

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

Board Members Present:

Joyce D. Haley	John I. Whitworth, III	James Alderman
C. David Goodlett	Harry Raucher	

- 1. Call to order by the President**
- 2. Pledge of Allegiance**
- 3. Board Agenda approval**

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

- 4. Announcement – Notice of January 15, 2014 Board meeting was published in the Palm Beach Post**
- 5. Oath of office to newly elected Supervisor(s).**

Joyce D. Haley, having been duly elected to the Board of Supervisors at the Annual Landowners' Meeting held on January 8, 2014, for a period of three years in accordance with the legislative act, Chapter 98-525, Laws of Florida 1998, took the oath of office in the form and manner required by law, after which she took her seat as the newly elected Supervisor of the Board of Supervisors of the Lake Worth Drainage District from Sub-District 4.

OATH OF JOYCE D. HALEY

State of Florida
County of Palm Beach

Before me, the undersigned, a Notary Public, personally appeared Joyce D. Haley, who being duly sworn, did depose and say: That she will honestly, faithfully and impartially perform the duties devolved upon her in the office of Supervisor of the Lake Worth Drainage District, to which office she has been duly elected, and that she will not neglect any of the duties imposed upon her by the laws of the State of Florida.

The foregoing instrument was acknowledged before me this the 15 day of January 2014, by Joyce D. Haley, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

My Commission Expires: _____
Notary Public State of Florida

Harry Raucher, having been duly elected to the Board of Supervisors at the Annual Landowners' Meeting held on January 8, 2014, for a period of three years in accordance with the legislative act, Chapter 98-525, Laws of Florida 1998, took the oath of office in the form and manner required by law, after which he took his seat as the newly elected Supervisor of the Board of Supervisors of the Lake Worth Drainage District from Sub-District 2.

OATH OF HARRY RAUCHER

State of Florida
County of Palm Beach

Before me, the undersigned, a Notary Public, personally appeared Harry Raucher, who being duly sworn, did depose and say: That he will honestly, faithfully and impartially perform the duties devolved upon him in the office of Supervisor of the Lake Worth Drainage District, to which office he has been duly elected, and that he will not neglect any of the duties imposed upon him by the laws of the State of Florida.

The foregoing instrument was acknowledged before me this the 15 day of January 2014, by Harry Raucher, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

My Commission Expires: _____
Notary Public State of Florida

6. Election of President, Senior Vice President, Vice President and Supervisors.

President Raucher opened nominations for the election of President. James M. Alderman nominated Harry Raucher. John I. Whitworth, III seconded the nomination. There being no further nominations, a unanimous vote was cast for Mr. Raucher.

President Raucher opened nominations for Senior Vice President. John I. Whitworth, III nominated Joyce D. Haley. James M. Alderman seconded the nomination. There being no further nominations, a unanimous vote was cast for Mrs. Haley.

President Raucher opened nominations for Vice President. Joyce D. Haley nominated John I. Whitworth, III. James M. Alderman seconded the nomination. There being no further nominations, a unanimous vote was cast for Mr. Whitworth.

James M. Alderman and David C. Goodlett are Supervisors.

7. 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.
Senior Vice President Haley seconded and it passed unanimously.*

8. Recognition of Carol W. Connolly's 37 years of District service

President Raucher read into the record Resolution No. 14-01, honoring Carol W. Connolly for her 37 years of dedicated service.

*Senior Vice President Haley made a motion to approve Resolution No. 14-01.
Vice President Whitworth seconded and it passed unanimously.*

Ms. Connolly thanked the Board and her co-workers for their support and reminisced about her years of service at the agency.

Supervisor Goodlett complimented Ms. Connolly on her service to the agency, and thanked her family for sharing her over the last 37 years. President Raucher shared his well wishes. Mr. Brown presented Ms. Connolly with a collage of some memorable photographs compiled by her friends and co-workers.

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

Mr. Alderman spoke about the January rain event that dropped between 15 and 22 inches of rain in an approximate six-hour time frame. He thanked the District for their outstanding work and requested that a letter of commendation be placed in their personnel files. Mr. Alderman and President Raucher also recognized the entire organization for their efforts.

