

**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF SUPERVISORS OF THE  
LAKE WORTH DRAINAGE DISTRICT  
HELD AT THE DELRAY BEACH OFFICE ON  
MARCH 13, 2013 AT 8:30 A.M.**

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**There were present:**

Joyce Haley	Anne Perry	Deborah Harris	Bob Wise
John I. Whitworth, III	James Fandrey	Thomas Barry	Joseph Walsh
James Alderman	Nicole Smith	Michael Brady	George Aylor
Robert M. Brown	David Bends	Doug Gunther	Melissa Wheelihan
Carol Connolly	Fran Cappellini	Lany Altman	Jim Hengel
Mike Baker	Rosemary Rayman	Adam Johnson	Alice Finst
Mark A. Perry	Megan Hanney	Armando Pereda	Ed Sol
Joann M. Aylor	Karen Hoyt	Robert Troy Lee	Ted Winsberg
Lena Owens	Murray Kalish	Debbie Poulette	Steve Kreiner
Patrick Martin	José Martinez		

The Senior Vice President of the Board, Joyce D. Haley, who presided, called the meeting to order at 8:30 A.M.

Senior Vice President Haley asked everyone to please stand and the Pledge of Allegiance was recited.

**8:31 Appointment of Secretary - Robert M. Brown, Executive Director.**

*Vice President Whitworth made a motion to approve the appointment of Mr. Brown. Supervisor Alderman seconded and it passed unanimously.*

**Appointment of District Engineer – Patrick A. Martin, P.E.**

*Vice President Whitworth made a motion to approve the appointment of Mr. Patrick Martin as the District Engineer. Supervisor Alderman seconded and it passed unanimously.*

**Board Agenda approval.**

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

**8:31 Announcement – Notice of Board Workshop held on March 6, 2013 and Board meeting held on March 13, 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.**

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

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

Vickie Smith made the presentation for Ivan Carter as the Employee of the Month for March 2013. Mr. Carter was congratulated by the Board and provided with a check for his award.

**8:40 PUBLIC COMMENTS NOT SCHEDULED ON THE AGENDA**

There was no public comment.

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

There were no reports from Board members.

**B. Joann Aylor and José Martínez – Wellness Committee Presentation - Re: Requesting the Board consider approving a \$25.00 incentive for one dental cleaning per year for employees only. Also, the District will be having a Wellness Fair May 1, 2013.**

Ms. Aylor and Mr. Martínez made a presentation to the Board updating them on the Wellness Committee. There is a volleyball game scheduled for Friday, March 15, 2013 immediately following the 7:00 PM workout at the Salvation Army gym. The Committee asked the Board to consider approving a \$25.00 incentive for one dental cleaning per year for the employee only. This would compliment the physical exam incentive and vision exam incentive currently in place.

WELLNESS COMMITTEE RECOMMENDATION – requested that the Board approve a \$25.00 dental cleaning incentive for employee only.

Vice President Whitworth made a motion asking for a one year trial period and then requested that staff bring the program back to the Board. Supervisor Alderman asked for a number as to how many people were participating in the other programs. Ms. Aylor stated she did not have an exact number, but thought there were quite a few. Melissa Wheelihan stated that she thought it was approximately 20 each year participating in the physical and approximately 15 to 20 in the vision. Supervisor Alderman raised concerns regarding the small number of employees taking advantage of the existing incentives. Ms. Wheelihan stated that Ms. Aylor does a good job in communicating to the employees through posters and pamphlets.

*Vice President Whitworth made a motion to approve for one year and to bring back to the Board.*

Supervisor Alderman did not second the motion made by Mr. Whitworth.

*Senior Vice President Haley seconded and it passed.  
Supervisor Alderman opposed.*

Mr. Martínez mentioned to the Board members that the Committee is preparing for the District's second Wellness Fair scheduled for May 1, 2013 and thanked the Board members.

**C. Carol Connolly – Resolution No. 13-03 – Commemorating Florida Surveyors & Mapping Week March 17-23, 2013.**

Ms. Connolly read the Resolution into the record.

