certification of title and the Operating Policies.

Vice President Whitworth asked if they were proposing to fill in the canal. Ms. Smith responded that this reach of the L-32 is actually a swale so she believes it will be filled in

since both sides are owned by Atlantic Commons. Supervisor Goodlett asked Attorney Perry if he had reviewed the proposal and if he was in concurrence with staff recommendation. Attorney Perry replied he had and that they also provided an appraisal which he will review with the Board after a motion was made.

Supervisor Goodlett made a motion to approve the declaration of surplus property. Vice President Whitworth seconded and it passed unanimously.

Attorney Perry said Atlantic Commons LLLP submitted a contract for purchase from the adjacent property which meets policy requirements.

Supervisor Goodlett made a motion to approve staff recommendation to accept the appraisal. Vice President Whitworth seconded and it passed unanimously.

12. Hyder PUD – L-37, LWDD Project No. 03-7327P.01

Kevin Ratterree, Vice President, Boynton Beach Associates XXIV, LLLP (Nicole Smith, Right-of-Way Coordinator II) – Re: Request to seek approval to have the L-37 Canal declared eligible and any interest quit-claimed to Boynton Beach Associates XXIV, LLLP for fair market value (Location: between State Road 7 & Lyons Road)

Ms. Smith said this project is located on both sides of the District's L-37 Canal from State Road 7 east to Lyons Road. The adjacent property owner, Boynton Beach Associates XXIV, LLLP (Boynton Beach Associates) has requested to have the L-37 Canal right-of-way declared eligible for purchase and for the District to quit-claim this portion to them. Boynton Beach Associates owns both sides of the L-37 Canal, except where the Stone Creek Ranch project is located. Boynton Beach Associates entered into an agreement with the Stone Creek Homeowners Association whereby they do not object to Boynton Beach Associates purchasing the right-of-way. An appraisal has been submitted Boynton Beach Associates to the District's legal counsel.

STAFF RECOMMENDATION MADE BY NICOLE SMITH – declare the L-37 Canal right-of-way eligible for purchase and sell to Boynton Beach Associates for fair market value subject to legal counsel and staff reviewing the written agreement between Stone Creek Ranch and Boynton Beach Associates, sketch of description, all applicable fees, appraisal, certification of title and the Operating Policies.

Vice President Whitworth asked Mr. Baker if the District needs the L-37 Canal. Mr. Baker responded no.

Supervisor Goodlett made a motion to approve staff recommendation. Supervisor Alderman seconded and it passed unanimously.

Attorney Perry stated while the property will be incorporated into the development, Boynton Beach Associates will not be increasing the number of units previously approved. Mr. Perry stated that property located within the Ag Reserve without any TDRs is currently selling for \$20,000 to \$25,000 an acre. Boynton Beach Associates has appraised the subject property with additional value and offered \$36,000 an acre. Attorney Perry said he is willing to accept that as a value under the circumstances and they have agreed to compensate the District in the future should they increase their number of units. Larry Portnoy with Boynton Beach Associates stated that in their agreement with Stone Creek Ranches, they are precluded from adding any additional density as a result of the abandonment of the canal. In the event they are able to increase their number of units above the 742 already approved, then they would pay the District fair market value for a TDR for each of the units they do use. Vice President Whitworth asked Mr. Portnoy if they can transfer TDRs. Mr. Portnoy responded that this is a non-qualifying area because it is not 150 acres in size of preservation or contiguous to another parcel which when added would equal 150 acres of preservation. Vice President Whitworth asked staff if they were alright with the current proposal. Attorney Perry responded yes.

Vice President Whitworth made a motion to approve. Supervisor Goodlett seconded and it passed unanimously.

13. Okeechobee Steak House – LWDD Project No. 13-9449P.01
Mike Guinaugh, P.E., President, Mike Guinaugh Engineering, Inc. (Nicole Smith, Right-of-Way Coordinator II) – Re: Request to clear title within the property limits of the Okeechobee Steak House by issuing a quit-claim deed to the adjacent property owner and releasing the Chancery Case 407, which is the N 45.54 ft. of the NW ¼ of the NW ¼ of Section 30/43/43 (Location: SE Quad of Okeechobee Boulevard & Wabasso Drive)

Ms. Smith said this project is located on the southeast corner of Okeechobee Boulevard and Wabasso Drive. This project was submitted through the platting process and it was discovered at that time that Chancery Case 407 had not been resolved, which involves the North 45.54 feet. The L-1 Canal terminates west of Haverhill Road.

[STAFF RECOMMENDATION MADE BY NICOLE SMITH](#) – declare the underlying fee of the Chancery Case 407 eligible to release and quit-claim to the adjacent property owner for \$180 to clear title subject to all the applicable fees, legal description, certification of title and the Operating Policies.

