



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
MAY 11, 2016 AT 8:30 A.M.**

Board Members Present:

James M. Alderman Harry Raucher Steve Bedner
John I. Whitworth, III Jeffrey P. Phipps, Sr.

1. Call to Order

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

2. Pledge of Allegiance

Mr. Whitworth led the Pledge of Allegiance.

3. Agenda Revisions - Robert M. Brown, Executive Director

There were no agenda revisions.

4. Abstentions by Board Members from items on the Agenda

There were no abstentions.

5. General Public Comment

There was no public comment.

CONSENT

6. Board comment or request to pull items from Consent Agenda

7. Approval of April Board minutes, check register and financial statement for the previous month

8. Approval of revised LWDD Accounting Policy, Section 2 - Purchasing and Accounts Payable, requiring a purchase order for any purchase of \$1,000 and over - Karen Hoyt, Director of Finance

9. Board vote on Consent Agenda

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

DISCUSSION

10. Approval of Right-of-Way Management Program - Tommy Strowd, Director of Operations & Maintenance, and Jim Fandrey, Assistant Director of Right-of-Way

Mr. Fandrey presented an overview of the proposed Right-of-Way Management Program and reviewed the types of right-of-way permits and level of approvals by staff or the Board.

Facility Type	Permit Action
Access	Staff Approval (Six months or less) Board Approval (More than six months)
Bank/Berm Reshaping	Staff Approval
Bridges	Staff Approval
Buildings/Structures	Board Approval
Bulkhead/Seawalls	Staff Approval
Culvert Crossings	Staff Approval
Docks	Staff Approval (In acceptable area) Board Approval (In non-acceptable area)
Drainage Outfall Connections	Staff Approval
Gates/Fences (Parallel)	Board Approval
Gates/Fences (Perpendicular)	Staff Approval
Irrigation Connections	Staff Approval
Landscaping (Inside limits of crossing)	Staff Approval
Landscaping (Outside limits of crossing)	Board Approval
Monitoring Wells	Staff Approval
Open Channel Connections	Board Approval
Parking	Board Approval
Perpendicular At-Grade Access (Sidewalk, etc.)	Staff Approval
Piping of Canal	Board Approval
Signs – Commercial or Residential Location (Non-Billboard)	Staff Approval
Utility Lines (Parallel)	Board Approval
Utility Lines (Perpendicular)	Staff Approval
Utility Poles or Mastarm	Board Approval

Mr. Strowd stated that with the exception of the docks, signs and piping, paving and parking agreements, there are no major changes in permit issuance and approvals.

Mr. Perry suggested that all dock permits be approved at the staff level as the public is always provided the opportunity to petition the Board.

President Alderman inquired how the public knows they have the right to petition the Board.

Mr. Fandrey replied that there is a statement in the District's Operating Policies indicating that petitioners may request to appeal staff decisions to the Board, and staff also shares this information with applicants.

Mr. Fandrey also shared that staff completed an extensive analysis of permit fees and proposed a revised permit fee schedule to include application fees and usage fees.

Permit Type	Proposed Permit Application Fees
Bridge	\$0.25 per Sq. Ft. of bridge surface (minimum \$300)
Commercial Irrigation Connection	\$6.50 per L.F. of irrigation pipe (minimum \$300)
Culvert Crossing	\$9 per L.F. of culvert (minimum \$300)
Dock	\$2 per Sq. Ft. of dock surface (minimum \$300)
Drainage Outfall Connection	\$500 Each outfall connection
Gate / Fence (Perpendicular)	\$610 Each (LWDD approved 14 ft. steel gate)
Monitoring Well	\$580 Each
Seawall	\$500 Each
Sign (Commercial or Residential Location)	\$610 Each
Temporary Access	\$670 Each
Utility (Parallel – Above and Below Ground)	\$2 per L.F. (minimum \$300)
Utility (Perpendicular)	\$8 - \$16 per L.F. (minimum \$300)
Utility (Pole / Mastarm)	\$710 Each

Supervisor Whitworth inquired why the District is not charging by the linear foot for seawalls and suggested staff consider it in the future.

