



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
MARCH 15, 2017 AT 8:30 A.M.**

Board Members Present:

James M. Alderman Steve Bedner (Via Phone) Harry Raucher
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. Service Recognitions:

- **Michael Brady – Retired January 2017**
- **Deborah Harris – Retiring March 2017**

Mr. Brown stated that Mr. Brady retired from the District in January 2017 after 14 years of service. He also stated that Ms. Harris is retiring at the end of March 2017 after 15 years of service with the District.

The Board presented a recognition plaque to both Mr. Brady and Ms. Harris and thanked them for their dedication and service to the District.

4. Agenda Revisions – Robert M. Brown, Executive Director

There were no agenda revisions.

5. Abstentions by Board Members from items on the Agenda

There were no abstentions.

6. General Public Comment

Ron Nolan, 15055 Lakes of Delray Blvd., Delray Beach, representing the residents of Lakes of Delray, requested that the hedge encroaching along or adjacent to the District's L-35 Canal right-of-way be allowed to remain, or an extension of time be allowed to determine options for replacement of the hedge.

Mr. Strowd indicated the Lakes of Delray is on the north side of the L-35 Canal. The property line is approximately one foot from the edge of their parking lot. As part of the District's canal rehabilitation program, it is staff's intent to reclaim the area in order to conduct maintenance from the north side of the canal. He stated that a contractor is scheduled to remove trees and other vegetation and District staff will be removing the hedge.

Mr. Perry indicated that there is an Easement Deed to the District from Lennar Homes, Inc. dated October 31, 1986 which states that "Lennar shall grant no other easement, erect no buildings or effect any other kind of construction or improvements or plant any other kind of construction or improvements upon the District's property that may impede, restrict, or hinder the District's use of the subject property as provided in this Easement."

Staff recommended moving forward with removal of the hedge by District staff and removal of trees and other vegetation by contractors.

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

Staff recommended approval of the residents' request to postpone removal of the hedge for ninety (90) days.

A motion was made by Supervisor Raucher to approve staff recommendation to postpone removal of the hedge for ninety (90) days, seconded by Senior Vice President Whitworth and approved unanimously.

CONSENT

- 7. Board comment or request to pull items from Consent Agenda**
- 8. Approval of minutes, check register and financial statement for the previous month**
- 9. Approval of revised LWDD Operating Policy, Section 3.6, Docks, Davits, Boat Lifts and Bulkheads – Jim Fandrey, Assistant Director, Right of Way**
- 10. Approval of revised LWDD Operating Policy, Section 3.7, Access Gates – Jim Fandrey, Assistant Director, Right of Way**
- 11. Board Vote on Consent Agenda**

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

DISCUSSION

- 12. Approval to permit a parallel utility installation within the L-20 Canal and E-2W Canal rights-of-way. Location: L-20 Canal from Lyons Road east to**

the E-2W Canal (Project #16-10065U.02 & 16-10065U.03) - Nicole Smith, Right-of-Way Permit Coordinator

Ms. Smith stated that Florida Power & Light (FPL) Fibernet is requesting to install conduit within the L-20 and E-2W Canal rights-of-ways. Ms. Smith indicated that FPL addressed the District's criteria for reviewing alternative options and locations.

Staff recommended approval for FPL Fibernet to install two (2) 1.5 inch conduits within the outside five feet of the L-20 and within the outside five feet of the E-2W Canal rights-of-ways from Lyons Road to the E-2W Canal and then south for approximately 5,000 feet subject to:

- LWDD Operating Policies
- Approval of plans by LWDD staff
- Application fee: \$2.00 per linear foot x ~5,000 ft. = \$10,000
- One time use fee: \$20.00 per linear foot x ~5,000 ft. = \$100,000
- Annual fee: \$4.00 per linear foot x ~5,000 ft. = \$20,000; adjusted every 5 years based on the compounded CPI

President Alderman reiterated that approval was only for the authorized installation. Additional installations would require separate authorizations.

A motion was made by Supervisor Raucher to approve staff recommendation, seconded by Supervisor Phipps and approved unanimously.

Senior Vice President Whitworth stated that staff should consider allocating the annual permit toward canal rehabilitation efforts.