*Vice President Whitworth made a motion to approve Resolution No. 13-03.  
Supervisor Alderman seconded and it passed unanimously.*

**8:45 CONSENT AGENDA**

**Woodfield Hunt Club – L-43, LWDD Project No. 07-332P.16**

**Fran Cappellini – Re: Request to assign existing Encroachment License Agreement from Mandel to Robert Rivera Garcia and Jessica DeBianchi Rivera.**

**Greentree Plaza II – L-24, LWDD Project No. 99-223P.02**

**Mark A. Perry – Re: Assumption of existing Piping, Paving & Parking License Agreement.**

**Boca West IMP, LLC (f/k/a Salick Health Care) – L-46, LWDD Project No. 97-615P.05**

**Eliot C. Abbott, Hinshaw and Culbertson, LLP (Mark A. Perry) – Re: Request to assign the Piping, Paving and Parking License Agreement to Boca West IMP, LLC.**

*Vice President Whitworth made a motion to approve the Consent Agenda.*

*Supervisor Alderman seconded and it passed unanimously.*

**D. Carol Connolly - Resolution No. 13-04 - Authorization of banking signatures.**

Ms. Connolly stated that the District is required to execute new signature cards for the District's banks. The District's signors will be Robert M. Brown, Mike Baker, Karen Hoyt and Ms. Connolly.

*STAFF RECOMMENDATION MADE BY CAROL CONNOLLY* – approval of Resolution No. 13-04.

*Vice President Whitworth made a motion to approve Resolution No. 13-04.  
Supervisor Alderman seconded and it passed unanimously.*

**E. Appoint Robert M. Brown to be the District's registered agent.**

*Supervisor Alderman made a motion to approve appointing Robert M. Brown to be the District's registered agent.*

*Vice President Whitworth seconded and it passed unanimously.*

**F. Karen Hoyt – Contract with our auditors Rampell & Rampell has expired.**

Ms. Hoyt stated that the contract with Rampell & Rampell has expired. She also stated that in accordance with the Florida Statutes, there are guidelines that the District is required to follow when selecting an auditor to conduct the District's annual audit of financial statements. Ms. Hoyt stated that she will be preparing a Request for Proposal (RFP) for financial audit services. However, the District must create an audit committee pursuant to the guidelines of Florida Statutes. Ms. Hoyt asked the Board members if any one of them would like to participate.

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

Ms. Hoyt stated that Mr. Raucher had volunteered to participate if no other board members were interested.

*Supervisor Alderman made a motion that Mr. Raucher be an alternate to that committee should Mr. Goodlett not be able to attend.  
Vice President Whitworth seconded and it passed unanimously*

Ms. Hoyt said she will prepare an RFP and bring it back before the Board.

**G. Karen Hoyt – Disposal list of machinery and equipment to be declared surplus and taken out of service.**

Ms. Hoyt referenced a list of machinery and equipment for disposal that was placed in the Board packages. The one item added was for a vehicle recently submerged in a canal in which insurance declared it a total loss. The value of the vehicle was determined to be \$13,100.00, less the deductible and the salvage value. A check in the amount of \$7,300.00 was received from the insurance company. Troy Lee and Mike Baker determined that it was worth expending \$800.00 to keep the vehicle for parts. However, the vehicle must be removed from the District's asset list. Ms. Hoyt presented to the Board a revised list of vehicles to be surplus (added Items 6 & 7). Supervisor Alderman asked Mr. Baker if we have vehicles to replace those referenced as Items 6 and 7. Mr. Baker responded that he does at this time; however, he is still evaluating the loss of Item 8.

*STAFF RECOMMENDATION MADE BY KAREN HOYT* – to remove Items 1 – 5 from the District's books. Declare Items 6 & 7 surplus, dispose through public auction in March 2013 and remove items from the District's books. Item 8 – to declare the vehicle as salvage and use for parts and remove item from the District's books.

