

**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF SUPERVISORS OF  
LAKE WORTH DRAINAGE DISTRICT  
HELD AT THE DELRAY BEACH OFFICE ON  
October 15, 2014 AT 8:30 A.M.**

**Board Members Present:**

Harry Raucher	James M. Alderman	Joyce D. Haley
John I. Whitworth, III	Jeffrey P. Phipps, Sr.	

**1. Call to Order**

President Raucher called the meeting to order at 8:30 A.M.

**2. Pledge of Allegiance**

Mrs. Haley led the Pledge of Allegiance.

**3. Agenda Revisions**

Mr. Brown announced that Ms. Hoyt will request approval to surplus equipment under Item #18.

**4. Abstentions by Board Members from items on the Agenda**

Mr. Alderman and Mr. Whitworth announced they will abstain from Item #14.

**5. General Public Comment**

Alice First, resident, complimented District employee Scott Yowell for doing a wonderful job adjacent to her residence on the E-3-1/2 Canal. When Ms. First questioned about what he was doing, his response was very polite and thorough. Ms. First suggested Mr. Yowell be nominated as an employee of the quarter. Ms. First also stated that all District employees have been very polite to her.

**CONSENT**

6. Approval of Minutes, Check Register, Financial Statement and Documents for the previous month
7. Appointment of District Officers: Robert M. Brown, Secretary; Reagan Walker, Assistant Secretary; Patrick A. Martin, District Engineer; and Karen Hoyt, Treasurer
8. Approval to renew annual contract for Mark A. Perry, District Counsel - Robert M. Brown
9. Approval to extend contracts with GL Homes for closing on Phase I and Phase II Sale of Transfer of Development Rights (TDRs) for LWDD canal rights-of-way located within the Ag Reserve pursuant to approved contract and policy (LWDD Project No. 12-7664P.02) - Mark A. Perry, District Counsel

10. Resolution No. 14-07 - Authorize designated staff to establish and administer credit accounts - Karen Hoyt, Director of Finance
11. Approval to reinstate permit fees for Florida Department of Transportation and Florida Turnpike Enterprise - Patrick A. Martin, Director of Engineering and Right-of-Way
12. Board Vote on Consent Agenda

*A motion was made by Supervisor Phipps to approve the Consent Agenda, seconded by Vice President Whitworth and approved unanimously.*

### **WORKSHOP**

- 13. Development of GIS for Coordination of Permitted Drainage System Information and Status Update of GIS Mapping Services Contract (LWDD Project No. 09-8649L.03) - James Fandrey, Assistant Director of Engineering & Right-of-Way**

Mr. Fandrey provided an overview on the development and utilization of GIS for the coordination and tracking of permitted drainage systems. Mr. Fandrey explained the process of gathering and reviewing the permit data and drainage plans. He also provided a demonstration on how to locate a community's water control structure, associated documents, and designated contacts. To date, staff has gathered data from nearly 400 communities. He further explained that the ultimate goal is to provide the information online increasing accessibility to the public.

Mr. Fandrey also provided a status update on the GIS Mapping Services Contract with Panda Consulting. As of September 30, 2014, Panda Consulting has mapped 22,077 of 40,000 conveyance areas that are included in the existing contract. At the current rate, Panda should complete mapping by the end of December 2017. Even though mapping of conveyance areas is not complete, staff is currently able to use the GIS information for reviews and coordination.

Supervisor Alderman stated he is concerned about errors that may be made and future employees having to check this data for accuracy. He asked Mr. Fandrey if there is a system in place for checking Panda's work for errors.

Mr. Fandrey confirmed there are quality control procedures.

### **DISCUSSION**

- 14. Approval to solicit bids for the Phase IV Sale of Transfer of Development Rights (TDRs) for LWDD canal rights-of-way located within the Ag Reserve (LWDD Project No. 12-7664P.02) - Mark A. Perry, General Counsel**

Mr. Alderman and Mr. Whitworth abstained from all discussion and voting on this item, completed Form 8B Memorandum of Voting Conflict for County, Municipal and Other Local Public Officers and stepped down from the dais.

Mr. Perry stated Phase IV Sale of Transfer of Development Rights (TDRs) is the final Phase and consists of 21.6 acres. Also, the Phase III contract with GL Homes of Florida III Corp. was signed, and an updated appraisal reflecting the current value at \$80,000 per TDR was recently obtained. Staff is requesting authorization to solicit for bid for the purchase of Phase IV TDRs.

*A motion was made by Senior Vice President Haley to approve the recommendation, seconded by Supervisor Phipps and approved unanimously.*

Mr. Alderman and Mr. Whitworth returned to the dais.

**15. Approval to issue Right-of-Way Encroachment Permits to Sara & Joshua Light (Lot 6) and Evelyn H. Solomon (Lot 7) of Boca Grove Plantation pursuant to proposal previously approved by the LWDD Board of Supervisors. Location: South L-46 Canal right-of-way (LWDD Project No. 14-6831P.15 & .16) - Patrick A. Martin, Director of Engineering and Right-of-Way**

Mr. Martin provided a brief history on the encroachment agreements in the Boca Grove Plantation Development, and presented a map reflecting the lots which currently have agreements and the two lots requesting agreements. Consistent with the current encroachment agreements, the proposed agreement allows the adjacent property owners to encroach a distance of 8 feet on the L-46 Canal right-of-way. Staff recommends approval for the two property owners, Light and Solomon, to enter into a Right-of-Way Encroachment Permit subject to; District Operating Policies which includes a one-time payment of \$15/LF and a 20% annual payment, certification of title, certificate of insurance listing the District as an additional insured, a sketch of description showing all encroachments within the 8 feet and all legal and recording fees. Mr. Martin also stated that the remaining adjacent property owners who have encroachments within the 8 feet have been noticed that the District will be removing all the encroachments encumbering within the 8 feet. He confirmed there are no encroachments past the 8 feet.