Mr. Baker complimented staff for a job well done.

Mr. Whitworth asked Mr. Brown to draft a letter for the board's signature to recognize field staff that worked during the event.

Mr. Brown shared statistics regarding the uncommon heavy rain event. Mr. Martin reiterated the significance of the rain event and commented that I-95 was built for a 1 in 500-year event and was closed by FDOT for several hours due to flooding.

CONSENT AGENDA

10. **Lot 56, MOBILAIRE 1ST ADDITION, P.B. 27, Page 103 – Chancery Case 407 Right-of-Way @ E-3 Canal – LWDD Project No. 13-8704P.03**
Thomas J. Barry, Project Surveyor – Re: Request to release West 3.46 ft. of the E-3 Canal right-of-way to adjacent landowner, subject to LWDD Operating Policy.
11. **Lot 57, MOBILAIRE 1ST ADDITION, P.B. 27, Page 103 – Chancery Case 407 Right-of-Way @ E-3 Canal – LWDD Project No. 13-8704P.04**
Thomas J. Barry, Project Surveyor – Re: Request to release West 3.46 ft. of the E-3 Canal right-of-way to adjacent landowner, subject to LWDD Operating Policy.
12. **Lot 2, Block 8, Unit 1, BOCA RATON SQUARE – L-49 Canal – LWDD Project No. 13-4795P.20**
Thomas J. Barry, Project Surveyor – RE: Request to release lands owned by LWDD via Chancery Case 407 in Lot 2.
13. **Hub Properties Trust and Fairway Commons Acquisition LLC – L-41 Canal – LWDD Project No. 06-8274**
Mark A. Perry, General Counsel – Re: Request for one year extension to complete installation of improvements until December 11, 2015.
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)

*Vice President Whitworth made a motion to accept the Consent Agenda.
Senior Vice President Haley seconded and it passed unanimously.*

WORKSHOP

15. **Proposed Changes to District Leave Policy**
Robert M. Brown, Executive Director

Mr. Brown reviewed the existing sick and vacation leave policies for the District, and proposed revisions in order to decrease financial risk to the agency and to be more consistent with existing policies in place for water management districts, as well as state and local governments.

He further shared proposed changes for cashing in sick and vacation leave balances, and explained that employees separating from the District on or before September 30, 2014 would be paid under the former policy provided they give notice of separation prior to February 28, 2014.

STAFF RECOMMENDATION MADE BY ROBERT M. BROWN – Approve proposed revisions to leave policies and implement retroactive to January 1, 2014.

Senior Vice President Haley shared with staff the importance of maintaining a sufficient sick leave balance.

Supervisor Alderman and Vice President Whitworth requested additional information on costs and budgeting associated with the benefit plan and the District’s landfill operation.

Senior Vice President Haley made a motion to approve the proposed changes to the leave policies as presented by Mr. Brown.

Supervisor Alderman seconded and it passed unanimously.

DISCUSSION AGENDA

16. Wellington Charter School – L-10 & E-1 – LWDD Project No. 13-9472D.02

Shahin Hekmat, P.E. /V.P. Thompson and Associates, Inc. (Patrick A. Martin, Director of Engineering and Right-of-way) – Re: Temporary use of the LWDD E-1 Canal Right-of-way to construct a charter school. (Location: Southeast corner of SR 7 & Stribling Way)

Mr. Martin explained to the Board the petitioner is requesting temporary use of the E-1 Canal right-of-way for approximately 1,300 feet for ingress/egress in order to construct a charter school. This project is located north of Lake Worth Road and east of State Road 7 south and adjacent to the L-10 Canal right-of-way with Palomino Drive just to the south. When the bridge is permitted and constructed within the next six months, the temporary access road will be gone. The applicant is willing to enter into a license agreement, indemnify and hold harmless the District for this 1,300 feet, pay all applicable fees and per District policy.

STAFF RECOMMENDATION MADE BY PATRICK MARTIN – Approve temporary access for six months, provided the petitioner agrees to the conditions of the agreement, Section 4.8 and Section 2.