Mr. Fandrey stated that staff did not propose charging by the linear foot as seawalls typically occur in conjunction with dock permitting and are installed in residential neighborhoods which can benefit the District. He indicated staff would look into the need to charge by linear foot.

Mr. Fandrey also presented the proposed one-time and/or annual usage fees.

Permit Type	Proposed Usage Fees
Bridge	One-Time: \$0.40 per Sq. Ft. of bridge surface (minimum \$450)
Commercial Irrigation Connection	One-Time: \$10 per L.F. of irrigation pipe (minimum \$450)
Culvert Crossing	One-Time: \$14 per L.F. of culvert (minimum \$450)
Dock	One-Time: \$5 per Sq. Ft. of dock surface (minimum \$450)
Drainage Outfall Connection	One-Time: \$750 Each
Gate/Fence (Perpendicular)	One-Time: \$915 Each
Monitoring Well	One-Time: \$870 Each
Seawall	One-Time: \$750 Each
Sign (Commercial or Residential Location)	One-Time: \$915 Each
Temporary Access	None

Utility (Parallel – Above and Below Ground)	One-Time: \$20 L.F. Annual: \$4 per L.F.*
Utility (Perpendicular)	One-Time: \$12 - \$24 per L.F. (minimum \$450)
Utility (Pole/Mastarm)	One-Time: \$1,065 Each

Mr. Fandrey shared that staff would be conducting outreach regarding the permitting program, including coordination with the county, municipalities and homeowners' associations.

Staff recommended approval of the Right-of-Way Permitting Program to include the revised permit approvals and fees. Staff will edit the existing operating policies as applicable and return to the Board for formal acceptance.

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

11. Consideration of request to allow existing encroachments to remain within the L-47 Canal right-of-way. Location: Mary Barrows, 21522 Cavandish Road, Boca Raton, FL 33433 in the Amberwoods Subdivision on the L-47 Canal (Project #16-3750P.02) - Joseph G. Walsh, Right-of-Way Section Leader

Mr. Walsh presented a timeline regarding construction of the encroachments and the subsequent notice of violations. He also shared photos illustrating the District's property line. Mr. Walsh explained that the existing dock on the property was permitted to the previous owner. Based on the revised dock permitting policy, docks are no longer permitted on the L-47 Canal and a permit transfer will not be authorized.

Ms. Barrows addressed the Board and requested a variance to permit the encroachments. She indicated that a survey was completed prior to the project and she provided it to the contractor prior to installment of the fence and pavers.

Mr. Strowd stated the encroachments cut off six feet of available working space for that canal right-of-way. In 2007, the District conducted an extensive rehabilitation of the L-47 Canal. At a significant expense, the obstructions were removed and the canal bank was rebuilt in order to allow sufficient access to operate during emergencies and normal maintenance.

Staff recommended denial of Ms. Barrows request to keep the encroachments and removal of the fence, pavers, landscaping and dock.

Supervisor Whitworth stated staff will work with Ms. Barrows to provide sufficient time to remove the encroachments.

Ms. Barrows inquired if other encroachments along this canal will be removed.

Mr. Strowd stated that staff is evaluating all other encroachments. Mr. Brown stated all structural encroachments and non-native plants will be removed.

A motion was made by Senior Vice President Raucher to approve the recommendation, seconded by Supervisor Bedner and approved unanimously.

12. Approval to allow Dazco Center to fill a portion of the L-18 Canal along frontage of property. Location: South side of Hypoluxo Road, west of Military Trail (Project #03-7186P.01) - Nicole Smith, Right-of-Way Permit

Ms. Smith stated staff met with the consultant to discuss options for this portion of the canal. Staff determined that the structure at this location was not utilized and the canal could be filled along the frontage of the property.

Staff recommended approval to permit the applicant to fill a portion of the L-18 Canal along the frontage of their parcel for approximately 384 feet, remove the control structure and stabilize the canal at the west end with rip-rap rubble. The applicant will be responsible for all future maintenance of the right-of-way. The recommendation is also subject to District Operating Policies, permit fees, approval of all plans by District staff, and the District being named as additional insured on the Certificate of Insurance.