*A motion was made by Supervisor Alderman to approve the recommendation, seconded by Vice President Whitworth and approved unanimously.*

## **STAFF REPORTS**

**16. Executive Director's Report**

Mr. Brown gave a brief update on the 5<sup>th</sup> Annual Water Forum in Orlando where elected officials provided their interpretation and opinion on current water issues.

Mr. Brown also shared a letter from Associated Industries of Florida that was sent to the Administrator of the United States of Environmental Protection Agency as

well as the Undersecretary of the United States Army Corps of Engineers about Waters of the United States (WOTUS) and the Federal Government claiming jurisdiction over waters of the United States.

### **Director of Operations and Maintenance**

Mr. Strowd introduced Tony Las Casas as the District's new Section Leader of Structure Maintenance and Fleet Operations. Mr. Las Casas will start in late October.

### **Director of Engineering & Right-of-Way**

Mr. Martin provided an update on the SCADA and Telemetry programs and stated they are currently focusing on the sites that will require new buildings and tasks to be completed in preparation for constructing the new buildings.

Mr. Martin provided an update on the C-51 Reservoir and explained Palm Beach Aggregates is proceeding with the plans and permits. Mr. Martin stated he and Mr. Perry have been speaking with Palm Beach Aggregates attorneys about the Operation and Maintenance Agreement, and once that document is finished the consortium is considering using it as the model for all other Operation and Maintenance Agreements in Broward County.

### **Director of Finance**

Ms. Hoyt stated the District's fiscal year-end was completed on September 30, 2014 and the auditors will arrive the first week of November. The Board members will be receiving their annual correspondence from the auditors. The financial statement is expected to be presented at the December or January Board meeting.

Ms. Hoyt recommended approval to surplus and dispose of a Dixie Chopper mower and desk unit that are no longer useful to the District.

*A motion was made by Supervisor Phipps to approve the recommendation, seconded by Supervisor Alderman and approved unanimously.*

### **District Counsel**

Mr. Perry stated he will present a settlement agreement on the Rodgers case at the next board meeting.

Mr. Perry indicated that Palm Beach County staff recently inquired as to whether the District's TDRs qualify in accordance with Ag Reserve policies for TDRs. A representative from GL Homes made a presentation to Palm Beach County staff and explained why they do qualify.

## **Director of Administrative Services**

As a follow-up to Ms. Hoyt's presentation on surplus items, Ms. Walker stated the surplus items will be posted and sold on the Gov Deals auction website. To-date, the site has worked out very well, and the District has collected more than \$33,000 for surplus equipment.

Ms. Walker shared that the District has been recycling its scrap metal, including fencing that was removed from the District campus. To date, we have collected approximately \$9,500.

Ms. Walker informed the Board members that, in order to have a long holiday weekend, employees voted to switch the holiday from Wednesday, December 24<sup>th</sup> to Friday, December 26<sup>th</sup>.

Ms. Walker indicated the District's new website is expected to be live within the week.

Ms. Walker informed the board members that employee performance evaluations have been completed and merit increases will be effective with the October 21<sup>st</sup> paycheck.

Ms. Walker also mentioned that the November Board agenda is very light and suggested the Board may want to consider the need for a November meeting.

Mr. Brown mentioned the District's 100<sup>th</sup> year anniversary and requested Board members or landowners share any historical photographs for use as part of our celebration.

President Raucher asked if there is any discussion on cancelling the November meeting, and indicated a special meeting could be called if there is a special item that needed to be discussed.

Supervisor Alderman asked Attorney Perry if cancelling the meeting is legal.

Attorney Perry confirmed and referenced Chapter 2009-258, Laws of Florida.

***A motion was made by Supervisor Alderman to approve the recommendation of cancelling the November Board meeting, seconded by Senior Vice President Haley and approved unanimously.***

President Raucher stated, as a follow-up to last month's meeting, he is initiating board discussion on the Executive Director's performance and merit award.

Supervisor Alderman said Mr. Brown has done a remarkable job in the short time he has been with the District and strongly recommends a merit increase.

President Raucher said he is extremely satisfied with Mr. Brown's performance and solution-oriented, progressive approach. He indicated he would like to expand our community outreach on issues such as the C-51 Reservoir Project, climate change and implementation of the telemetry system.

Supervisor Whitworth said Mr. Brown has done a very good job and feels it is a refreshing change.

The Board discussed options for Mr. Brown's merit increase including a lump sum payment and/or an additional salary increase.

*A motion was made by Senior Vice President Haley to approve a merit increase in the form of a one-time lump sum payment representing 5% of the Executive Director's base salary, seconded by Supervisor Phipps and passed with a 3 to 2 vote with Supervisor Alderman and Vice President Whitworth voting No.*

**17. Board Comment**

**18. Adjourn**

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

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President – Harry Raucher

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Recording Secretary – Joann M. Aylor