



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
June 14, 2023 AT 8:30 A.M.**

Board Members Present:

John I. Whitworth, III
Jeffrey Phipps, Sr.

James M. Alderman
Carrie P. Hill

Board Member Present On the Phone:

Stephen Bedner

1. Call to Order

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

2. Pledge of Allegiance

Mr. Whitworth led the Pledge of Allegiance.

3. Employee Retirement Recognition

- James Shultz, Aquatics Crew Leader
- Robert Haine, IT Support Specialist

Mr. Strowd stated that Robert Haine will be retiring at the end of the month. Mr. Strowd stated that Bob was unable to attend the meeting but thanked him for his service.

Mr. Strowd announced that Jim Shultz will also be retiring at the end of the month. Jim has served on the aquatics crew for over 29 years. The Board and staff expressed their sincere appreciation for Jim's dedication and successes throughout his career and congratulated him on his retirement. Jim was presented with a memento box from staff and the board. He commented regarding his tenure and adventures at the District.

4. Agenda Revisions – Tommy Strowd, Executive Director

There were no agenda revisions.

5. Abstentions by Board Members from Items on the Agenda

There were no abstentions by board members.

6. General Public Comment (limited to 5 minutes)

There was no general public comment.

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

A motion was made by Supervisor Whitworth to approve the minutes, check register and financial statement for the previous month, seconded by Vice President Hill and approved unanimously.

DISCUSSION

8. Approval to issue a right-of-way permit variance to property owner Paul Raffa authorizing designated encroachments within the L-25 Canal right-of-way. Location: 10494 St. Andrews Road, Boynton Beach; north side of the L-25 Canal, east of St. Andrews Road (Project #RW-23-0198) – Nicole Smith, Permit Supervisor

Ms. Smith provided history regarding the District's right-of-way adjacent to Mr. Raffa's property. She stated in May 1972, the District received a Quit Claim Deed for 85' from Pine Tree Golf Club, Inc. for the L-25 Canal. Subsequently, in June 1987, a 10' Quit Claim Deed was issued by the District to then-current property owners in exchange for a 10' Exclusive Easement from the property owners to the District. The easement was solely for the purpose of building setbacks on their lot. Ms. Smith shared an image of Mr. Raffa's survey, which demonstrated the 10' District easement. She explained that there is 2' distance between Mr. Raffa's house and the north line of the District's 10' easement.

Furthermore, Ms. Smith stated that in April 2023 a notification was sent to property owners informing them about the upcoming canal rehabilitation work on the L-25 Canal. In May 2023, a notice of violation was sent to Mr. Raffa for specific encroachments. Subsequently, Mr. Raffa submitted a variance application for all landscaping, AC pad, pool heater & pipes, pool, and irrigation equipment to remain.

Staff recommended approval to issue a Right-of-Way Permit to Mr. Raffa for the encroachment of one (1) Royal Palm Tree, a portion of the concrete AC pad, the Clusia hedge adjacent to the concrete AC pad, and any existing private underground utility lines. The approval is subject to the removal of the Black Olive tree and two (2) Palm tree clusters with shrubs within 90 days; an exhibit reflecting the approved encroachments; and proof of liability insurance of a minimum of \$300,000 listing LWDD as a certificate holder. Based on the Board's direction, staff also recommended a reduction in the application fee to \$50, waiver of the one-time use fee, and a \$50 annual fee to be adjusted every five years based on the compounded CPI.

Mr. Raffa provided public comment and requested authorization to keep the encroaching vegetation.

A motion was made by Supervisor Whitworth to approve staff recommendation, seconded by Supervisor Phipps and approved by a vote of 4-1 with a dissenting vote from Vice President Hill.

9. Denial of variance request by property owners Jerald and Kimberly Hansen to permit vegetative encroachments within the L-25 Canal right-of-way; approval to issue a right-of-way permit for designated underground facilities within the L-25 Canal right-of-way. Location: 10495 St. Andrews Road; north side of the L-25 Canal, west of St. Andrews Road (Project #RW-23-0195) – Nicole Smith, Permit Supervisor

Mr. Strowd stated that Mr. Hansen had written a letter addressed to the Board members. Each member received a copy of the letter for reference.

Ms. Smith provided history regarding the right-of-way adjacent to Mr. Hansen's property. She stated in May 1972, the District received a Quit Claim Deed for 85' from Pine Tree Golf Club, Inc. for the L-25 Canal. In August 1986, a 10' Quit Claim Deed was issued by the District to the then-current property owners in exchange for a 10' Exclusive Easement issued from the property owners to the District. In August 1986, the District entered into an agreement with the property owners to purchase 10' of right-of-way for purposes of a required setback. In April 1989, a corrective Quit Claim deed was issued by the District to correct the legal description. Ms. Smith shared an image of Mr. Hansen's survey, which demonstrated the 10' between the Hansen residence and the north line of the District's easement.