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

13. Approval to solicit a Request for Proposals for design and construction management for Control Structure 9 Relocation Project (Project #16-7170L.05) - Patrick A. Martin, Director of Stormwater Permitting & Engineering

Mr. Martin stated that Control Structure 9 is a major water control structure located in the C-16 Basin, draining 52.8 square miles of mixed land uses. Mr. Martin stated that a recent evaluation determined the structure to be in fair condition; however, refurbishment will be required in the future. The structure is located adjacent to a major roadway/bridge and staff has recognized potential safety and infrastructure concerns. A Preliminary Engineering Study was conducted to evaluate existing conditions, proposed location, preliminary design, construction considerations, and engineer's opinion of probable construction cost. Recommendations include relocation of the structure approximately 270 feet east of the existing structure to improve overall hydraulic efficiency. Design of the structure is to include three (3) 12-foot wide radial gates, and the probable cost estimate of \$5.6 million including a \$1.3 million contingency.

Staff recommended approval to solicit a Request for Proposals to select a qualified engineering firm to perform design and construction management services including, but not limited to: survey, subsurface utility locates and geotechnical investigations; structural, mechanical and electrical engineering; permitting; design and development of construction drawings; preparation of construction cost estimates and technical specs for bidding; engineering inspection during construction; and review and approval of record drawings. Staff will return to the Board to request approval of the top-ranked firm(s) and approval to enter into contract negotiations.

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

14. Approval to surplus and dispose of designated items - Karen Hoyt, Director of Finance

Pursuant to Chapter 274, Florida Statutes, Ms. Hoyt presented a list of items for surplus and disposal. Items included several tractors, mower attachments, a boat and several IT items.

Staff recommended approval to declare the listed items surplus and authorization to dispose items through auction.

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

STAFF REPORTS

15. Executive Director's Report

Mr. Brown announced that Anthony Baker is retiring at the end of May 2016 after 38 years of service.

Director of Operations and Maintenance

Mr. Strowd stated that the District delivered a letter to D & J Machinery, Inc., the contractor fabricating the gates for Control Structures 11 and 12, requiring them to complete the contract by May 15, 2016. If not completed by the due date, the District will take action to stabilize the structure and release D&J Machinery, Inc. from the contract. Mr. Strowd indicated that James Swindle responded verbally on May 2, 2016, explaining that he would complete the work.

Vice President Phipps inquired if the contractor would be charged for the District's work to complete the structure. Mr. Strowd indicated that staff will discuss options with legal counsel.

Director of Administrative Services

Ms. Walker announced that Melissa Wheelihan recently graduated Cum Laude from Palm Beach State College with a Bachelor's Degree in General Management, and congratulated her on the achievement.

Director of Stormwater Permitting & Engineering

Mr. Martin stated that the District continues to participate in meetings regarding the C-51 Reservoir Project. He also shared that the Sun Sentinel newspaper recently reported on the County's LiDAR project and mentioned the District's participation. The District has contributed \$25,000 to the project.

Director of Finance

Ms. Hoyt stated the actuary is finalizing the report for the unfunded liability related to the Florida Retirement System, and then the District's auditors will complete their work.

Ms. Hoyt shared her concern that the audited financial statement may not be ready to be presented at the regularly scheduled Board meeting on June 15, 2016. The District is required to file the financial statement by June 30, 2016

President Alderman suggested changing the Board meeting to Thursday, June 23, 2016.

A motion was made by Senior Vice President Raucher to change the date of the June Board meeting from June 15, 2016 to June 23, 2016 at 8:30 A.M., seconded by Supervisor Whitworth and approved unanimously.

District Counsel

Mr. Perry reported that the District received a denial letter from the Palm Beach County Department of Planning, Zoning and Building Director, Lorenzo Aghemo, regarding the review and interpretation of Transfer of Development Rights in the Agricultural Reserve. Mr. Brown filed an appeal for a special hearing with the Local Planning Agency.

23. Board Comment

President Alderman recognized staff's efforts for the recent work on vegetation clearing utilizing the District's land management package.

Supervisor Whitworth suggested leasing additional machines.

24. Adjourn

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

President - James M. Alderman

Recording Secretary - Joann M. Aylor