13. Approval of amendment to the existing Encroachment License Agreement to permit a fence and gate installation on the L-30 Canal right-of-way. Location: Southwest Quadrant of the L-30 Canal and Barwick Road (Project #06-6694P.02) - Nicole Smith, Right-of-Way Permit Coordinator

Ms. Smith explained that there is an existing encroachment agreement with the property owner, Lynlee Glynn. Ms. Glynn is requesting a modification of the agreement to authorize installation of a fence within a portion of the L-30 Canal right-of-way to provide a safety barrier.

Staff recommended approval to modify the existing encroachment agreement to include the fence and to convert the agreement into a right-of-way permit subject to:

- LWDD operating policies
- Permit Fees:
 - \$2.00 per linear foot x 115 feet = \$230.00
 - \$20.00 per linear foot x 115 feet = \$2,300.00
- Update of the adjacent existing gate per the District's new access gate policy
 - Application Fee \$610.00
 - Fabrication Fee \$1,500.00

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

- 14. Denial of request to retain unauthorized roofing encroachment on permitted dock. Location: Golf View Harbour E-4 Canal (Project #90-3758A.01) - Nicole Smith, Right-of-Way Permit Coordinator**

Ms. Smith indicated that the property owner, Robert Glynn, was issued a dock permit in April 2016. Mr. Glynn installed an unpermitted tiki roof on the dock following initial construction. District staff issued a notice of violation to Mr. Glynn in December 2016 requesting that the tiki roof be removed. Mr. Glynn requested board approval to retain the roof.

Staff recommended denial of Mr. Glynn's request to keep and permit the roof structure on the dock and to provide sixty (60) days for removal.

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

- 15. Consideration of property owner's request to retain unauthorized vegetative encroachments. Location: Daniel Residence, 2365 Hampton Bridge Road, E-4 Canal and Old Germantown Road (Project #17-9897P.14) – Tommy Strowd, Director of Operations & Maintenance**

Mr. Strowd stated that the property owner, Mark Daniel, is requesting approval to keep vegetative encroachments behind his house. The vegetation is scheduled for removal with a future canal rehabilitation project.

Mr. Daniel commented that removing the vegetation from behind his home would impact his property. He requested that the District limit the amount of tree trimming to retain some of the vegetation.

Staff recommended moving forward with the planned clearing on the west side of the E-4 Canal right-of-way from the L-37 Canal to Old Germantown Road.

A motion was made by Supervisor Raucher to approve staff recommendation with the understanding the Executive Director will work with the property owner on a timeline for the removal of his encroachments, seconded by Senior Vice President Whitworth and approved unanimously.

STAFF REPORTS

- 16. Executive Director's Report**

Mr. Brown stated that Matt Orf, an equipment operator on the District's mowing crew, recently passed away. He recommended board approval to waive the sick leave policy thresholds and authorization to payout 100% of Matt Orf's sick leave balance including leave donated by staff.

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

Mr. Brown stated that staff and Supervisor Raucher met with Tom McNicholas of McNicholas & Associates to discuss communication strategies related to Transfer of Development Rights. He indicated that Mr. McNicholas would assist with outreach and development of briefing materials. Mr. Brown indicated he would continue to brief the board on future developments.

Director of Operations and Maintenance

Mr. Strowd provided a progress update on construction of the SCADA system. Construction began in February 2017. The contractor received construction permits from Palm Beach County for Control Structures #1 and #17W; permits for Control Structures #6 and #8 were expected within the month. The Section 408 Permits from the U.S. Army Corps of Engineers are expected within the month for Control Structures #2 and #4.

Mr. Strowd stated that staff will present an equipment utilization overview at the April 2017 board workshop.

Mr. LasCasas updated the Board on the progress of the Canal Rehabilitation Program. Over the past 12 months, the District has cleared a total of 18.14 miles of vegetation on canal rights-of-way:

- LWDD – 9.49 miles; contractor – 7.43 miles; developer - 1.22 miles

Director of Administrative Services

Director of Finance

District Counsel


No additional staff reports.

17. Board Comment

No additional comments.

18. Adjourn

There being no further business, the meeting adjourned at 9:40 A.M.



President - James M. Alderman



Recording Secretary - Joann M. Aylor

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