Furthermore, Ms. Smith stated that in April 2023 a notification was sent to the property owners, informing them about the upcoming canal rehabilitation work on the L-25 Canal. In May 2023, a notice of violation was sent to Mr. Hansen for specific encroachments. Subsequently, Mr. Hansen signed a hold harmless agreement for the removal of a Black Olive tree and tree house, and submitted a variance application seeking permission to retain the ficus hedge parallel to the L-25 Canal. Ms. Smith shared images of the Hansen property reflecting all encroachments.

Staff recommended denial of the request for a variance to permit landscaping within the L-25 Canal right-of-way. However, staff recommended approval to issue a right-of-way permit to Mr. Hansen for any existing private underground facilities within the same right-of-way. The approval is subject to the removal of all landscaping within 90 days; an exhibit reflecting all the underground facilities within the L-25 Canal right-of-way; and proof of liability insurance with a minimum coverage of \$300,000 listing the District as a certificate holder. Based on the Board's direction, staff also recommended a reduction in the application fee to \$50, waiver of the one-time use fee, and a \$50 annual fee to be adjusted every five years based on the compounded CPI.

Mr. Hansen provided a public comment expressing his gratitude to the staff and board for recommending the approval of issuing a right-of-way permit for the underground facilities within the L-25 right-of-way. He requested the Board's consideration allowing the purchase or use of 5' of right-of-way for placement of a new hedge. Staff did not support the conveyance of an additional 5' since there was sufficient space within Mr. Hansen's property to plant a new hedge.

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

10. Denial of variance request by Life Covenant Church, Inc to permit a parallel guardrail installation within the L-3 Canal right-of-way. Location: Southeast corner of Belvedere Road and Jog Road; north side of the L-3 Canal right-of-way (Project #RW-23-0219) – Shawn Mitchell, Permit Coordinator

Mr. Mitchell stated that Life Covenant Church Inc. applied for a variance to install a 68' parallel guardrail along the northern right-of-way of the L-3 Canal. He stated in April 2017, the District had previously issued a drainage connection and a culvert crossing permit to the church for their property on the south side of the L-3 Canal. In October 2018, the permittee requested permit extensions. The District responded that the extension would be eligible if there were no changes to the original approved plan. The original plan included a parallel guardrail north of the L-3 Canal right-of-way. Subsequently, the District granted three permit extensions between February 2019 and April 2022 without being informed of any design plan changes.

Mr. Mitchell stated in February 2023, when the permittee submitted revised plans requesting a modification to the driveway profile over the culvert, it was observed that a parallel guardrail was included within the LWDD right-of-way. Based on the District's permitting policies, staff denied the guardrail encroachment. The permittee is seeking board approval for a variance to install the guardrail within the District's right-of-way. Staff has recommended using other FDOT guardrail standards that allow for installations over existing underground utilities.

Mr. Mitchell shared copies of the permitted and revised plans as well as photos of existing site conditions.

Staff recommended denial of the request for placement of a parallel guardrail within the north right-of-way of the L-3 Canal.

Mr. Brain Lamonte from WGI, representing Covenant Life Church, requested approval of a variance to allow placement of a guardrail within the District right-of-way. He highlighted the presence of an existing guardrail and explained that the proposed new guardrail will be shorter, allowing easier access to the north bank of the L-3 canal for the District staff to perform their work efficiently.

Mr. Lamonte introduced WGI's Project Engineer, Mr. Jimmy Richie, who shared additional graphics of the design plans and canal construction in support for the installation of the shorter guardrail.

Supervisor Phipps inquired about the guardrail requirements. Mr. Stowd stated that LWDD does not require guardrails and that the previous guardrail was permitted by LWDD as part of the former culvert crossing.

Vice President Hill inquired why the guardrail was required if the culvert crossing was removed. WGI responded that the guardrail is required by the County for safety purposes.

Vice President Hill inquired regarding the County's requirements for the guardrail installation, and why the guardrail could not be shorter and linear instead of following the curvature of the canal.

WGI stated that there were multiple underground utilities that conflicted with a guardrail installation. Additionally, there are costs involved with the installation and maintenance of a longer, linear guardrail.

Vice President Hill recommended that additional information be provided and reviewed by staff regarding the underground utility conflicts.

Supervisor Phipps made a motion to approve staff recommendation to deny the variance. There was no second motion. The motion failed.

Vice President Hill made a motion to table the item for a future board meeting to allow additional time to review the associated utility conflicts. The motion was seconded by Supervisor Phipps and approved with a vote of 4-1, which Supervisor Whitworth opposing.