Vice President Whitworth asked if six months would be enough time to construct the bridge. Mr. Martin replied that in the area between the site and Palomino Drive, they are required to obtain cross-access easement from the owners to the south and the District is encouraging that as we do not want continued use of the E-1 Canal right-of-way. The petitioner does have the right to return after six months, but staff prefers the Board keep it at a six month window at this time.

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

17. Atlantic Commons – L-31 Canal, North of Atlantic Ave, between Florida Turnpike and the E-2E Canal

Nicole Smith, Right-of-Way Coordinator – Re: Request to have L-31 Canal right-of-way declared eligible for purchase and offer to the adjacent property owners for fair-market value.

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 explained to the Board that last month Atlantic Commons Associates, LLLP appeared before them to request the right-of-way for the L-32 Canal be declared eligible so the adjacent property owner would be able to purchase it at fair market value. Atlantic Commons is also adjacent to the L-31 Canal, which was also scheduled to appear last month, but was postponed because there is currently a different property owner, Southern Golf Partners (Polo Trace Golf Course), on the north side and they had to communicate with them prior to attending the Board meeting. Atlantic Commons has notified Southern Golf Partners that they would be appearing before the LWDD Board of Supervisors today to request the L-31 Canal right-of-way be declared eligible for purchase. If Southern Golf Partners decides to purchase a portion of the L-31 Canal right-of-way they will notify the District. If they decide not to purchase a portion of the right-of-way, then Atlantic Commons Associates will purchase the entire L-31 canal right-of-way.

STAFF RECOMMENDATION MADE BY NICOLE SMITH – Declare the rights-of-way of the L-31 Canal eligible for purchase, and sell to Atlantic Common Associates, LLLP and/or Southern Golf Partners (Polo Trace Golf Course) for fair market value subject to the adjacent property owner continuing the historic drainage from the surrounding properties, as well as a sketch of description, all applicable fees, an appraisal, and certification of title.

Vice President Whitworth inquired if there is a canal currently bisecting the golf course. Ms. Smith said there is not; the District has right-of-way, but it is not a defined canal. She further stated if it is not purchased, it will need to be brought to design and a culvert will need to be installed.

*Supervisor Goodlett made a motion to approve staff recommendation.
Senior Vice President Haley seconded and it passed unanimously.*

18. Florida Power & Light Company – L-30 Canal (North Side) – Between Jog Road & Hagen Ranch Road - LWDD Project No. 13-9388U.01

Mike Brady, Plan Reviewer – Re: Construct 10 new poles in the permitted area and replace 6 existing poles and construct 13 new poles in the unpermitted area.

Mr. Brady explained that this is an existing FPL line located within the L-30 Canal north right-of-way between Jog Road and Hagen Ranch Road. The eastern portion of the pole line is permitted and the western portion is not. FPL is requesting approval for construction of 10 new wood poles within the previously permitted area and replacement of six existing wood poles and construction of 13 new wood poles within the unpermitted area. The new poles will be constructed within the existing pole line which varies between 70 feet from the north top of bank within the permitted area and 40 feet from the north top of bank within the unpermitted area and will have a minimum catenary height of 45 feet. FPL determined these poles are necessary in order to strengthen the lines during extreme wind events. Should the Board approve this request, the entire pole line between Jog Road and Hagen Ranch Road will then be permitted.

STAFF RECOMMENDATION MADE BY MICHAEL BRADY – Approval of the lateral installation of 23 new wood poles and the replacement of six existing wood poles in the north right-of-way of the L-30 Canal subject to LWDD Operating Policies and a one-time fee of \$23,000.00.

*Senior Vice President Haley made a motion to approve.
Vice President Whitworth seconded and it passed unanimously.*

19. Nature of Marble – E-4 Canal, approximately 1000 ft. South of LWDD L-32 Canal – LWDD Project No. 13-8369P.03

Patrick A. Martin, P.E., District Engineer – Re: Modification to the March 15, 2013 LWDD Board of Supervisors approval for an Encroachment License Agreement.