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

**8:50 Michael D. Baker – LWDD Project No. 12-7943D.02 – Bid Results on Control Structure No. 3, bid opening held on February 25, 2013.**

Mr. Baker read the outline of the bidding schedule for Control Structure No. 3 into the record stating that there was only one bid submitted. The cost estimate ranged between \$270,000.00 and \$350,000.00 with the one bid received coming in at \$549,000.00. Brian Rheault, the District's contracted engineer for this project, reviewed the bid and revised his cost estimate. Much of the additional cost is associated with items that were added to the project after the initial cost estimate. Attorney Mark Perry asked Mr. Baker the current condition of the facility. Mr. Baker answered that the current condition is poor. Mr. Perry also asked if Brian Rheault had an opinion on going forward with this bid. Mr. Baker answered yes. Supervisor Alderman asked Ms. Hoyt if we are within our bounds to accept only one bid. Ms. Hoyt stated that we would be in compliance with the guidelines. Supervisor Alderman asked Attorney Perry if he agrees with Ms. Hoyt's conclusion. Attorney Perry answered yes. Mr. Baker stated that the additional funds could be accomplished by redirecting funds from one of two trash rack projects proposed for construction this year. Vice President Whitworth asked how much the difference would be and if construction would be completed this fiscal year. Mr. Baker answered that the difference would be approximately \$250,000.00 and that it would be constructed this fiscal year. Mr. Brown stated that it would be difficult to expend the money for one of the trash racks this fiscal year due to time constraints. Mr. Baker said it will be close as the trash rake must still be designed and built and he would rather have one of them constructed at this time in order to know the exact specifications. Vice President Whitworth asked for the cost estimate of the trash rack. Mr. Baker said approximately \$240,000.00 for each structure. The two proposed trash racks are independent of each other; and are for Control Structures 2 and 11. Supervisor Alderman asked if we could remove funds from the extra ordinary income account and then budget the deficit next year. Ms. Hoyt answered yes.

**STAFF RECOMMENDATION MADE BY MICHAEL BAKER** – request the Board award the bid to the lowest bidder, Murray Logan Construction, Inc.

*Supervisor Alderman made a motion to proceed with the project, build it, pay for the difference with extra ordinary income, and pay it back in next year's budget.*

Attorney Perry stated that we are specifically awarding the bid to Murray Logan Construction.

*Vice President Whitworth seconded and it passed unanimously.*

**9:00 Critical Path Clearing Projects – for information, direction and approval from the Board of Supervisors**  
**Carol Connolly – L-4 to E-3 east to Haverhill Road, north side. (PP from 2/13/13 Bd. Mtg.)**

Ms. Connolly asked the Board to withdraw this Item. There are several issues that need to be worked out and the Town of Haverhill has asked to meet with staff. Mr. Perry stated that staff will be meeting with the Mayor and City Attorney on March 20<sup>th</sup>.

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

**RECESS**

**Senior Vice President Haley stated for the record President Raucher and Supervisor Goodlett are both absent from today's meeting.**

**9:10 Fountains of Palm Beach Irrigation Connection Permit a/k/a Marseilles Court – L-14, LWDD Project No. 13-411E.21**  
**Stuart Kreiner, President (Patrick Martin) – Re: Request for the District to allow Marseilles Court to enter into an encroachment agreement for the existing pump station on the south side of L-14 Canal, west of Jog Road.**

Patrick Martin explained the history of this project to the Board. The development has been requested by the South Florida Water Management District to obtain a consumptive use permit and as a result, must also obtain an irrigation connection permit from this District. The existing pump station has been within the District's right-of-way for a very long time. Mr. Martin stated that he will be asking the Board to enter into an agreement holding the District harmless.

*RECOMMENDATION MADE BY PATRICK MARTIN* – that we approve this, we enter into an encroachment agreement as well as an irrigation connection permit.

*Vice President Whitworth made a motion so moved.  
Supervisor Alderman seconded and it passed unanimously.*

#### **H. Executive Director's Report.**

Executive Director Robert Brown stated that he added this item and would like to provide the Board with several updates. He informed the Board that he and Mr. Baker had travelled to Tallahassee last week for Palm Beach County Day. They met with various Palm Beach County Officials and several representatives from local municipalities. Additionally, they met with nine legislators. He further stated that there is minimal legislation proposed this year that could potentially impact the District. He did update the Board on Senate Bill 538 sponsored by Senator Ring. Lake Worth Drainage District could fall under the authority of either a County government or municipality and since we are located within 13 municipalities, it would be the former. The proposed legislation is in the early stages. There is a companion House Bill No. 881 which was sponsored by Representative Lake Ray of Jacksonville. While Mr. Brown and Mr. Baker didn't have the opportunity to meet with Senator Ring, they did meet with his Chief Aide and stated their concerns with the proposed legislation. They also had the opportunity to meet with Terry Lewis who represents the Florida Association of Special Districts (FASD). Mr. Brown stated that he will keep the Board apprised of the proposed legislation.