11. Approval to issue a Right-of-Way Permit to NEM, LLC authorizing piping of a portion of the S-4 Canal between the south side of the SFWMD C-51 Canal right-of-way and the existing culvert crossing at Acme Road. Location: S-4 Canal; south of Southern Blvd, west of SR-7 (Project #RW-23-0164) – Nicole Smith, Permit Supervisor

Ms. Smith Stated that the applicant is requesting to pipe the north portion of the S-4 Canal with dual 60" RCP which will match the culverts installed for Acme Road and Erica Boulevard. The applicant is installing dual 60" culverts within the SFWMD C-51 Canal right-of-way in order to provide east-west access along the south side of the C-51 Canal. The piped portion will connect the culverts at Acme Road and the C-51 Canal.

Staff recommended approval to issue a right-of-way permit to NEM, LLC for the piping of the S-4 Canal for 390 L.F., from the south side of Acme Road north to the north right-of-way of the S-4 Canal, being the south right-of-way of the C-51 Canal. Approval is subject to certificate of liability coverage with minimum \$1 million in coverage and listing LWDD as additional insured; LWDD operating policies; and permit fees: \$3,510 application fee, \$7,800 one-time use fee, \$1,560 annual fee adjusted every five years by the compounded CPI.

A motion was made by Vice President Hill, seconded by Supervisor Phipps and approved with a 4-1 vote, with Supervisor Whitworth opposed.

12. Approval for purchase and installation of a parallel chain link fence adjacent to Pine Jog Environmental Center. Location: South side of the L-5 Canal, north of Summit Blvd, east of Jog Road (Project #16-9837P.01) – Anthony LasCasas, Director of Operations & Maintenance

Mr. LasCasas stated that L-5 acts as a critical lateral connecting Control Structure #4 and the E-2 Canal with Control Structure #6 and the E-3 Canal. He stated that a recent survey of the L-5 Canal indicates that significant portions of the canal will need to be reconstructed to the south and the existing berm will need to be removed to provide adequate maintenance area and to provide required fill for canal restoration. He further stated that the canal is adjacent to a preserved nature area maintained by Florida Atlantic University. The area is known habitat for Gopher Tortoises and current sustains an existing population. A recent survey indicates that

there are active burrows which will require a permit for relocation of tortoises. He stated that fencing the area would serve both to protect tortoises from re-entering the right-of-way and significantly reduce the need for any future relocation.

Staff recommended authorization to purchase and install a parallel chain link fence adjacent to Pine Jog Environmental Education Center (Pine Jog) adjacent to the L-5 Canal subject to Pine Jog paying any increased costs to raise the fence from 6', and ownership and perpetual maintenance of the fence will be the responsibility of Pine Jog.

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

13. Approval of revised Investment Policy authorizing investment of a portion of available operating funds – Karen Hoyt, Director of Finance & Administrative Services

Ms. Hoyt stated that at the May 17, 2023 meeting, the board suggested we consider investing a portion of surplus operating funds in order to take advantage of the current rates of return being offered. She shared a copy of the current rates for FL PALM.

Staff recommended approval to revise the Investment Policy to allow for the investment of operating funds in any Local Government Investment Pools which includes FL PALM up to 75% of the total portfolio, and approval to invest operating funds in excess of \$4 million in FL PALM within the Liquid Fund and/or the Term Fund depending on the current rates of return.

Supervisor Phipps requested additional information regarding the FL PALM account.

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

STAFF REPORTS

14. Canal Rehabilitation Program Update – Megan Hoffman, Vegetation Management Section Leader

Ms. Hoffman provided an update on the progress of the Canal Rehabilitation Program. Since October 2015, the District has cleared more than 165.8 miles of vegetation on its canal rights-of-way: LWDD – 84.3 miles; contractor – 75.5 miles; developer – 6.0 miles. There are 9.17 miles remaining of 174.7 miles; 9.17 miles have been completed within the past 12 months.

15. Executive Director's Report

Mr. LasCasas shared additional information regarding purchase or lease of the off-road end dump as requested in the FY24 budget. The Board supported leaving the item on the budget for purchase of the equipment.

Ms. Walker stated that staff will be soliciting Requests for Proposals for Annual Survey Services and Information Technology Services.

Mr. Raffa provided additional public comment to complement staff and the board.

16. District Counsel's Report

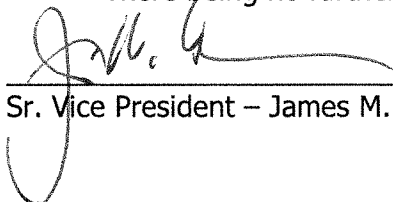
No additional items to report.

17. Board Reports & Comment

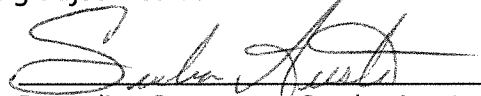
No additional reports or comments.

18. Adjourn

There being no further business, the meeting adjourned at 10:42 A.M.



Sr. Vice President – James M. Alderman



Recording Secretary – Sandra Acosta