Mr. Martin explained that this project was approved in March 2013 for the portion of the canopy roof that encroached into the District’s right-of-way. The applicant is now requesting a modification to the agreement. They would like to remove the requirement to provide a permanent ingress/egress access from Congress Avenue to the E-4 Canal. This project is located on the west side of Congress Avenue south of Lake Ida Road. Mr. Martin explained that it was agreed between the District and the applicant that we would perform the task of clearing, cleaning and placing rip rap rubble along the shoreline and Nature of Marble would reimburse the District for the rubble.

STAFF RECOMMENDATION MADE BY MICHAEL BRADY – Approve the modification to the encroachment authorization removing the condition requiring the ingress/egress access from Congress Avenue through the Nature of Marble property to the E-4 Canal.

*Vice President Whitworth made a motion to approve staff recommendation.
Senior Vice President Haley seconded and it passed unanimously.*

ADDENDUM DISCUSSION ITEMS

1. Seminole Manor – L-17, LWDD Project No. 13-2353P.05

Bob Reed, Reed, Griffith and Moran (Thomas J. Barry, Surveyor) – Re: Issue a Quit-Claim Deed for Lots 12 through 15, Block 11, Replat of Part No. 1 SEMINOLE MANOR, Plat Book 25, Page 238

Mr. Barry said this request is located on the north side of the L-17 Canal in Seminole Manor. The District has Chancery Case 407 and owns the North 47.85 feet of the NE ¼ of the SW ¼ of Section 6, Township 45 S, Range 43 E, which includes portions of Lots 12 through 15. This area was platted in 1958. The petitioner has requested that the District declare the underlying fee eligible for sale and issue a quit-claim deed to clear title for \$180 and a certificate of title for all four properties in question.

Vice President Whitworth made a motion to approve staff recommendation. Senior Vice President Haley seconded and it passed unanimously.

2. Adam Johnson - Results and awarding of the Annual Herbicide bid.

Mr. Johnson explained that the District solicited bids for herbicides and had good results with nine vendors responding. A tie-break procedure was instituted for companies with the same bid amounts.

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

STAFF REPORTS

20. Board comment

Supervisor Goodlett inquired about the status of the Faith Farm bridge. Mr. Martin said the bridge permit was approved and the District waived all fees. The bridge is being built in two segments. The bridge to the north has been completely built, certified and in use. The south portion of the bridge was placed in the location where the old bridge was located so the old bridge had to be removed first. The piles are in place and they are currently constructing that portion.

Supervisor Goodlett asked about the status on the Rogers case. Mr. Martin responded that one individual is on sabbatical and nothing will be occurring over the next year.

Vice President Whitworth commented on the importance of having back-up legal representation for the District in case there is ever a need. Mr. Brown agreed and will discuss the issue further with Mr. Perry and report back to the Board.

21. Executive Director's Report

Mr. Brown followed up on the Board's earlier comments in reference to the recent rainfall event and commended Mr. Baker and staff on a great job performed during the storm. He also commented on the importance of having experienced staff in the field.

Mr. Brown mentioned the recent article in the Palm Beach Post and discussed the District's commitment to communicating with residents.

Mr. Brown introduced Reagan Walker as the new Director of Administrative Services.

a. Director of Operations & Maintenance

Mr. Baker informed the Board that Control Structure No. 3 now has power and the pumps have been running.

Mr. Baker shared photographs of the recent rain event. One of the areas in need of repair is Boynton High School where concrete mats will be replaced with rip rap rubble.

b. Director of Administrative Services

c. Director of Engineering & Right-of-Way

Mr. Martin spoke briefly about the C-51 Reservoir Project, updating the Board on meetings that are scheduled.

Mr. Martin spoke about the need for utility contacts and utility liaisons, mentioning that he and staff have been working with Palm Beach County in acquiring contact information to enhance coordination and communication.

Mr. Martin recognized Tom Barry, Dave Bends and Deb Harris for processing more than 1,300 Chancery letters last year, explaining the tremendous effort that is required.

Mr. Martin also recognized office staff for handling numerous phone calls during the recent rain event.

Mr. Martin further mentioned that he will be discussing with management the need to budget for and provide 4x4 trucks for field staff to ensure that they are able to access flooded areas during storm events.

d. District Counsel

There being no further business, the meeting adjourned at 10:40 A.M.

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