Mr. Brown briefed the Board on the Numeric Nutrient Criteria. The State was successful in defending its position in late 2012. However, the U.S. Environmental Protection Agency continues to work on water quality standards. Mr. Brown would like to propose future workshops on "Hot Topics" such as Numeric Nutrient Criteria. Mr. Brown and Patrick Martin have reached out to Kevin Carter with South Florida Water Management District to have Mr. Carter provide an update as to where the State is and status of the U.S. Environmental Protection Agency's proposed water quality standards at the next Board meeting.

Mr. Brown stated that the C-51 Reservoir project has been an important part of Lake Worth Drainage District over the past 2 years and that either he or Patrick Martin will brief the Board and provide updates as they arise in the future. Ernie Cox, representing the landowners of the C-51 Project has asked Mr. Brown to occasionally provide updates to the Board as well.

As a follow-up to the single bid for Control Structure No. 3 discussed earlier in the agenda, Mr. Brown stated that he and Mr. Baker will be reaching out to other government agencies in reviewing their procurement practices and opportunities for increased vendor interest on future District bids.

**9:20 Quail Ridge Country Club Landscaping – L-25, LWDD Project No. 12-1855E.28  
Donald L. Misch II, CCM, General Mgr., COO (Patrick Martin) – Re: Request approval to allow existing groundcover vegetation to remain along that portion of the L-25 Canal right-of-way bisecting the Quail Ridge Country Club North Golf Course.**

Patrick Martin stated that the Quail Ridge Country Club North Golf Course is located south of Boynton Beach Boulevard and east of Lawrence Road. The District's L-25 Canal bisects the golf course. The existing encroachment is a low groundcover of small plants. The District will be traversing this area from time to time for maintenance purposes. Mike Baker, Mr. Brown and Mr. Perry identified the encroachment as minor and Mr. Martin recommended that we enter into an encroachment agreement.



[RECOMMENDATION MADE BY PATRICK MARTIN](#) – to enter into an encroachment agreement with Quail Ridge Community subject to a written document prepared by Mr. Perry.

Supervisor Alderman asked if this agreement is time sensitive and do we have the ability to terminate this agreement at any time. Mr. Martin responded that all of our agreements are temporary and can be cancelled.

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

**9:30 Robert M. Brown – Settlement Agreement between Ronald and Karen Schmitt and LWDD.**

Mr. Brown referred this item to Mr. Perry to provide an update on the agreement between Lake Worth Drainage District and Mr. & Mrs. Schmitt. Mr. Perry provided the Board with copies of the settlement agreement which Mr. Schmitt has already signed. This site is located along the L-14 Canal and litigation has been ongoing since 2008. Mr. Perry provided the Board with a map of the area and explained the settlement. The end result is that Lake Worth Drainage District will have an area necessary to properly maintain its right-of-way. Mr. Brown negotiated the settlement after discussion with Mike Baker.

[STAFF RECOMMENDATION MADE BY MARK PERRY](#) – approval of the settlement agreement for recognizing the 45 ft. from the section line as being Lake Worth Drainage District fee simple ownership and to pay Schmitt \$10,000.00 for his expert fees.

*Supervisor Alderman made a motion for approval of staff recommendation.  
Vice President Whitworth seconded and it passed unanimously.*

There being no further business, the meeting adjourned at 9:35 A.M.

<u>Absent</u> President – Harry Raucher	<u>Supervisor – James M. Alderman</u>
<u>Sr. Vice President – Joyce Haley</u>	<u>Absent</u> Supervisor – C. David Goodlett
<u>Vice President – John I. Whitworth, III</u>	<u>Recording Secretary – Joann M. Aylor</u>