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

14. Mr. Office – L-30, LWDD Project No. 12-9235P.01
Larry T. Schone, Esq., Dittman & Schone (Nicole Smith, Right-of-Way Coordinator II) – Re: Request to seek approval for purchase of L-30 right-of-way adjacent to 3933 Lone Pine Road, Delray Beach (Location: East of Barwick Road; south side of the L-30 Canal)

Ms. Smith said this project is located on the south side of the L-30 Canal east of Barwick Road. Per Chancery Case 407, the District owns the North 112.53 feet of the NW ¼ of the NW ¼ of Section 7/46/43. There is an unrecorded Plat called Lone Pine Road which depicts a dimension of the North 115 feet. However, the District only has ownership of 112.53 feet. Mr. Office contacted Lake Worth Drainage District requesting to purchase a portion of the L-30 Canal right-of-way so that his north property line would match that of his neighbors to the east and west. In 1973, there were two deeds created with one being from Enterprises Inc. to LWDD for the North 90 feet of a portion of Section 7. There is also a quit-claim deed from LWDD to Enterprises Inc. for that area less the North 90 feet. However, the deed to LWDD was not recorded until 1996 and the deed from LWDD releasing all ownership less the North 90 feet was never recorded. In 2004, the neighbor to the east of Mr. Office worked with District staff to purchase a portion of the right-of-way and the Board agreed to a settlement fee of \$1000 in 2004.

[STAFF RECOMMENDATION MADE BY NICOLE SMITH](#) – declare the South 20.53 feet of the North 112.53 feet of the Chancery Case eligible for purchase, sell to the adjacent property owner for \$3,000 settlement fee subject to all applicable fees, sketch of description, certification of title and the Operating Policies.

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

STAFF REPORTS

15. Board comment

None

16. Executive Director's Report

Mr. Brown began by congratulating those receiving service awards. The District has a large number of staff with longevity and that is the highest compliment we can receive from our staff. With that in mind, Mr. Brown announced that today's Board meeting would be Carol Connolly's last as she will be retiring after 37 years. Mr. Brown further stated that while this is her last official Board meeting, Mr. Raucher asked that he convince her to return for one more meeting in January as he had a prior engagement and was unable to attend today's meeting. Mr. Brown said that he really appreciated Carol's support and assistance over the past ten months in helping him get caught up to speed with the District process.

Mr. Brown said that we had a great Holiday luncheon for Thanksgiving with all employees attending. He acknowledged Mr. Schultz and Mr. Altman for their expertise in preparing the turkeys. He said that we will be having Holiday luncheon on Friday, December 20 at 12:30 and wanted to extend an invitation to the Board.

Mr. Brown mentioned that the Annual Landowners' Meeting will be held at 9:00 AM on Wednesday, January 8, 2014 at District Headquarters

a. Director of Operations & Maintenance

Mr. Baker showed before and after photographs of the L-46 Canal rehabilitation project. Mr. Brown commended both Mr. Baker and Mr. Pereda for doing a good job in resolving issues raised by adjacent landowners.

b. Director of Administrative Services

Ms. Connolly said the Administrative Services Department had several initiatives underway. The restroom renovations in the shop are nearing completion. New doors with windows have been ordered for the second floor to allow for safer access and plantation shutters were recently installed in the front offices and the kitchen area.

In the Finance Department, Ms. Connolly said the major project underway is the audit which, unless there are unforeseen events, will be presented to the Board in January 2014. The other project underway is converting the accounts payable process to an electronic process so that paper checks will no longer be issued. Supervisor Alderman asked how a small vendor would get paid. Ms. Connolly responded they would provide the District with their bank information. Karen Hoyt said most vendors desire to have electronic payment as they receive payment much sooner. Supervisor Alderman said he was concerned that small vendors would be forced into this new process. Ms. Hoyt responded that even small businesses prefer electronic payment. However, we will continue to issue paper checks if a vendor desires that method of payment.

Ms. Connolly said that Ms. Rayman has been sending email blasts to staff on good record and information management practices. The seventh annual end-of-year video has been completed and will be shown at the Annual Landowners Meeting on January 8, 2014. Ms. Rayman continues to attend community meetings on the District's behalf and has enrolled approximately 400 individuals in the District's informational email blast which provides community information, hurricane information and how to contact the District. This service has received favorable feedback from our constituents.

In the Information Technology Department, Juan Tobar continues to update the District's technology; and with new computer servers on order.

Lastly, Ms. Connolly thanked the Board for their support over the last 37 years and said that her last actual work day Friday, December 20th which will be exactly 37 years to the day from when she started. Ms. Connolly said it was a much different environment and Board of Supervisors when she started, but her work has always been interesting and challenging and she had great co-workers. Ms. Connolly further stated that she grew up here as well as her sons and her life has been enriched and thanked the Board for a great 37 years. Ms. Connolly said there were 30 staff employed at the District when she began and besides herself, only Bob McLaughlin and Coy Brannon remain.

c. Director of Engineering & Right-of-Way

Mr. Martin said he had nothing to report this month but would like to wish everybody a Happy and Healthy Holiday.

d. District Counsel

Attorney Perry said the Long case has been finalized with the final judgment entered and the funds received by the District, so this matter is closed.

Attorney Perry updated the Board on the Podray case. Motions for summary judgments were denied by the Judge and mediation is scheduled to take place on December 18, 2013, with Mr. Brown, Mr. Barry and Mr. Perry in attendance.

17. Robert Brown - Announcement of intent to run by candidates seeking office of Supervisor to be turned in by close of today's Board meeting

Mr. Brown informed the Board that candidates seeking the office of Supervisor of Lake Worth Drainage District must submit their applications by the close of business today. He concluded by stating that he had received letters of intent to run from Mrs. Haley and Mr. Raucher.

There being no further business, the meeting adjourned at 9:45 A.M.

Absent
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